

FORESIGHT 2021

Technology, Media and Telecommunications



**KHAITAN
& CO**

Advocates since 1911

DEVELOPMENTS TO LOOK FORWARD TO IN 2021



Bengaluru

Kolkata

Mumbai

New Delhi

Noida

Singapore



“

Our Ambition Statement

Our ambition is to be a respectable law firm providing efficient and courteous service, to act with fairness, integrity and diligence, to be socially responsible and to enjoy life.

We should put greater emphasis on working in consonance with our aforesaid values than on maximising earnings.

Earn we should, but with dignity and pleasure.

”

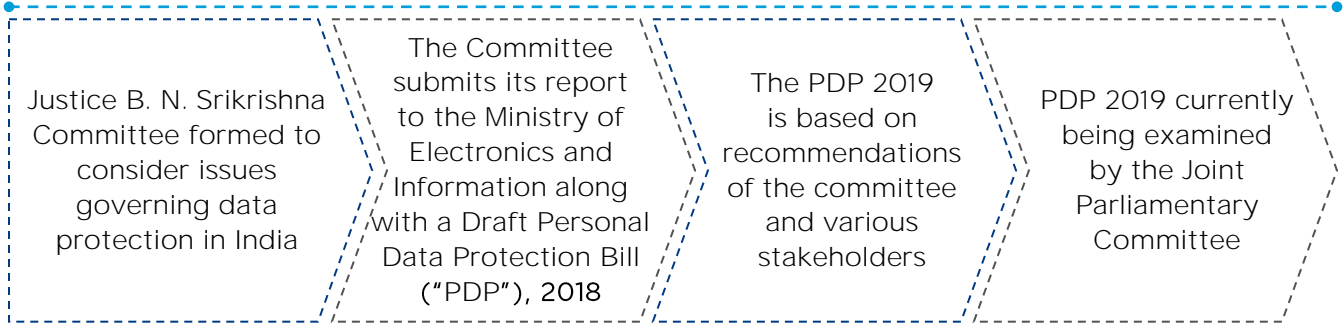
Preface

As the pandemic continues to rage globally, its far reaching effects have influenced the contours of almost all sectors. The realms of technology, media and telecom (TMT) are no different. Even before the black swan event of COVID-19 disrupted the world at large, there was an already a brimming pipeline of policies that were set to shape the future of this sector. While the jury is out on the cogency of these measures, we, at Khaitan & Co have attempted to give readers a glimpse into what the next fiscal year in India might herald for the TMT sector. Our views are based on trends and developments and we caveat that our “**predictions**” may not necessarily come true. But we hope it serves as something to mull over for corporates in this planning their India play in the coming year.



I. PERSONAL DATA PROTECTION BILL

The backdrop



What to look forward to

The Joint Parliamentary Committee is expected to present its report on the Personal Data Protection Bill 2019 ("PDP Bill") before the Indian Parliament. This may kickstart the process of where the Parliament passes the PDP Bill which is largely modelled around the EU General Data Protection Regulation (GDPR). This is expected to be a pathbreaking development for India, which has thus far lacked a dedicated data protection framework. The PDP Bill includes aspects relating to rights of individuals (termed as data principals), aspects of cross border data flow, grievance redressal, setting up of a dedicated data protection authority, etc.

What we expect

There has already been considerable debate on the data localisation obligations under the PDP Bill and debate on the same is only likely to further intensify. More importantly, it will be interesting to see if the PDP Bill is modified to clarify the spheres of individual sectoral regulators relating to data privacy and protection.



II. HEALTH DATA MANAGEMENT POLICY

The backdrop



What we expect

Provisions of this Policy seem to borrow heavily from the PDP Bill. Such a step leaves room for debate as to whether this policy attempts to implement aspects of the PDP Bill that should have passed the muster of Parliamentary deliberation. Accordingly, it will be interesting to see how the Policy develops, given the amount of overlap in subject matter with the PDP Bill

III. NON-PERSONAL DATA FRAMEWORK

The backdrop

In addition to developments in the domain of personal data, the Government is also mulling over a dedicated regulatory framework for non-personal data ("NPD").

What it includes

According to a report issued by the Government, NPD has been defined to include all data except personal data. It is expected that this regime will exist in parallel with the personal data protection framework. According to the Government, NPD creates significant economic value in addition to public and social value.

Object

The object of this regime is to inter alia enable sharing of such data to drive innovation and create new products and services. NPD may also be requested for national security, legal purposes, etc.

