

- 1] Right to privacy is now a fundamental right since 6 years after Puttaswamy case
- 2] What are the concrete laws need to be considered  
If no laws → no meaning to have right
- 3] Laws are made if there is a demand in constituency.

Owned by govern

- 4] IT act - first such law faced criticism by a legal community
  - These are gaps in the law
  - made out of frustration of IT corporate
  - had very little about privacy

[There was a law: offensive info sent through digital device can be arrested  
Now it's not there]

~~Rule~~

- Rules are made to interpret the law

- 5] AP Shah committee released a document  
First time privacy was discussed

- In Indian Parliament [bills are debated by the lowerhouse - Lok Sabha]  
Bill → first draft of a law.  
(same)

↓  
[then it goes to upperhouse]

Generally bills introduced by political parties

↓  
(goes to President)

Mostly voting dominated  
so if ruling Party doesn't like → it signed ⇒ Act  
[so bills impossible to pass]

Technically possible individual member to bring a bill

Individual bill - Private member's bill

- Why imp?

1] Maybe the individual very confident, given some speech and most of parliament members will support

2] Using the Parliament as a platform and later idea can reach people. They will start considering it Afterwards - may become a law

↳ So even though 99% times private member bill not become law. But still they do it.

6] 6 People tried by Private Member bill. At that time it didn't work

7] When a 80-90% times laws made considering public opinion.

8] A draft was made → in 2018. → was good

[Inspired by the European draft]

Right to be forgotten

Police, etc not be allowed to use data.

↳ Made parliament, police everyone angry except the public

Many discussions were done (done for 3 years)  
Then finally draft was made

q] A new draft came by MEITY

q] GDPR has not applicable if -

This had [data can be taken if] =

Framing was changed.

- So police, court doesn't need to follow this rule (any other bodies this phrase raised many questions) → if police like someone not valid for that also.

Next judiciary, quasi judiciary, regulatory) so this is specified.

Supernary - nothing like this not specific so if said this not valid then not

## Criticisms

i] Procedural :- Specific feedback of individual clauses

(e.g. it was e.g. essay of river.

many lines written but most lines were about cow. Individual lines

correct. overall criticisable. The idea was wrong)

So it was said by the government, that individual clauses can be criticise not the structural criticism. Criticism is at higher level.

- comments were not made public so not known which considered and all.



2] Public data doesn't fall in it  
 Suppose someone wrote different things publicly. This data can be aggregated & can predict about someone. So it violates the privacy.

GDPR already thought about it - just bcoz our data on public domain doesn't mean anyone can use this.

In India, publicly data nothing is mentioned about it. Anything can be done using this.

3] Original bill written by Justice Prakash said the members will be independent members of the body (some member of government, legal bodies, some of people)

Now in this all members are government appointed. This completely violates the original idea (now no idea of independent bodies)

4] Logic: Bill protects privacy  
 (So if employers collecting data, again privacy that should not know what employers is collecting)

By Indian law,  
 So for Performance measurements employers can collect data.

By Indian law, anything happening within company not considered

2004: Born in India → Indian  
After 2004: one of parent Indian  
then Indian.

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Other laws connected to Privacy

## 1] Aadhar Act

Before burden of proof was on government  
(by default everyone was innocent,  
government had to prove criminal)

Beoz of Kargil government decided to have  
National Identity card → VIDAL  
name change (Unique Identity)

Logic given to public: to avoid corruption in  
welfare.

Puttarwamy didnt agree

(Right to Aadhar paired)

Aadhar is voluntary but compulsory.

## 2] TRAI regulation

[Ability to opt out of advertisement call]

## 3] Clinical establishment

[Prevents Doctor to share <sup>their</sup> the medical data]

What about AI?

## 1] India doesnt have AI law yet

India has AI policy

## 2] Oldest Casound same time [right to privacy, AP mah] → 2017



Union Ministry of Commerce.  
→ A committee was made → AI Task force  
which was supposed to write a document  
on vision of AI

Task Force Report: First doc which  
showed India is thinking about AI,  
vision of AI

Doc goes through multiple sectors - said  
AI can be used in such sectors

Criticised - ① The economic reports were just  
assumption, not proved  
② Impact of AI on people was  
not at all considered.

2] In 2018, NITI Aayog (India think tank)  
started to release papers.  
AI for All → detailed.

3] Couple of problem. It gave the garage  
model of AI. Said that countries outside  
India can come use AI make money,  
share some money to India.

4] In 2022, NITI Aayog released two papers  
collectively called 'Responsible AI'

Papers mentioned that using Facial  
Recognition bad  
[Digi Yatra (face recognition at Airports)]

to supreme court.

Indian Ministry  
State government

9 thinking  
about AI.

5] Court to be digitised  
Using AI to automate

AI  
that  
could  
help

/ SUPAS  
/ SUVAS

translation AI  
summarisation AI