

**National Seminar
on
Changing Dimensions of the
Right to Privacy in India**

[25th& 26th March, 2018]

Organized by

Faculty of Law
Jamia Millia Islamia, New Delhi-110025

Concept Note

About the Institution

Jamia Millia Islamia (JMI) was established in 1920. Jamia Millia Islamia is one of the few educational institutions which came into being in response to the nationalist call of freedom struggle to boycott educational institutions supported or run by the British colonial rule. Its mentors, teachers and students played a vital role during the Indian struggle for independence. It became a Central University by an act of Parliament in 1988. In Urdu, Jamia means 'University', and Millia means 'National'. Jamia has nine faculties namely, Education, Humanities & Languages, Natural Sciences, Social Sciences, Engineering & Technology, Law, Architecture & Ekistics and Dentistry. Besides, it has 30 centres of learning and research. Jamia Millia Islamia has been ranked at the 12th position among universities in the country and stands 6th among Central universities as per the MHRD's National Institutional Ranking Framework (NIRF) India Rankings Report-2017.

The Faculty of Law was established in 1989. Over the past three decades, the Faculty has made significant progress in order to give due emphasis to the expanding horizons of the legal profession. In its continuous endeavours in this regard, the Faculty has since introduced a **Five-Year Integrated B.A.LL. B (Hons.) Programme** from the academic session 2002-2003 thereby replacing the three-year LL.B. Course; a two-year **Post-Graduate Programme (LL.M.)** in three specialized streams of Personal Laws, Corporate Laws and Criminal Laws and a **Ph.D. Programme**, both having commenced from the academic session 2000-2001. The Faculty of Law has also started the LLM (Executive) Programme for legal professionals from the year 2017. **LL.M. (Executive) Programme** presents a unique opportunity to specialize in the core topics of legal practice and to do so through a flexible structure that accommodates the demands of professional life.

JMI's Faculty of Law is one of few law faculties that are preparing to offer a new **Post Graduate Diploma in Labour Law (PGDLL)** from the year 2018 to equip students/professionals with the knowledge and capacities required to act as dispute resolution practitioners, including arbitrators, mediators and conciliators. As a holistic occupationally directed programme, it will produce graduates ready to practice after undergoing the basic practical exposure considered necessary by the industry.

The scientific and technological developments in the field of air and space are so rapid that they have posed challenge to the legal fraternity and with the constant increasing volume of disputes in the field of air and space has also resulted in the manifold increase in the legal practitioners working in the field of air and space at developed countries like United States, United Kingdom, Canada, Russia, Japan, France, Australia etc. Keeping this in mind, the **Post Graduate Diploma in Air and Space Law (PGDASL)** is a unique initiative undertaken at Faculty of Law, JMI, New Delhi. The Course is designed to provide an in-depth understanding of Air Law and Space Law along with some fundamental principles of public international law related to air and space. The course would be extremely useful to the candidates having wide-ranging background, from legal to scientific. **The Faculty of Law, JMI ranked No. 1 by India Today Magazine in the issue of June 26, 2017**

About the Seminar

The right to privacy has been interpreted as an unarticulated fundamental right under the Constitution of India. However, through various judgments over the years, Indian courts have interpreted the other rights in the Constitution as giving rise to a (limited) right to privacy primarily through Article 21, the right to life and liberty. In 2015, this interpretation was challenged and referred to a nine-judge bench of the Supreme Court in the Justice K.S Puttaswamy & Another v. Union of India and others [(2014) 6 SCC 433] categorically held that the right to privacy is a fundamental right enshrined under Article 21 of the Constitution of India. It will be accorded the same protection as other fundamental rights under Part III of the Constitution.

Judiciary in India enjoys a significant position since it has been made the guardian and custodian of the Constitution. It is not only a watch-dog against violation of fundamental rights guaranteed under the Constitution but protects all persons, Indian and aliens alike, against discrimination, abuse of state power, arbitrariness etc. Liberty and Equality have well survived and thrived in India due to the pro-active role played by the Indian Judiciary. The Supreme Court has, over the years, elaborated the scope of fundamental rights upholding the rights and dignity of individual, in true spirit of good governance. The great contribution of judicial activism in India has been to provide a safety value and a hope that justice is not beyond doubt.