Our take

It is envisaged that there will be a dedicated supervisory authority that will oversee implementation of this framework. Other stakeholders in the ecosystem will comprise of 'data businesses' (i.e. businesses that collect, process, store or otherwise manage NPD) and 'communities' (i.e. persons to whom the NPD pertains).

A second round of the report may be released. It will be interesting to see the extent to which this regime overlaps with other data related frameworks being contemplated by the Government and the obligations that it will cast on stakeholders.

IV. REPLACEMENT OF THE INDIAN TELEGRAPH ACT 1885 AND INDIAN WIRELESS TELEGRAPHY ACT 1933

The Present Landscape



The telecom paradigm is set to change with emerging technologies such as 5G, cloud, Internet of Things (IoT), OTT communications, dominating the sector. The current legislations governing the sector are more than 100 years old and it may not be possible to cater to the current requirements with mere amendments. The need of the hour is to overhaul the legislations governing the ICT sector.

In the works



It is learnt that the Government has initiated steps towards replacement of the Indian Telegraph Act, 1885, Indian Wireless Telegraphy Act, 1933. It is deliberating a simplified and/or light touch regulatory framework to do away with burdensome and outdated compliances. This move also seems to be commensurate with the objectives of the National Digital Communications Policy, 2018.

Market buzz



The Department of Telecommunications ("**DoT**") has reportedly engaged the National Law University, Delhi to study the existing legislations and to suggest changes, on issues such as net neutrality, traffic management of differential pricing (in the context of IoT), consumer rights, right of way and other key issues relating to wireless technology. This report is expected to be completed by mid-2021.

Our take



If this exercise is completed successfully, it would indeed be a landmark development in the telecom regulatory space and may also aid in bolstering foreign investment in the sector.

V. STEPS TO CURB UNSOLICITED COMMERCIAL COMMUNICATION

The backdrop

The Telecom Regulatory Authority of India ("TRAI") overhauled the regulatory framework relating to delivery of commercial communications by issuing the Telecom Commercial Communication Customer Preference Regulations, 2018 ("TCPR"). In contrast to the preceding regime, where entities had to register with TRAI directly, the new regulations have made it mandatory for entities to register with telecom service providers and comply with their codes of practice. Apart from entities involved in the delivery and transmission of commercial communications, TCPR also brings within its fold 'senders' so that responsibility can be cast on them as well. The TCPR requires entities to ensure that certain regulatory pre-checks (such as scrubbing) are conducted before releasing commercial communications to ensure adherence to registered preferences.

The ultimatum

Due to a lukewarm reception of the TCPR and low number of registrations with TSPs, a direction was issued by TRAI. It provided an ultimatum to entities to obtain registrations and to ensure compliance with regulatory pre-checks (such as scrubbing) within the stipulated timeframe. This has caused a stir in the industry with many entities challenging the directions on the ground that, amongst other things, the required infrastructure is currently inept.

Subsequent roll back and other actions

This prompted TRAI to roll back its directions as it was causing hardship to customers at large. At the same time, TRAI has issued a final warning to entities to comply with requirements at the earliest, otherwise the names of defaulting entities would be published on the TRAI's website. On the other hand, many entities have independently challenged the regulations itself.

What to expect

The contours of the regulatory framework might see some reshaping once this leg of litigation is over.



VI. COMBATING FINANCIAL FRAUD THROUGH TELECOM RESOURCES

The backdrop

In a recent press release, the government has announced a slew of proposed measures to tackle the menace of financial fraud committed by telemarketers and other actors through telecom resources. These measure encompass areas such as consumer harassment by sending of unsolicited commercial communication, false fraudulent promises of loan grants, and other deceitful activities.

Measures taken

With a view to make digital transactions safe and secure, the Government has proposed the development of a web / SMS based grievance redressal mechanism for aggrieved subscribers to lodge their complaints and the constitution of a nodal investigative agency called the Digital Intelligence Unit ("DIU") which will coordinate with law enforcement authorities, financial institutions, and telecom operators to investigate such cases in a timebound manner. Further, a telecom analytics platform called Telecom Analytics for Fraud Management and Consumer Protection ("TAF COP") has also been sought to be created and deployed across each telecom circle to ensure fraud management and consumer protection. The Government is committed to take defaulting entities to task, by proposing to impose penalties and disconnecting telecom resources in case of repetitive violations. Increased phishing scams in certain hotspots have also caused authorities to sit up and acknowledge the requirement for a dedicated mechanism to fetter such activities.

