

**Legal Comprehension of Privacy Law in India & Global Perspective**

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**Abstract:**

Humans are social beings with basic rights. Human development requires these rights. Human rights are inalienable. Humans need privacy for peace, harmony, and physical internment. Privacy problems have always been debated. Protecting one's body and home comes first. It soon moved towards personal information management. In a landmark 1891 paper, American attorneys Samuel Warren and Louis Brandeis defined privacy as the right to be alone. Alan Westin's 1967 book, *Privacy and Freedom*, redefined privacy. Westin claimed that privacy is the right of individuals, organizations, and institutions to control the sharing of their information. Humans always sought privacy. History shows that privacy and technology are closely related. Cameras started contemporary debates. It grew to include computer production and use in an information technology that maintains everyone's personal data. Privacy loss and surveillance are major concerns. Nowadays, technology is being used more to fight crime and terrorism. So, technology and privacy should be reconsidered. The researcher will analyze the Legal comprehension of privacy law in India and at global level & national level.

**Introduction:**

History and religion recognize privacy. Numerous religious scriptures and ancient writings emphasize privacy. The Quran and Prophet Mohammed recognize privacy. Jewish law recognizes freedom from being seen, and the Torah often mentions privacy. George Orwell, the English novelist who feared the loss of individual liberty, pictured a totalitarian regime where modern technology monitored people's every move. The UN Declaration of Human Rights, the International Covenant on Civil and Political Rights, and many other international and regional treaties recognize privacy as a human right. Privacy supports human dignity, free expression, and association. It's a major human rights concern nowadays. Humans have always needed privacy. Socrates and other Greek philosophers distinguished between the outer and the inner, public and private, and community and solitude, addressing the privacy problem [2]. Privacy was protected on New World soil. According to David Flaherty [3], the distance between homesteads made physical privacy a part of daily life, and the house became the principal site of privacy. As the house is a personal fortress, privacy is associated with riches. Poverty and the house have traditionally meant less privacy, especially in shared homes. Nowadays, everyone Needs privacy.

**Religion and Privacy:**

Ancient religious scriptures mention privacy. The Quran also discusses privacy. Surah An-Nur verses 27-28 state that a person cannot enter another's property without permission. Tafsir Ibnu Kasir also suggested knocking three times and greeting the owner to request

permission. Visitors may only enter the residence with the owner's permission [4]. In this passage, only the owner may let anyone inside the residence. A blocking factor in the protected wall and door authenticates the place. In Surah 58, various permissions for offering access constraints are stated. Tafsir at Tabari said that the enslaved person (whom your right hands own) comprises men, women, and children under puberty and must seek permission to enter their master's territory, particularly while resting and relaxing in three times of seclusion. Even if the individual is inside staff or has a strong connection with the master, they must have a verbal or written request to enter. Tafsir Ibnu Kaasir stated the three periods as before Fajr prayer, Qailullah (taking a nap in the afternoon), and after Isha prayer, when relatives or not should respect the individual's right to privacy. Such times are vital and necessary for the master to sleep or be alone without being disturbed. In Surah Al-Baqarah verse 188, An-Nisa verse 58, and Al-Anfal verse 27, Allah defines trust's link with accountability and reason. These scriptures warn Muslims that their actions will determine their trustworthiness. Islam forbids snooping into others homes [5]. Like the Fourth Amendment, the Hadith forbids reading others communications. Hindu texts discuss privacy. Hitopadesha advises keeping worship, sex, and family affairs private. [6] The Ramayana seems to prohibit male strangers from seeing women. The Grihya Sutras describe how to design a home to ensure residents privacy and maintain its purity during religious ceremonies, Vedic studies, and meals. The Arthashastra forbids entering another's home without permission. [7] The southern Indian Ramanuj Sampradaya still forbids eating and drinking in public. The Bible encourages non-interference. [8] Privately confessing misdeeds. [9] Our laws recognize religious and social privacy practices.

#### **Privacy in Globalized world:**

The Supreme Court's ruling in Puttaswamy on August 24, 2017, declaring "privacy" a fundamental right, spanned more than five hundred pages and drew on Indian legalese, history, and Western political thought. [10] India's worldwide human rights commitment includes privacy as a constitutional principle. The Directive Principles, Article 51 of the Constitution mandate the state to promote respect for international law and treaty commitments in the relations of organized peoples with one another. Article 12 of the International Declaration of Human Rights guarantees privacy. Article 17 of the International Covenant on Civil and Political Rights, adopted on December 16, 1979, took effect on March 23, 1976. India ratified it on December 11, 1977, prohibiting such interferences and attacks and protecting rights. The 1993 Parliament-enacted Protection of Human Rights Act calls the ICCPR a human rights instrument. Clause 2(1)(d) defines human rights. The National Human Rights Commission is entrusted with the function of studying treaties and other international instruments on human rights and make recommendations for their effective implementation under Section 12(f) of the Protection of Human Rights Act, 1993. States must uphold and enforce the ICCPR. There is universal recognition of the fundamental importance and enduring relevance of the right to privacy and of the need to ensure that it is safeguarded, in law and in practice, the UN High Commissioner for Human Rights reported on June 30, 2014. [12] Article 8 of the European Convention on Human Rights states, Everyone has the right to respect for his private and family life, his home, and his correspondence. The supervening spirit of justice manifesting in different forms to cure the evils of a new age is not new to Indian history.