Right to Privacy in India has been a contentious issue in recent years and it concerns the lives of many people around the world. Right to privacy is not a constitutionally but a

judicially recognized right. In our country, the sole credit goes to the Judiciary for recognizing the concept of privacy because neither the constitution nor any other statute in our country defined this concept. Still a lot more has to be done for the recognition and protection of privacy by law in India. As a matter of fact, this concept is quiet in primitive stage of its development. This Seminar endeavor to focus on the impact of declaring privacy as a fundamental right, the impact on private entities (non-state parties) and the potential impact on the anticipated privacy law.

Objective of the Seminar

The Right to Privacy *per se* is not a specifically guaranteed fundamental right under the Constitution of India, however the apex court has time and again interpreted it indirectly as a part and parcel of fundamental rights. There have been instances in various cases decided by the apex court. The right to privacy in India has come a long way from the decision given in Kharak Singh's case [Kharak Singh v. Sate of U.P. (AIR 1963 SC 1295)] which was one of the first instances which incorporated right to privacy with as an integral part of right to life and personal liberty to the most recent judgment in Justice K.S Puttaswamy & Another v. Union of India, wherein the apex court unanimously held that the right to privacy is fundamental right protected under the Constitution.

Subsequently, this right has come under the radar of reasonable restrictions under Article 19 (2) and with the different facets of this right been invoked by a plethora of judgments including the areas like privacy in communications, freedom of movement, physical privacy and mental privacy, unique identification number related privacy, etc., there are still different facets of the right which need to be established. With the DNA Profiling Bill, reconsideration of validity of Section 377 and LGBT rights, Euthanasia and abortion, Marital rape again the discussion relating to right to privacy has come on the forefront. This Seminar is therefore an attempt to analyse the right to privacy from different perspectives and check the status of this right. The proposed objective of the seminar that:

- To understand the various facets of Right to Privacy in India
- To determine the scope of Right to Privacy which can be guaranteed
- To analyse the significance of technological advancements on the restrictions on Right to Privacy
- To analyse the effect of DNA profiling, biometric identification, etc. on the criminal liability on the accused.
- To the needs of and the opportunities and dangers posed to liberty in a digital world.

The present seminar has been conceptualized with the basic objective of taking stock of the progress made by India in the sphere of law, and creates a space for discussion on all matters pertaining to legal issues concerning privacy.

In this background there is an incessant call to hold public debate through seminars, conference, workshops, symposia and discussion to elicit valuable inputs from the ground so as to effectively answer whether there is a need of recognition of right to privacy as Fundamental Rights for achieving the social unity and solidarity of the nation as envisaged by the Preamble of the Indian Constitution? This National Seminar offers an opportunity to experts from various disciplines, be they are, Researchers, Academicians, Policymakers, Government Organization, Law Experts, International Lawyers, Judges, Negotiators, Diplomats, Government Representatives, National Organizations, Media Representatives, Non-Governmental Organization and Students to come together and share their valuable thoughts, impression and research studies on the following issues relating to majors themes of Privacy Laws in India:

- (i) **Bodily Privacy** [Privacy of the physical body against violations and restraints of bodily movement]
- (ii) **Spacial Privacy** [Privacy of a space, such as family life and intimate relations]
- (iii) **Communicational Privacy** [Right against access to communication, or control over it]
- (iv) **Proprietary Privacy** [Right to use property as a means to shield facts or information]
- (v) **Intellectual Privacy** [Privacy of thought, mind, opinions and beliefs]
- (vi) **Decisional Privacy** [The ability to make intimate decisions]
- (vii) **Associational Privacy** [Privacy of the choice of who to interact with]
- (viii) **Behavioural Privacy** [The ability to control the extent of access even while conducting publicly visible activities]
- (ix) **Informational Privacy** [An interest in preventing information about the self from being dissemination, and controlling the extent of access to the information]

On the above-mentioned objectives and related areas on the sub-themes mentioned below:

- Concept of Right to Privacy
- Right to Identity *vis-à-vis* Right to Privacy
- Data Privacy
- DNA Profiling and Right to Privacy
- Implication of the Right to Privacy Judgement [Justice K.S Puttaswamy & Another v. Union of India]
- Viability of the Right to Privacy in India
- Judicial Trends in Right to Privacy

The above themes are indicative and the author can send the article on any topic related to the broad theme of the Seminar.