What to expect

In view of such announcements and the Government's inclination to curb fraud conducted through telecom resources, both telemarketers and telecom operators need to ensure strict compliance with the existing rules to avoid legal risks. Also, any new rules, requirements and changes to telecom licensing conditions (such as for implementing grievance redressal, coordinating with DIU or sharing data with TAF COP for telecom analytics) could be implemented by the Government in the near future, and such rules and entities operating in this sector will be required to gear up to meet these requirements.

VII. REQUIREMENTS FOR PROCUREMENT OF TELECOM EQUIPMENT

The backdrop

In the backdrop of geopolitical tensions between India and some of its neighbouring countries, the DoT has recently issued an amendment to certain telecom license agreements dictating that it shall [through a designated authority known as the National Cyber Security Coordinator (“NCSC”)] have the right to impose additional conditions for procurement of telecom equipment on the grounds of defence of India, or matters directly or indirectly related thereto, for national security.

Qualifications of sources

In a nutshell, the NCSC will notify certain ‘**trusted sources**’ for procuring certain categories of telecom equipment (“**trusted products**”). In parallel, a list of ‘**designated sources**’ from whom no procurement can be done, will also be notified. With effect from 15 June 2021, TSPs will be required to connect only ‘**trusted products**’ in its network. Special permission will need to be sought from NCSC for upgradation of existing network elements that are not designated as ‘**trusted products**’. Acknowledging that this may cause a panic in the industry, DoT has clarified these obligations will not impact ongoing annual maintenance contracts or updates to existing equipment already inducted in the network.

Our take

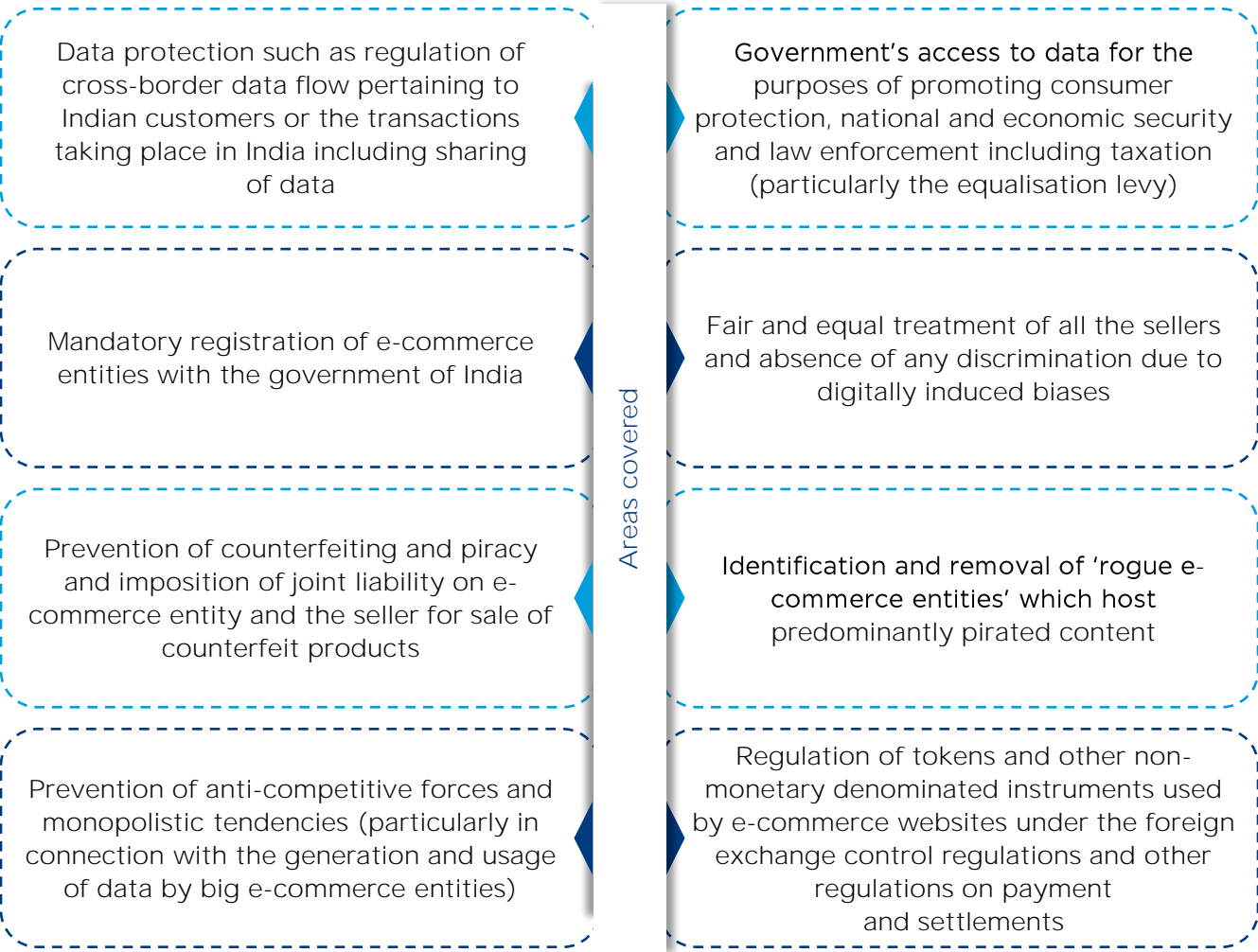
Since the foregoing requirements come into effect in a few months, it will be important for the Government to do its groundwork beforehand so as to ensure that the list of ‘**trusted sources**’ and ‘**trusted products**’ are available in time. For the industry, it may require a serious reconsideration of their procurement strategies, if they have been historically dependent on products from certain countries.



