

History of Indian Legislations on Data

- Information Technology Act 2000 is amended in 2008
- Things that are prohibiting people from doing stuff wasn't anything to do with privacy.
- Had more to do like don't say shit about the govt.
- Internet as life has changed but laws haven't
- we might be doing things everyday which is illegal.

- For laws we have rules in the parliament.
- AP Shah Committee releases a document saying Indians will start demanding privacy.
- Private Member Bill: Bill is the first draft of bill. If the bill is passed in Lok Sabha then Rajya Sabha. ~~Then~~ ~~the~~
- You can't vote against your own party. heavily frowned.
- ⇒ Party Whip ~~Line~~ → person who keeps party members in check as makes sure members don't cross party lines.
- ⇒ If a bill is not brought about by a party but by an individual, it is called a Private member bill.

These bills don't become a law ~~but~~ generally so what point?

- ⇒ Individual is very confident that if he can influence everyone with a speech
- Individual wants to make an ideological statement in hopes that eventually lay the grounds for an actual bill and law to be passed.
- ⇒ Same with privacy laws

these

Shri Krishna Committee

→ External & Internal Pressure forced Indian Govt to think of Privacy.

→ usually in such cases, retired judges are made heads coz

- a) they are pretty honest individuals
- b) know what they're talking about
- c) unbiased.

→ Public Consultation.

These comments can be made but in this case, these ~~case~~ weren't made public

→ Drafted in 1 yr (2019)

→ Old draft reviewed multiple times that the ~~the~~ final draft wasn't even endorsed by Shri Krishna himself. He said I have 2/3rds to do with this law.

So govt was embarrassed and had to scrap it.

→ MEITY : (2022) (Digital Personal Data Protection Act 2023)

made in Nov, ~~Govt~~ public opinion asked in December, which is sus coz why in holiday season?

Then immediately it was made a law.

~~Not applicable~~
GDPR vs India

Features

- ⇒ Not applicable by people or bodies by law govt bodies (SBI, RBI, etc). Even people ENTRUSTED & by police or judicial.
- Is self data is ^{holding} ~~preventing~~ anything harmful
- If data outside India India can do anything
- Common with GDPR

6 CRITICISMS

- ⇒ Procedural: Process demanded that one had to give specific feedback to individual clauses. Basically, no sentence or clause might be wrong. But ideological criticisms can not be criticized. Higher level criticisms not entertained.
- These criticisms ~~do~~ weren't made public.
- ⇒ Public data doesn't fall into this. ~~if~~
- { For eg. → If one makes a model to track everything a user has ever said about anything to predict their personality
- Anytime u make any post on insta, the pic becomes Instagram's property.
- GDPR thinks of this, ~~as~~ India doesn't.
- ⇒ Adhara Act 2008

Relevant Legislations

→ Aadhar Act 2009

→ In India, before 2004, we were *jus de sole*? if you were born in India, you're Indian.
After ~~the~~ 2004, you have to prove ~~you're~~ one of your parents are Indian.

→ After Kargil, govt was embarrassed so started UIDAI.
Aadhar not compulsory but essentially not possible to live life without

→ Telecom Commercial Communication

→ Clinical Establishments (Loopholes are there)

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What about AI?

→ Arundhati Satharaman came up with AI task force.
→ Economic criticisms of this report is that -
~~so~~ badly written

→ NITI Aayog - AI for all.