INTRODUCTION

Development in any field of knowledge provides new avenues in order to cater the needs and to fulfill the aspirations of any civilized society at any given point of time. Advent of technology not only widens its use but also poses anticipated challenges for the legal system and legal universe as a whole. At present, this seems to be very true in relation to Information Communication Technology (ICT) and related development as so called Information Revolution. The Information Technology, as we know it today, has a vast impact on storing information on every conceivable subject of interest to mankind which has transformed the communication system as whole. In real sense, the advancements in Information Technology have been very emphatic, but at the same time, these have negative and devastating impact also covering a wide range of issues of social concern.

In Indian perspective Information Technology related challenges is no longer an illusion but it indicates the prospective impact of the Information Communication Technology as the new frontiers of innovations in criminal activities covering the global perspective through the network of world wide wave (www) and other sophisticated and improved methods of technology.
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In these technology oriented development, the most distinguished and intimate right of any human being is at the stake which is better known as ‘Right to Privacy’. The right to privacy refers to the specific right of an individual to control the collection, use and disclosure of personal information. Personal information could be in the form of personal records, habits and activities, family records, educational records, medical records, financial records and intimate communications such as telephonic talks and e-mail.

Further, Right to privacy is also affected in a manner that amounts to violation of public morality and decency in a civilized society with the use of convergence of technologies. The wider application of these innovative technologies has spawned a new and complex set of issues concerning individual privacy and information privacy i.e. data privacy.

The legal implications and standards of law to be observed in relation to protect the socio-cultural and moral norms seems to be inadequate in computer and communication related crimes. Therefore, it is high time to take it as a challenge and to develop the legal framework accordingly. The issue of information i.e. data privacy is also a prime concern to protect the system as well as society. Since, cyber security is a big challenge in current Indian perspective, thus we need a good legal framework in the
area of cyber law, cyber security to protect e-transactions and the common interests of general public at large. In the present Indian legal context, the Information Technology Act, 2000 is a piece make legislation that is weak on the fronts of cyber security and other areas of cyber criminality and thus affecting the privacy rights of Indian citizens and other components of e-governance.

The innovations in communication technology and other way trends of development in Information Technology have gone into creating the fascinating innovations. To communicate with the help of Internet and www would not have had the impact that it has had in every sphere of life known to human civilization in prevailing scenario.

At a glance, the existing legal system and framework has shown inadequacy of legal protection dealing with Information Technology in relation to privacy rights. Moreover, the Constitution of India does not grant in any specific and express terms any right to privacy as such. Right to privacy is not enumerated as a Fundamental Right in the Constitution. However, such a right has been culled by the Supreme Court of India from Article 21 and several other provisions of the Constitution read with the Directive Principles of State Policy.
Therefore, the present study is an attempt to bring together various perspectives of information technology and its manifold impact on ‘Right to Privacy’. In this study, the Right to Privacy has been analyzed with theoretical, technological and socio-legal perspectives of information technology based system of telecommunication and electronic transaction in modern times.

The importance of the study is critical in order to evolve and to develop proper directional, controlled and systematic measures to protect the most cherished human want of privacy in well accepted and comprehensive manner.

The study has also been directed towards certain and limited glimpse of data protection legislations, conventions and directives covering the issues relating to data protection i.e. data privacy in comparative fashion prevailing in contemporary legal system of the world such as U.S.A., U.K. & European Union (EU) etc. in order to assess the contemporary challenges to law enforcement agencies and tech-based trans border means of communications.

1. **THE CHOICE OF TOPIC**

The following facts guided the choice:

I. The contemporary legal system is driven by the challenges of advances in science & technology.
II. The advent of Information technology and its applications have its own impact on human beings regarding the safety and security of their right of privacy.

III. The medium of information communication technology have to be regulated and controlled by developing up-to-date legal mechanisms in present system of global networks of communication such as Internet and world wide networks of communication technology.

IV. Indian legal system lacking behind to control the growing menace of cyber based criminality.

V. A viable and effective mechanism is required to control the system with efficient and effective legal frame work.

2. NEED FOR THE STUDY

The need for the present research originates from debatable issue of right to privacy in contemporary development of modern versions of science and technology. This study may fulfill the need and may also provide some valuable contributions to develop the technology based legal system for the benefit of modern civilized society in order to meet out the global perspectives of legal developments. The concern of individual privacy and
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information privacy i.e. data privacy has urgent need for research in this challenging area.

