

IN-DEPTH

THE LENS IS ON BIHAR AS IT GOES TO POLL IN 2020

As Bihar readies for assembly elections, all eyes will be on the state for two reasons. One, it will be the first state where Supreme Court's order on keeping candidates with criminal antecedents out of politics will be tested. Two, to see if there's something brewing between master strategist Prashant Kishore and the 'anti-national' Kanhaiya Kumar of JNU fame and Chief Minister Nitish Kumar and Rashtriya Janata Dal's Tejashwi Yadav.

First, the changing political equations. After his recent expulsion from the Nitish Kumar-led Janata Dal-United, Prashant Kishore disclosed that he was in consultation with Kanhaiya Kumar of CPI giving anxious moments to other parties and perhaps forcing Nitish to recalibrate his strategy. Tejashwi Yadav's recent meeting with Nitish over a cup of tea is being viewed in this light. On the other hand, as a member of a party which is near extinction, Prashant Kishore's plan to enlist 10 million members could make Kanhaiya a key player. With those numbers, however, Kishore could well change the political fortunes of either the Congress or RJD, depending on which side he decides to throw his weight, provided he does not decide to contest the poll himself.

All this will also be a test of BJP's popularity which has been on the wane, at least in the states.

Apart from political alliances, these elections will be a test of the sincerity of all the players towards keeping criminals out of politics for the sake of a healthy democracy and in keeping with the Supreme Court's order stating that winnability should not be the criteria in distributing tickets. According to Association of Democratic Reforms from 2004 to 2014 there was an increase of 122 per cent in contestants with criminal antecedents in the state. Will Bihar parties brazen it out by unabashedly defending their choice of candidates with criminal backgrounds, sweep them out or circumvent the order? It has to be seen if they can do without criminals.

Meanwhile, it is a season of yatras, an important aspect of Indian politics, in the state. With elections due in October, 2020, Nitish Kumar, who became the CM face after his Nyay Yatra in 2005, has already toured the state in December-January. Undeterred by stone pelters, Kanhaiya Kumar has been touring the length and breadth of the state with his Jan Gan Man Yatra. Waiting in queue are Tejashwi Yadav of RJD with his Berozgari Yatra and Lok Jantantrik Party's Chirag Paswan with his Bihar First, Bihari First yatra.

Some of these yatras succeed, as did YS Jagan Mohan Reddy's Praja Sankalp Yatra in Andhra Pradesh to connect with the people and knock the formidable Chandrababu Naidu out of the fray, and Akhilesh Yadav's cycle yatra in 2012. Rahul Gandhi's Kisan Mahagathbandhan Yatra, on the other hand, proved to be a losing hand.

Corporate Data Theft in Cyber Space: Where does India Inc stand?

Though we don't have a dedicated law yet but we do have some foundation to keep our data safe



RAJ PAGARIYA
Fraud Management & Legal at The Cyber Blog India

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modern-day enterprises rely extensively on their IT infrastructure to conduct most of their business operations. In turn, they have a plethora of data that needs to be stored digitally. While some of the stored data may be publicly available, sensitive data like customers' and employees' personal information, trade secrets, intellectual property, email communication, algorithms for providing services, etc. must be protected to ensure that financial and reputational risks due to data loss are minimised.

In September 2019, a risk mitigation firm Kroll conducted a survey on data thefts across the globe. It found that 41% of its survey participants from India had experienced incidents of data theft in the last year. This number is comparatively higher than in developed countries such as the USA (26%), the UK (32%), and Japan (27%). With the push for initiatives like Digital India, Start-up India, and Make in India, data theft poses an imminent risk for Indian businesses.

Unlike Europe and the USA, India is yet to have a dedicated data protection law.



