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MOBILE LOW

With a global coverage vision the 'Satellite communication technology', much advanced & quicker than the terrestrial radio system, is the most phenomenal feature of Information Revolution and the wonderful gizmo called 'mobile phone' is perhaps the best buddy of modern man. A mobile phone, if we consider in literal sense is 'a communication device which is handy enough to be carried to any place you might go' but it is much more than that today. It is your own personal GPS, music player, camera, recorder, planner, calculator, alarm clock & is laced with internet facilities as well if it is a smart phone or i-Phone. The 'mobile-mania' is growing day by day worldwide, as a study says approximately 91% people between age group of 15-34 are addicted to their cell phones. Even in a developing country like India the total number of mobiles has far outstripped the total number of landline connections as every second person, be it rural or urban, educated or uneducated, male or female is carrying a mobile phone in their hands. It has become a necessity rather than a luxury & is a status symbol with facilities of radio, MP3, MP4, video & mobile television backed by 3G & 4G technology, internet and GPRS.

Due to global access and near universal penetration level mobile phones have made great influence on the way humans interact, communicate, exchange thought processes, govern, educate, entertain and disseminate information. It is expected that by 2020 it will be the primary device for accessing internet for exploring & enhancing business opportunities. Mobile phones, communication devices, mobile platforms data & information resident therein have a large no. of legal issues & ramifications connected therewith.

The bandwidth of the book ranges between sixteen chapters which connote its meaning & significance, jurisdiction & law concerning mobile service provider & their liabilities, mobile banking, mobile crimes, Intellectual

Rights & privacy and mobiles & Cyber Appellate Tribunal. In chapter 1 the author explains the indispensability of mobile phones in our lives that how this tiny gadget has facilitated social connectivity as well as business activity. It has become an extended limb without which one feels handicapped.

One cannot distinguish between the uses & abuses of mobiles until he is able to appreciate the terminology, words & phrases in context of mobile usage. The terms like abuse, access, Bluetooth, cyber bullying, CDMA, communication media, cyber ethics, cyber law, cyber crime, safety, terrorism, GPRS, GSM, identity theft, mobile banking, internet banking, mobile applications, mobile authentication, mobile computing, smart phones, social networking and unique identification have been defined in Chapter 2 in a very lucid and simple manner for layman's understanding. Keeping in view the overnight innovation in IT technology predictions are made by a Google spokesperson that most of the people would be transmigrating to doing research on mobile devices rather than on PCs in next three years is putting a question mark to various ifs & buts that cannot be ignored in the long run.

We agree that social networking has facilitated instant connectivity and information but has also put a challenge to our fundamental Right to Privacy. People can peep into the information which one wants to keep private or only between friends. In third chapter of the book the author tackles various national and international perspectives concerning privacy and mobiles.

India was one of the leading countries to introduce cyber law under IT Act, 2000, but there was no such handling of the issues of privacy and data protection. This Act was amended as Information Technology Act, 2008 transforming it into India's Mobile law, which incorporates many provisions applicable to the

communication devices, mobiles, personal digital assistants and smart phones as well. The author has beautifully captured new connotations of terms like communication devices, computer networks, cyber security, electronic signatures and authentication of electronic records as per mentioned in various section of IT Act 2008.

In these dynamic times i.e. an era of technological neutrality, biometrics, UID & digital signatures are the most popular forms of authentication of records. Author has discussed the procedure and mandatory requirements for all kinds of electronic/digital signatures as per mentioned in IT Act 2008. In chapter 3 & 4 the author bespeaks of legal validity, recognition and acceptability of mobile records, mobile contracts and agreements, principles of law for audit and retention of mobile records and security procedures to safeguard electronic records resident on communication devices as per description in the various section of IT Act 2008 to make people aware of changing scenario of mobile electronic governance in India. The author has provided appropriate cases and quotes from the Act in support of his opinions to enhance knowledge as well as interest of the relevant stakeholders in the mobile eco-system.