3. THE OBJECTIVE OF THE STUDY

The objective is to undertake the present research work:

I. To analyze the development of information technology and its impact on right to privacy.

II. To examine the current and existing legal frame work to protect the right to privacy.

III. To give effect the emphasis on protection of information relating to privacy in this age of Internet and well advanced system of telecommunication.

IV. To develop the new mechanism of regulation and control such as establishment of ‘Cyber Regulatory Authority of India’ (CRAI) and widening the present ambit of information technology related legislations.

V. To emphasize the advancements and changes in existing cyber practices of regulation and enforcement.

VI. To make cyber legislation more stringent and effective by the making of special laws and constitutional amendments.
VIII. To add and empower the enforcement agencies with proper development of techno-legal courses and personnel such as introduction of models of cyber policing system based on global pattern and high standards of competence.

4. RESEARCH HYPOTHESIS

The present research proceeds on the following hypothesis:

I. Development of information Technology has serious impact on ‘Right to Privacy’ and the extent is unlimited with constant development of science and technology.

II. The innovation and application of information technology is a developmental process, therefore the legal framework should also be developed at required pace.

III. The Constitutional provisions and judicial responses in relation to breach of privacy and confidentiality are not so explicit to resolve the malady.

IV. At present the Information Communication Technology (ICT) is a very topical issue not only in India but in the rest of the countries. To meet out the resulting challenges legal mechanisms are to be evolved, developed and proper restrictions to safeguard the individual interest as well as national Interest must be taken.
5. **SCOPE AND LIMITATIONS OF THE STUDY**

The scope is restricted to the following:

I. Technological development and information privacy under the legal framework.

II. Restrictions on information super highways with due importance to information privacy and data privacy i.e. dissemination of personal data.

III. Unlimited possibilities of Internet & www and restricted use of data by application of data protection laws.

IV. Regulation and control of information technology to protect the right to privacy.

V. Indian legal framework and control mechanisms of confidentiality and privacy.

VI. Legal limitations and technological implications, difficulties and possible remedial measures.
6. IMPACT OF THE STUDY

The technology has always been the boon or bane to human civilizations and in strict sense to human beings. The subject matter of study is so delicate that it has its own inherent controversies and concerns. Therefore, the impact of the study would certainly helpful to add and to develop the existing legal framework on the subject. However, the adoption of the information technology i.e. Internet and www would not have had the impact that it had as so such brain power has involved into creating the problem of abuse or misuse of this fascinating innovation of Information and Communication Technology (ICT).

7. RESEARCH METHODOLOGY

The study is doctrinal and analytical. It is based on comparative and critical study of Constitutional and legal mechanisms in international legal systems particularly U.S.A., U.K. and European Union (EU) and Indian Legal framework relating to information technology. The study has its own limitation due to the impact of constant developing technologies and its applications in this high-tech system of governance and legal developments.
8. CHAPTER-WISE INTRODUCTION

The brief *chapter-wise* contents are, as under:

*Chapter-1* pertains to a brief retrospect of Computer and Internet related developments and a summary of Information Technology related legal infrastructure based on *UNCITRAL* model law on electronic commerce in Indian legal framework known as Information Technology Act, 2000.

*Chapter-2* deals with techno-legal developments in relation to its impact on right to privacy. The critical study has been included based on the constitutional perspective and case-by-case development as per Indian Judicial response and foreign cases.

*Chapter-3* attempts to reflect the issue of Information Privacy (i.e. data privacy) and impact of technology on it. Since, the convergence of technology has special relevance with respect to technology based activities on the Internet thus its consequences in electronic format on data privacy has been highlighted.

*Chapter-4* deals with the aspects relating to right to privacy and critical issue of data protection in Indian legal perspective. A brief analysis of relevant provisions of Information Technology Act, 2000 has been incorporated to reflect the current Indian Legal position.
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*Chapter-5* attempts to give the legal position of right to privacy and data privacy related legislations in various countries of the world such as U.S.A., U.K., The council of Europe, Japan and European Union etc. to provide a concept of data protection and other related issues of trans border flow of information.

*Chapter-6* deals with remedial perspectives of individual privacy and data privacy in order to develop a model law on data protection in relation to the current needs of privacy protection.

In the last, conclusion and suggestions have been given to highlight the immense need of improvement in legal infrastructure regarding the protection of individual privacy as well as data privacy with reference to impact of new developments in the area of information technology.