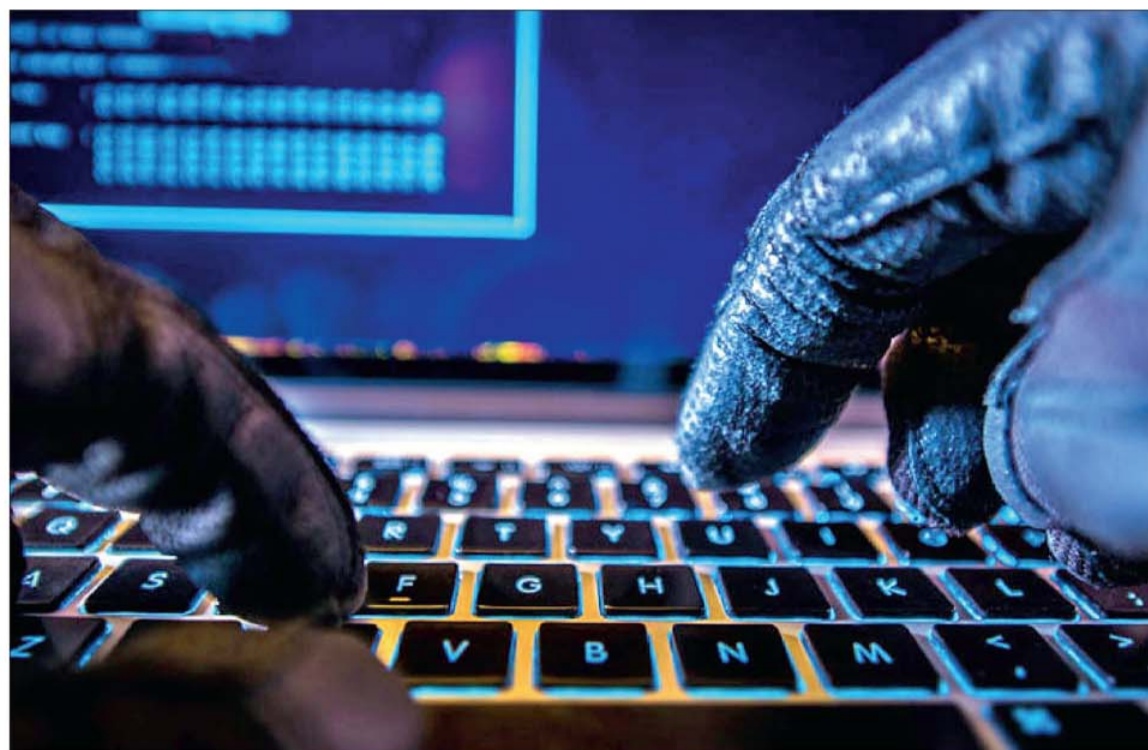
An organisation is obliged to ensure safety of data stored with it, data privacy is not just a business concern anymore. Failure to protect it does not only have financial repercussions due to legal proceedings and loss of clients, but it can also affect reputation in the market

RELEVANT LEGAL DEFINITIONS?

Rule 3 in the SPDI rules specify that the following types of data or information shall be considered as personal and sensitive:

- Passwords
- Bank Account details
- Credit/debit card details
- Present and past health records
- Sexual orientation
- Biometric data

This rule also specifies that any information that is freely available in the public domain or can be furnished under the Right to Information Act, 2005, or any such law must not be considered as personal and sensitive.



REMEDIES AVAILABLE WITH ORGANISATION

As of now, Indian law does not have a specific definition for data theft. However, out of many scenarios specified under Section 43 of the Information Technology Act, 2000, clause (b) talks about downloading, copying, or extracting any data, database, or information from a computer system,

computer network, or a removable storage device without the permission of the owner or any person who is in charge of the said system, network, or device. Clause (j) in the same provision specifically focusses on stealing, concealing, destroying, or altering the computer source code with an intention to cause damage.

It is recommended that organisations must implement a comprehensive set of information security policies supported by the relevant non-disclosure and confidentiality clauses in their employment contracts.

If an organisation identifies specific individuals that have been involved in data theft, it has civil as well as criminal remedies available.

Civil Remedy: Against the identified employees, an organisation can file a civil suit un-

der Section 43(b) of the Information Technology Act, 2000. Section 46 specifies that the power to adjudicate rests with an IT adjudicator. However, an IT adjudicator can only decide in matters wherein the claim for injury or damage does not exceed ₹5 crores. For claims exceeding ₹5 crores, an affected organisation must file its suit for the same before the competent court. In addition, depending upon the employment contracts, the organisation can also file a suit for breach of contract under the Indian Contract Act, 1872.