#### **Information Technology Law & Privacy in India:**

After the SC's Puttaswamy verdict in August 2017, the Government of India formed a Committee of Experts to research data protection challenges in India, propose principles for a data protection bill, and prepare a law. Ensuring digital economic development while protecting

people's personal data is the goal, The right to privacy is currently part of Article 21 protection of life and personal liberty in Part III of constitution of India.[13] The Information Technology (Amendment) Act, 2008 changed the Information Technology Act, 2000's privacy clauses.[14] Section 43A covers adequate security standards for sensitive personal data and compensation for unlawful loss or gain. Passwords, personal information, financial information, physical, physiological, and mental health, sexual orientation, medical history, and biometrics Section 72A, which penalises a person to be imprisoned for up to three years and fined up to five million rupees for exposing personal information of another person when delivering services under a legitimate contract. The Information Technology (Reasonable Security Policies and Procedures and Sensitive Personal Data or Information) Regulations 2011 govern the collection, receipt, custody, use, storage, dealing, and treatment of sensitive personal data. Section 72A, which provides for imprisonment for a period up to 3 years and or a fine up To Rs- 5, 00,000 for a person who causes wrongful loss or wrongful gain by disclosing Personal information of another person while providing services under the terms of lawful contract. The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011 broadly regulate the: - Collection, receipt, possession, use, storage, dealing or handling of sensitive personal Data or information. (a) Transfer or disclosure of Sensitive Personal Data or Information. (b) Security procedures for protecting Sensitive Personal Data or Information. (c) Transfer of Sensitive Personal Data or Information outside India. (d) Disclosure of Sensitive Personal Data or Information to the government. (e) Retention of Sensitive Personal Data or Information. (f) Review and correction of Sensitive Personal Data or Information. (g) Deletion of Sensitive Personal Data or Information on withdrawal of consent. The Union government constituted a Group of Experts on privacy under the auspices of the erstwhile Planning Commission Report. (16 Oct 2012) proposed a framework for the protection of privacy concerns which, it was expected, would serve as a conceptual foundation for legislation protecting privacy. The framework suggested by the expert group was based on five salient features: Technological neutrality and interoperability with international standards, Multi-Dimensional privacy, Horizontal applicability to state and non-state entities, Conformity with privacy principles & A co-regulatory enforcement regime.

#### **Privacy and Social Change:**

The right to privacy is defined as "the freedom from unjustified interference and the right to keep certain things private. [15] Privacy is thus a crucial component of an individual's autonomy. Our interactions with people inside a private setting when we think no one is watching make up a large part of what makes us human. So, privacy is related to our words, deeds, and maybe even emotions. [16] Because of this, privacy "protects our subjectivity from the ubiquitous attempts of commercial and governmental entities to make people and communities fixed, transparent, and predictable. A democracy must have privacy so that citizens may keep their identities while doing their civic duties. [17] The so-called technological age that we are now living in may be defined as a time when most economic and other activity are data-based. This is mostly a product of technological advancement and application. The main characteristics of this age may be summarised as an increase in knowledge workers and a more open globe in terms of communication between nations and on an international scale. The transition to a more technological age brings with it new ethical and legal challenges, most notably those relating to issues like the right of access to information, the right to privacy, which is in jeopardy, the emphasis on the free flow of information, and the protection of the financial interests of

intellectual property owners. [18] It is accurately said that technology now makes it feasible for both State actors and non-State actors to enter a citizen's home without knocking on the door.

**Conclusion:**

Law evolves with society. Each generation has its own problems. But, that Divine spirit of justice presents itself in various ages, geographies, and social conditions as diverse values to safeguard and preserve eternally loved rights and principles. Humans have always needed privacy. People define privacy based on social needs. Privacy and legislation safeguard personal data. Privacy laws protect people's data while recognising businesses' and governments' rights. Persons and their personal information are protected by law and privacy. Privacy laws prevent unauthorised access to and disclosure of personal information. These regulations restrict the acquisition, use, and dissemination of personal information and give people control over it. Privacy laws control how companies, governments, and individuals gather, use, and disclose personal information. Privacy is complicated and evolves with society. Technology advances need constant updates to address privacy issues. Personal data must be protected from misuse, abuse, and unauthorised access under data privacy laws and regulations. To protect private rights, privacy laws must evolve with new technologies.

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