

Data Protection Laws In India And Privacy Rights In India



Data protection and privacy rights are two of the most important rights conferred by any civilized nation. Every individual and organisation has a right to protect and preserve her/its personal, sensitive and commercial data and information. This is more so regarding health information and details that is required to be kept secret by laws like [Health Insurance Portability And Accountability Act Of 1996 \(PDF\)](#) (HIPAA) in United States.

India does not have a dedicated law like HIPAA and presently [HIPAA compliances in India](#) are not followed. Similarly, we have no dedicated medical privacy law in India that can safeguard the sensitive health related information of the patients. In short, we have no dedicated [data protection laws in India](#), [data privacy laws in India](#) and [privacy rights and laws in India](#).

Of course, we have general laws and some of the provisions of these laws can be applied to data security, data protection and privacy protection in India. However, that is a temporary solution and in the long run we need dedicated [privacy rights, privacy laws and data protection laws in India](#).

Further, in this information technology era a special attention must be paid to the [privacy rights in India in the information age](#). We believe that data protection requirements are essential part of [civil liberties protection in cyberspace](#). With the growing use of information and communication technology (ICT), data protection requirement has become very important. It would not be wrong to assume privacy and data protection rights as integral part of [human rights protection in cyberspace](#).

However, despite the importance of these fields, till now we lack legal frameworks in the fields of data security, data protection and privacy protection. We urgently need to formulate [data protection law in India](#) and privacy laws in India.

At the policy level as well privacy rights and data protection rights have been ignored in India. In fact, an [Indian national privacy policy is missing](#) till now. Even legislative

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efforts in this regard are not adequate in India. A [national privacy policy of India](#) is urgently required.

A [right to privacy bill of India 2011](#) has been [suggested](#) in the year 2011 yet till January 2014 we do not have any conclusive draft in this regard that can be introduced in the Parliament of India. In fact, we are still waiting for a public disclosure of final and conclusive proposed draft right to privacy bill 2011 of India that can be discussed in the Parliament.

The ball is again in the court of judiciary and it has to play a pro active role once again. The Supreme Court of India [must expand](#) privacy rights in India as that is the need of hour. Fortunately, the issue is already pending before it and there would not be much trouble in formulating a privacy framework for India.

However, in the ultimate analysis, it is the constitutional duty of Indian Parliament to do the needful in this direction. Indian Parliament must enact sound and effective privacy and data protection laws for India as soon as possible.