Call for Papers

Seminar papers are invited from the academicians, practitioners, researchers, scholars and students on the issues related to above themes. It is also proposed that the selected

papers by the Committee will be published in a special volume on the seminar in the form of an edited book with ISBN No. Author of selected papers would be given an opportunity to present their papers as per requirement of the theme during sessions on the day of the seminar.

Guidelines for Submission

Interested authors should submit an abstract of their original research/conceptual papers and empirical studies/case studies briefly describing objectives, methodology, major results and its implications in about 300-350 words. All abstracts will be peer reviewed and evaluated before final acceptance. Authors of accepted abstracts will be invited to submit and present full paper at the seminar. Accepted abstract are likely to be published in the souvenir of the projected Seminar. The length of the full papers should normally not exceed about 5000 words (excluding tables, figures, illustrations and references etc.) and it must be typed in Times New Roman Font Size 12 on A4 size paper with 1" margin on all sides with 1.5 line spacing using MS Word. The Blue Book: A Uniform System of Citation (19th ed.) must be strictly adhered to while submitting the abstract and full papers.

All the Abstracts and Full-length papers shall be sent as an attachment on email id. **nationalseminar.fol@jmi.ac.in**

Registration Procedure & Fees

Participants willing to attend the seminar should fill the enclosed Registration Form and submit it latest by **20th March, 2018**. Filled-in registration form can be sent electronically or by post. Registration Fees can only be paid in cash at the Registration Desks on the inaugural day at the venue [Faculty of Law, Jamia Millia Islamia, New Delhi-110025].

Types of Delegates	Registration Fee
Academicians	Rs. 750
Professionals (NGOs/Media Persons/Policymakers)	Rs. 1000
Research Scholars	Rs. 500
Students	Rs. 250
Foreign Delegates	US\$ 50

Note

- Last Date for Submission of Abstracts by Post/E-mail (Softcopy): **5th March, 2018**
- Intimation on Selection of the Abstract: **6th March, 2018**
- Last Date for Submission of Full Paper: **15th March, 2018**
- Soft Copy of the Submissions should be addressed at:
- Hard Copy of the Submissions may be sent along-with a CD should be addressed at: **The Dean, Faculty of Law, Jamia Millia Islamia, New Delhi-110025**
- Details of Conference Sessions will be posted on the web-site of JMI
- On the spot registration will also be available at Registration Desk on the day of seminar.
- No TA/DA will be paid to participants.

Venue

The venue of the Seminar will be **Faculty of Law, Jamia Millia Islamia, New Delhi-110025**

In Case of Queries and Clarification the following may be Contacted: [Timing: 9:30 am-4:30 pm]	Contact Address
1. Dr. Faizanur Rahman Assistant Professor Mobile No.: +91-8348333999 2. Ms. Sayantika Ganguly Student Mobile No.: +91-9873546287	The Dean, Faculty of Law, Jamia Millia Islamia New Delhi-110025 Delhi India

**Prof. Nuzhat Parveen Khan
[Convener-Seminar]**

National Seminar

On

**Changing Dimensions of the
Right to Privacy in India**

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25th & 26th March, 2018]

Registration Form

Personal & Contact Details:

Full Name:

Designation

Department/Unit:

Institution/Organization

Postal Address:

Country/State:

Phone No.:

Mobile No.:

Email Id.:

Category:

Academicians

Professionals (NGOs/Media
Persons/Policymakers)

Students/Research Scholars

Foreign Delegates

Whether contributing a paper to the Seminar: Yes/No

Title of Paper:

Mode of Presentation:

Oral/PPT

(Signature)

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