



## **SYMBIOSIS LAW SCHOOL, NAGPUR**

Constituent of Symbiosis International (DEEMED UNIVERSITY), Pune  
Re-accredited by NAAC with "A++" Grade – Awarded Category – I by UGC

### **Report of discussion on Digital Personal Data Protection Bill, 2022**

**Date: 05<sup>th</sup> January 2023.**

- **Opening of the discussion:**

The discussion on the topic of Digital Personal Data Protection Bill 2022 was called into order on 05<sup>th</sup> of January 2023 at the Assembly Hall of Symbiosis Law School, Nagpur. The discussion commenced at 3:00 p.m. on the 05<sup>th</sup> January 2023.

- **Participants Present:**

The event witnessed total participation of around 25 members from all the batches of the Symbiosis Law School, Nagpur. The participants had already registered for the same and were also sent a softcopy of the Bill. The discussion also witnessed the presence of faculties.

- **Agenda of the meeting:**

The agenda of the meeting was to discuss and deliberate upon the provisions of the impugned draft legislation in detail and to understand the nuances of the same with respect to the Constitution of India and various judicial pronouncements.

- **Order of the meeting and Discussion:**

- The discussion commenced with Assistant Professor Mr. Parth Sharma and Assistant Professor Mr. Rushil Chandra opening the house for the said discussion. Thereafter, Prof. Parth Sharma informed the participants about the agenda, objective of the meeting. He also elaborated in brief about how the awareness and academia on right to privacy is only increasing in India and gave a brief about the Bill.
- The discussion further was further continued by participants who raised various concerns, reservations as well as the appreciations with respect to the Bill.
- The participants elaborated briefly upon the history of the issue of privacy in India and also discussed how right to privacy as a right is constantly evolving in India. The many (five) attempts made to protect and regulate the data of the citizens of India was also highlighted by the participants including the Aadhar Bill matter and amendment of 2008 to the IT Act 2000.
- The participants as and when required appreciated the provisions of the bill. The use of pronouns she/her in the bill was duly appreciated by the participants and the provisions

with respect to consent and itemised notice under section 6 and 7 of the Bill were also applauded. The discussion on provisions pertaining to withdrawn of consent was applauded and it was highlighted that the same gave recognition to right to be forgotten.

