

PRIVACY MATTERS

Analyzing the "Right to Privacy Bill"

Saturday, January 21, 2012 (10-6 pm)

Adi Sankaracharya Marg, Indian Institute of Technology Bombay
79, Second Main Road, Gandhinagar Powai, Mumbai 400076
Maharashtra, INDIA

Invitation

Dear Sir or Madam:

On behalf of Privacy India, and in partnership with the Centre for Internet & Society, International Development Research Centre, Indian Institute of Technology Bombay, the Godrej Culture Lab and Tata Institute of Social Sciences, I would like to invite you to "Privacy Matters" a public conference focused on discussing the challenges and concerns to privacy in India. The event will be held on January 21st, 2012, from 10:00 am - 6:00pm, at the Indian Institute of Technology, Mumbai. We would be honored if you would attend the meeting and contribute your views.

The conference will focus on the questions and dilemmas posed by privacy in India today, with a concentration on the "*Right to Privacy Bill*". The right to privacy in India has been a neglected area of study and engagement. Although sectoral legislation deals with privacy issues, India does not as yet have a horizontal legislation that deals comprehensively with privacy across all contexts. The absence of a minimum guarantee of privacy is felt most heavily by marginalized communities, including HIV patients, children, women, sexuality minorities, prisoners, etc. - people who most need to know that sensitive information is protected.

Privacy India was established in 2010 with the objective of raising awareness, sparking civil action and promoting democratic dialogue around privacy challenges and violations in India. One of our goals is to build consensus towards the promulgation of comprehensive privacy legislation in India through consultations with the public, legislators and the legal and academic community. Please confirm your participation with me at Natasha@cis-india.org. We sincerely hope you will be able to attend and look forward to your participation.

Yours Truly,

Natasha Vaz
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Agenda

9:30- 10:00 **Registration**

10:00- 10:30 ***Welcome- Privacy in India***

Prashant Iyengar is a practicing lawyer and lead researcher for Privacy India. He will present who Privacy India is, and the objectives of Privacy India's research. His presentation will focus on discussing privacy in India.

10:30- 11:15 ***Key Note Address- Draft Privacy Bill Critique***

Na. Vijayashankar is an e-business consultant. He established the premier Cyber Law information portal in India. He is the founder secretary of Cyber Society of India, Founder Trustee of International Institute of Information Technology Law, and Founder Chairman of Digital Society Foundation. He will present a critique of the Draft Privacy Bill.

11:15- 11:30 **Tea Break**

Session I

11:30- 12:15 ***Privacy and the Legal System***

Sudhir Krishnaswamy is an Assistant Professor at the National Law School of India University and is currently writing a Doctoral Thesis at the Faculty of Law, Oxford University on ‘The Basic Structure Doctrine in Indian Constitutional Adjudication’. His presentation will look at the trajectory of privacy through the years from a legal perspective.

12:15- 1:00 ***Privacy and Constitutional Law***

N. Nappinai is an advocate who specializes in IP and technology laws. She is a founder member of Technology Law Forum (TLF). She has spearheaded and driven several initiatives of TLF with various organization including NASSCOM, FICCI, IMC etc., and has also conducted several workshops and training sessions for the Mumbai Police, Public Prosecutors & Industry verticals in Cyber Laws. Her presentation will define the scope of Article 21 under the Indian Constitution, which protects the right to privacy.

1:00 -1:15 **Discussion**

1:15- 2:00 **Lunch Break**

Session II

2:00- 2:45 *Privacy and Freedom of Expression*

Apar Gupta is an advocate who specializes in intellectual property, electronic commerce law and technology media and telecoms. He holds a master from Columbia Law School and has authored a Commentary on the Information Technology Act, 2000. His presentation will focus on the limits of a privacy right when it competes and conflicts with the freedom of speech and expression. He will examine certain provisions of the Draft Privacy Bill questioning how privacy arguments may be used to stifle debate or disclosure made in the public interest.

2:45- 3:30 *Sexuality Minorities and Privacy*

Danish Sheikh graduated from Nalsar University of Law with a B.A., LL.B. (Hons.). Currently, he is a researcher at the Alternative Law Forum in Bangalore. He will examine the status of sexual minorities in the light of privacy framework in India. Culling out some real life examples based on various studies, media reports and judgments from the Supreme Court and the High Courts of Delhi and Allahabad, he will bring to light the privacy violations being committed by both individuals as well as state authorities.

3:30-3:45 Discussion

Session III

3:45-4:30 *Privacy and National Security*

Menaka Guruswamy practices law at the Supreme Court of India. She was a Rhodes Scholar at Oxford University, a Gammon Fellow at Harvard Law School, and a gold medalist from the National Law School of India and has law degrees from all three schools. Menaka has advised the United Nations Development Program and the United Nations Development Fund for Women. She will discuss the relationship between national security and privacy, from the perspective of surveillance by the state etc.

4:30-5:15 *Privacy and UID*

R. Ramakumar is a Professor at the Tata Institute of Social Sciences. He is an advocate as well as a patent and trademark attorney. His presentation will focus on what standards of privacy are afforded within the UID system.

5:15- 5:30 Tea Break

5:30-6:00 Discussion and Questions