

The protection of women from domestic violence Act 2005

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Salient features

- Quasi civil , quasi criminal law
- Interim relief within 72 hrs.
- Counselling of aggrieved person and respondent
- Domestic relationship, common house hold
- protection officers/service providers assist in filing DIRs.
- Local court – summary trial
- Police role –assistance to aggr pers
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Five orders of court

- Protection order (sec 18)
- Residence order (sec 19)
- Monetary relief order (sec 20)
- Custody order (sec 21)
- Compensation order (sec 22)
- These orders are issued by court following filing of DIR by aggr pers
- Violation of protection order alone is Cognizable

Ingredients of domestic violence

- Act/ omission / omission/ conduct
- Harming, injuring, endangering –
HEALTH, SAFETY, LIFE, LIMB, or well-being whether **mental or physical**
- **Physical/ sexual/ verbal/ emotional/ economic abuse**
- unlawful demand for dowry or other property

process

- Aggr pers approaches PROTECTION OFFICER who files DIR.
- Sends DIR to court. Court issues notice to respondent. May issue interim orders pending final orders.
- PO serves on respondent for implementation. Some times Respondent files appeal in district court.

Privacy laws in India

- PRIVACY- PHYSICAL, INFORMATIONAL, ORGANISATIONAL
- Physical- preventing intrusions into one's physical space or solitude
- Informational – data privacy- relationship between technology and legal right to, or public expectation of privacy in collection and sharing of data about oneself. Like religion, sexual orientation, political affiliation.

Organizational privacy

- Govt agencies, corporates desire to keep secrets from being revealed to other organisations. may seek legal protection.
- Information technology (reasonable security practices & procedures & sensitive data information) Rules 2011 under IT Act 2000-
- Rules & provisions in dealing with privacy protection – in India
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Information Technology (amendment) Act 2008

- Compensation for failure to protect data- sec 43
- Sending offensive messages thro' communication services. Sec 66A
- Dishonestly receiving stolen computer resource or communication device. Sec 66B
- Identity theft sec 66C
- Cheating by personation by using computer resource sec 66D

PRIVACY PROVISIONS contd...

- Violation of privacy sec 66E
- Publishing or transmitting obscene material in electronic form. Sec 67
- Publishing/ transmitting material containing sexually explicit act etc in electronic form . Sec 67
- Power to issue directions for interception/ monitoring/ decryption of any info thro' any computer resource sec 69
- Breach of confidentiality/ privacy. Sec 72

Lawful interception (LI)

- Obtaining communication net work data pursuant to lawful authority, L.E.As for the purpose of analysis of evidence-i.e access to retained data (RD)
- NEERA RADIA et al .
- Bail scam of AP etc
- National integrity / internal security issues
- Telephone tapping

IT Reasonable Security Practices & Procedures & sensitive data or Information

Rules 2011- implications..

- For employers: employers will prepare a privacy policy & obtain consent of Employees to the Privacy policy . SPD (SENSITIVE PERSONAL DATA)
- Passwords. Financial info like bank a/c , credit card/ debit card
- Physical , physiological & mental health condition
- Sexual orientation, medical records / history
- Biometric info; UID etc
- Employer to give employee the right not to provide SPD

IMPACT OF RULES ON MULTINATIONALS IN INDIA

To maintain centralised data base or info about their business all over the world, incl. info about employees, service providers & customers. To adopt privacy policy for collection, notification about purpose or use of info.

For out sourcing industry

- Any business dealing with info or SPD , they have to comply with rules, even if such individual is out side india
- Vendor in India or his customer overseas would need to fulfill the requirements of the law with the individual concerned such as consent for collection , notification. Obligations, right of access, correction, & with drawl

Indian penal code

- Sec 354 C : VOYEURISM
- Sec 354 D : STALKING
- INCAMERA TRIALS