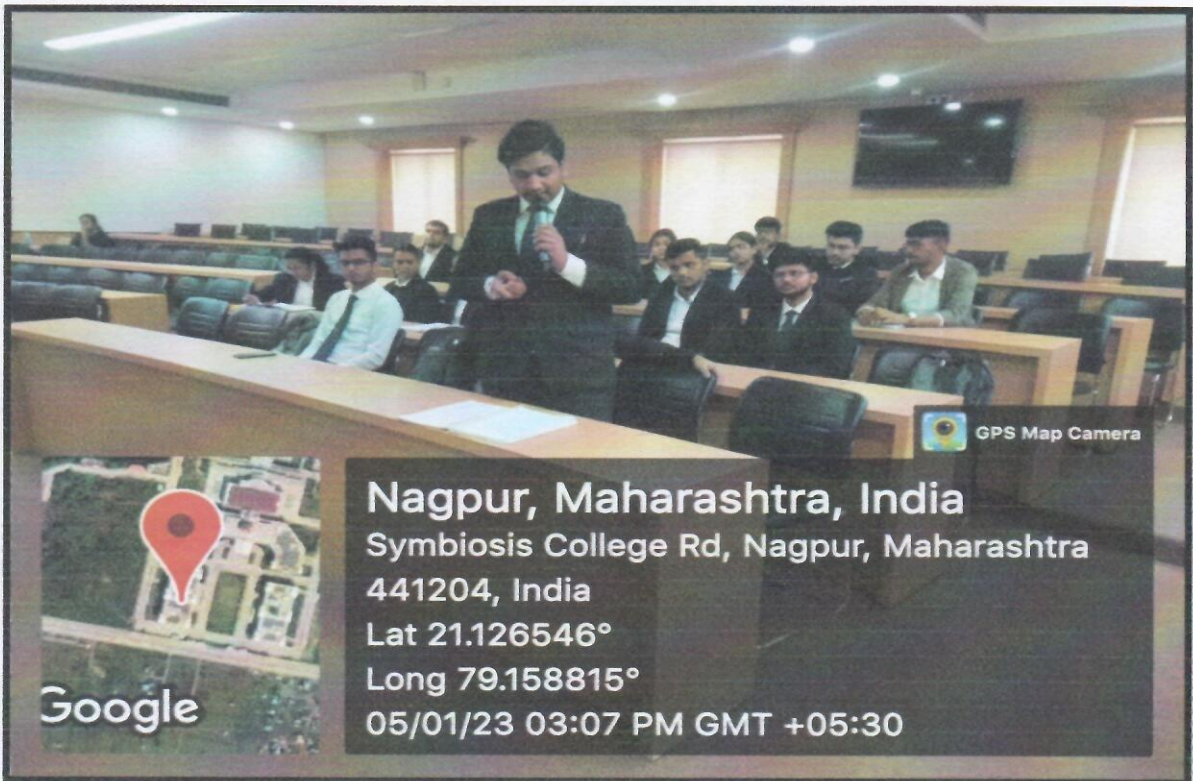
- While some applauded the notice and consent provisions, the retrospective effect and its impact on the big corporations was brought into notice by one participant. The participant discussed about the practical hinderances in making the provisions pertaining to notice retrospective in nature.
- The participants discussed about the penalty provisions in the Bill the practicality and necessity of which was appreciated by some participants while the same was brought into question by some.
- The provisions of Deemed Consent under section 8 of the Bill received criticism from almost every participant and the possibility of misuse was highlighted and discussed about in detail.
- The discussion moved forward to talk about the constitution of the Data Protection Board and also about the control that Central Govt. exercised over it. One participant believed that the board should be empowered with suo moto cognizance and about the substantiative due process as recognized by Apex Court in various judicial pronouncement that the board should opt for. The provisions relating to the same received criticism and it was concluded the provisions relating to the same required more elaboration before tabling up for discussing in parliament.
- The powers given to the Central Government in the Bill received criticism owing to the powers being vast and open to misuse. The provisions pertaining to power of Central Government to make rules and regulations i.e., delegated legislation was brought in the preview of the discussion by one participant. Section 18 which exempted govt. agencies from the preview of the Bill was also criticised.
- The discussion on data localization and data globalization saw difference of opinion and informative and active participation from many members. While some pressed for data globalization owing to its necessity and the benefits it can bring in, majority of the members preferred data localization owing to the difficulties and problems that may be faced due to data globalization. Owing to the flourishing economy of the country, the impact of data globalization on the digital economy was also discussed and the impact data localization will have on country, its economy, its security and the FDI investments were also discussed by the participants.
- One participant also touched briefly upon the concept of data portability and why should the bill include the provisions relating to the same.
- The extraterritorial operation of the Bill was also discussed upon extra territorial operation and other nuances of the Bill.