'Mobile service providers' are not only the persons providing internet services but all other intermediaries who are in the business of network service providing i.e. third party information or data being made available by them on their services. Their role in fast changing mobile eco system in terms of providing necessary relevant third party data or information resident in their computers, computer systems, computer networks, computer resources and communication devices is very significant.

The chapter five streamlines the provisions of law determining the specific nature, ambit, objectives, scope and applicability of their respective service offering along with ample examples of breach in confidentiality resulting from vested interest of parties.

Now a day with advancement of technology, electronic transaction, electronic formats and mobile contracts are very much in practice. M-Banking, M-commerce, M-payments and a variety of other mobile applications are a part of our daily routine. The provisions regarding their validity, legal formalities enforceability and evidentiary value of e-contracts and m-contracts have been discussed in chapter 6.

The mobile records of communication devices of the parties as well as records of service providers could be used for proving existence of a mobile contract, as the author reiterates in chapter 7. He further wonders that in spite of clear legal proposition there is very little jurisprudence in terms of case law on mobile contracts. Mobile authentication and mobile signatures have a great scope for development in future as the present practice of two factor authentication/qualified factor authentication are not fool proof and bear security risk.

In chapter 8 the author has thrown light on legal issues concerned with mobile banking and payments. Since banks in India are using computer and electronic formats from October 17, 2000, lot many legal issues have cropped up with respect electronic formats and security procedure. The chapter briefs up the RBI's rules and regulations regarding mobile banking and mobile payments. Along with it security standards,

regulatory and supervisory issues, interbank operations, customer complaints and grievance redressal, remittance of funds for disbursement in cash standards on delivery channels like ATM, Internet Banking, Electronic transfer of funds, and standards on security and privacy have also been encapsulated in this chapter.

Not only for benefits and comforts, mobile technology is also being used as a vehicle of crime by unscrupulous people. Through the use of applications like cameras, geographic location applications or data analysis tools, the identify theft, re-chapping of mobile, hacking, mobile pornography, mobile cyber stalking, software privacy, mobile credit card fraud or mobile phishing like mobile crimes have become very common place. In Chapters 9, 10 & 11 the author has pinpointed soaring mobile crime through misuse of mobiles and the menace of cyber terrorism. There is a need for adequate checks & balances to prevent misuse of mobiles & communication devices & the amended IT Act, 2008 has documented its powers to combat with many of the cyber crimes as well as ingenious use of mobiles. It is also constantly updating itself to keep in sync with the requirements of times of proliferating mobile crime & cyber terrorism.

Children are the most vulnerable & soft target of the cyber criminals & pedophiles for child pornography. Since more and more mobiles are landing in the hands of children there is an urgent need to protect children and minors from indecent content and undesirable conduct been available and accessed through communication devices and mobile platforms.

Similarly, infringing the intellectual property rights, piracy of confidential data and trade secrets using mobile phones has also become a very common place. The provision to curb such transgression as per mentioned in amended IT Act 2008 have been discussed in chapter 12, 13, 14.

Our day to day digital life style is revolving around the mobiles; the intrusion in privacy is a serious issue. India is one of the few countries in the world which have a detailed legislative framework to regulate mobiles and other communication devices. The book also bespeaks of remedies pertaining to mobile contraventions and violations. In chapter 16, the author has talked about Cyber Appellate Tribunal to handle complicated complex and ticklish techno legal issues. This tribunal indicates the substantial growth of legal jurisprudence and mobile law in India.

The book also contains The Information Act 2000, The Cyber Regulation Appellate Tribunal Rules 2000, the information technology rules 2003, the regulation on quality of service of Dial-up and leased line internet services, 2001, the telecom regulatory authority of India regulation 2005, the telecom commercial communication customer preference regulations, 2010.

A number of latest and interesting cyber cases have been discussed to get a deeper insight into the law relating to them. Pedantic & sagacious statements conforming law have been used in a very colloquial manner. The book is an authoritative treatise on legalities surrounding mobile usage & is of great & is of great use for sages as well as laymen.