Criminal Remedy: For the same set of acts specified under Section 43 of the Information Technology Act, 2000, Section 66 prescribes imprisonment up to three years or fine up to ₹5 lakh or both. Also, Section 405 and 408 of the Indian Penal Code, 1860 are relevant provisions that can be applied in the case of data theft. Section 405 defines criminal breach of trust while Section 408 provides punishment for criminal breach of trust by clerk or servant. Section 408 prescribes for imprisonment up to 7 years along with the liability to pay the fine.

Another interesting provision here can be Section 378 of the Indian Penal Code, 1860 as it talks about theft of movable property. However, for this provision to be applicable, it first needs to be decided by the courts, whether data or information stored digitally can be considered as a virtual property or not.

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REMEDIES AVAILABLE WITH INDIVIDUAL

Section 43A of the Information Technology Act, 2000 specifies that when a body corporate fails in implementing and maintaining reasonable security practices and procedures resulting in wrongful loss or wrongful gain to any person, it shall be liable to pay compensation to the affected person.

Here, "reasonable security practices and procedures" are considered to be implemented if an organisation has a comprehensively documented and implemented information security program such as ISO 27001:2013, as given in Rule 8 of the SPDI rules. Moreover, an affected person can also seek punishment under Section 72A for disclosure of information in breach of lawful contract. However, for this provision to be applicable, an affected party must be availing a service under a lawful contract.



Is #girlboss just department by another name?

In today's terms, June Dally-Watkins was Australia's OG (original gangster) #girlboss.

The illegitimate child of a single mother, Dally-Watkins came from humble rural beginnings and found fame as a young model in 1950s Sydney. She turned this fame into a fortune, using her profile to start a chain of finishing and deportment schools for young women and, later, young men.

Dally-Watkins' schools, which still operate today, taught catwalk strutting, posing for photographs, and make-up application. Dally-Watkins died earlier this week, and is being remembered as a strict yet charming teacher and a very successful businesswoman. The legacy of Dal-

ly-Watkins and what she symbolises as a successful and feminine woman presents an opportunity to think through some of the ways our culture both applauds and maligns women's success.

IS SELF-BRANDING THE NEW DEPARTMENT?

Although today's young women might be less interested in learning manners and etiquette, many continue to seek advice on presenting a polished, appealing image of themselves.

The YouTube beauty tutorial is one of the largest genres on the platform, and there are influencers who base their self-brand on advising viewers how to appear feminine and classy. Lifestyle and personal development workshops can be found everywhere, from



Girlboss rhetoric often works to propagate sexism, racism, and class elitism, among other forms of oppression

the practical, to the vague "Release Your Limitations", to the terrifyingly titled "Burn Your Fear Intensive".

The mission behind Dally-Watkins' schools is as relevant as ever: if you invest in yourself (by paying someone for advice) you can be a happier, more successful person.

Dally-Watkins recog-

nised people overwhelmingly want to believe self-improvement is a means to improving their circumstances, and her schools sold this promise of social mobility.

GIRLBOSSSES

Girlbossing has been coined to describe a way of presenting a professionally successful persona that highlights femininity.

June Dally-Watkins was undoubtedly a girlboss before girlbossing became a term. Self-made, ambitious, and feminine, she enforced rigorous grooming practices, using her own polished, perfect self as marketing for her schools.

At once revered and envied, girlbosses have become fascinating case studies for gender dynamics and professional self-branding in contemporary culture.

THE ANTI-FEMINIST CORE OF GIRLBOSSING

It's important to remember that girlbossing isn't feminism, it's capitalism.

Girlboss rhetoric often works to propagate sexism, racism, and class elitism, among other forms of oppression.

Meeting beauty standards requires significant investments of time and money, which detracts from women's ability to invest that time and money elsewhere. Beauty standards also reinforce the idea that women's value is in their status as objects to be looked at.

This darker side of beauty and department is undeniably part of Dally-Watkins' legacy.

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