• **Conclusion:**

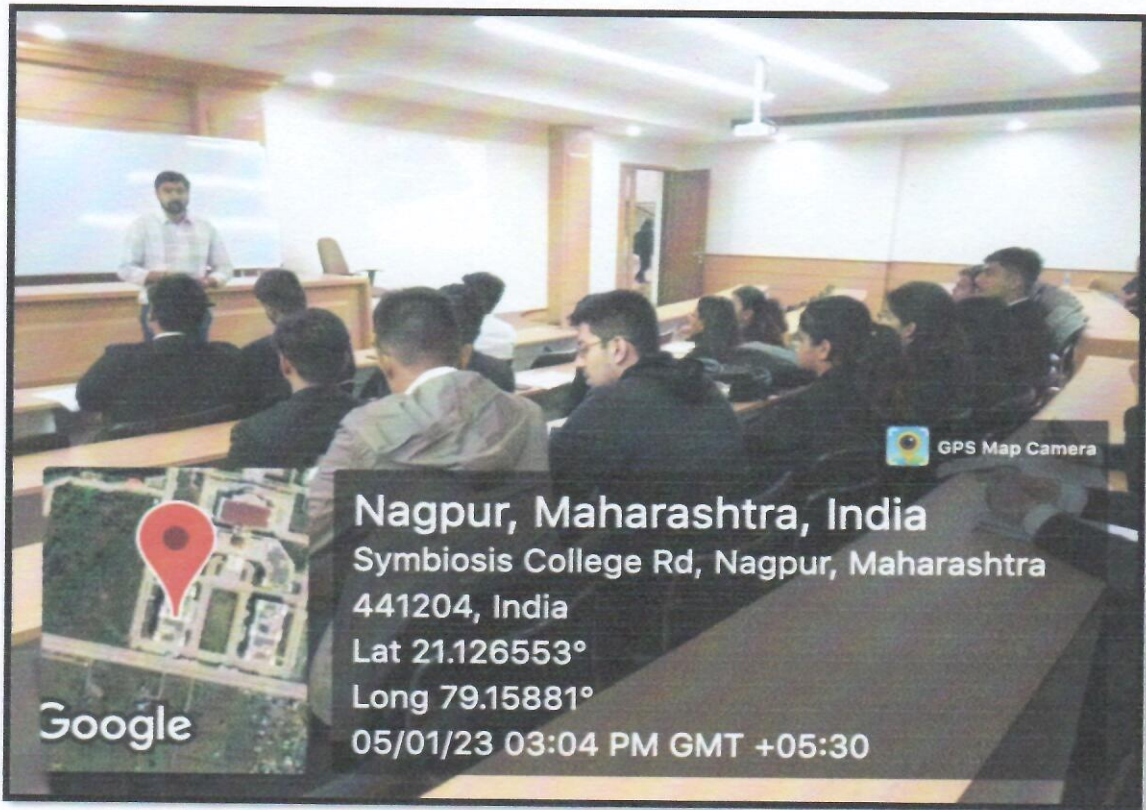
The discussion was concluded around 4:15 p.m. with Prof. Rushil Chandra presenting a formal vote of thanks and appreciating the participants for their active participation, detailed elaborative research and their understanding of the nuances of the Bill.



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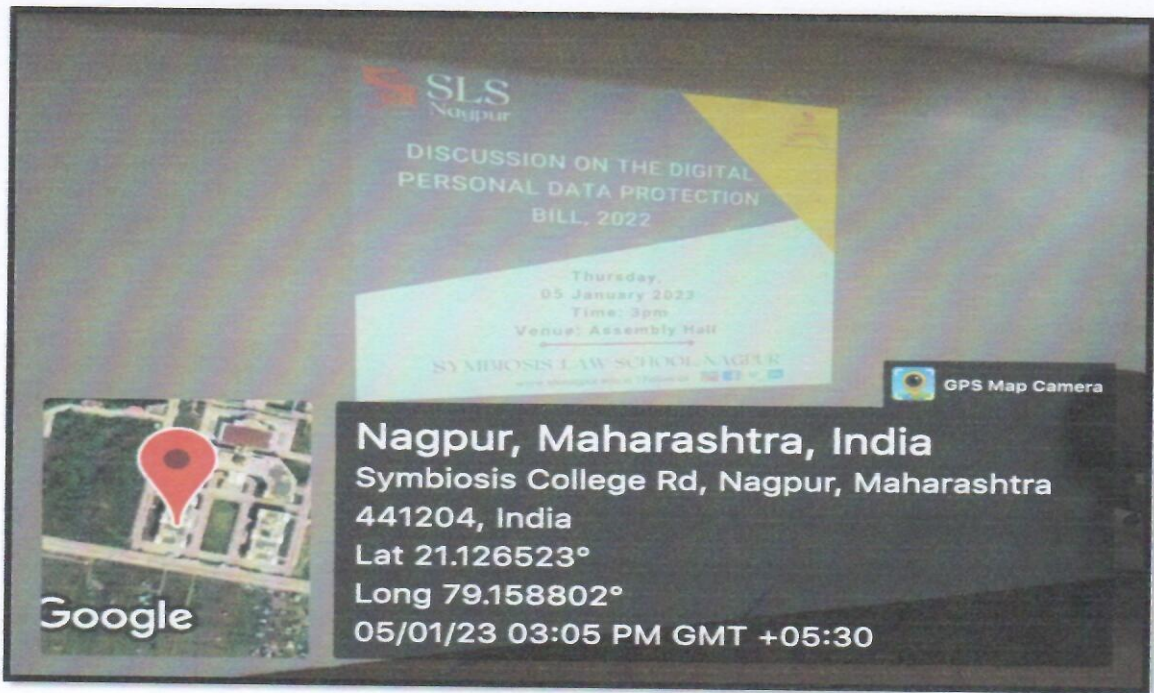


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*Parthiv Dha*



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