VIII. INDIA’S PROPOSED E-COMMERCE POLICY

The backdrop

The government has been working on a revised draft of the e-commerce policy, which will apply equally to entities with foreign and domestic investments and will extend to all modes of e-commerce in goods and services, inventory, marketplace and hybrid model.



Administrative Committee

The draft policy is also expected to provide for the constitution of an administrative committee on e-commerce whose mandate will be to give recommendations to address policy challenges in e-commerce.

Our take

Interestingly, the Department of Consumer Affairs has with effect from 23 July 2020 notified the ‘Consumer Protection (E-Commerce) Rules 2020’ which are applicable to all e-tailers registered in India or abroad but offering goods and services to Indian consumers. While one can certainly expect overlaps between the consumer protection rules and the proposed e-commerce policy, what is becoming increasingly clear is the **government’s** intent to closely regulate and monitor this sector (now even for domestic players) – with heightened compliance for platforms along with empowerment of the consumer being the key themes emanating from the proposed reforms.

IX. FDI IN NEWS AND CURRENT AFFAIRS THROUGH DIGITAL MEDIA

The backdrop

The Press Note No.4 (2019 Series) issued by the Ministry of Commerce and Industry, Department of Promotion of Industry and Internal Trade on September 18, 2019 ("PN 4/2019") and the FEMA (Non-debt Instruments) (Amendment) Rules, 2019, introduced a sectoral cap of 26% on foreign direct investment (FDI) in companies engaged in "uploading / streaming of News & Current Affairs through Digital Media" under the Government approval route. Subsequently, the MIB through a clarification to the PN 4/2019 ("Clarification") provided that the 26% sectoral cap through Government approval would apply to following categories of Indian entities registered, or located in India:

"Digital media entity streaming / uploading news and current affairs on websites, apps or other platforms	News agency which gathers, writes and distributes / transmits news, directly or indirectly, to digital media entities and /or news aggregators	News aggregator, being an entity, which using software or web application, aggregates news content from various sources, such as news websites, blogs, podcasts, video blogs, user submitted links, etc. in one location."
---	--	--

While the Clarification provides for categories of entities to which PN 4/2019 will apply, there remains ambiguity in terms of what constitutes "news and current affairs". Until the introduction of the IT Rules, the term "news" had not been defined under any statute, and as per judicial precedent would include any form of new information which may or may not relate to important current affairs or have elements of traditional journalistic reporting. As such, a wide interpretation of the term "news and current affairs" could also include content relating to recent or trending events posted on social media by users.

The Changing Paradigm through the IT Rules

The IT Rules 2021 define "news and current affairs" to mean "newly received or noteworthy content, including analysis, especially about recent events primarily of socio-political, economic or cultural nature, made available over the internet or computer networks, and any digital media shall be news and current affairs content where the context, substance, purpose, import and meaning of such information is in the nature of news and current affairs content." Given that the definition of news and current affairs under the IT Rules is also wide and can be interpreted to include content beyond what is traditionally news, it would be interesting to see if the Government introduces any clarification to differentiate between news platforms and social media intermediaries.

The MIB Actions

The MIB, through a public notice dated 16 November 2020, had required entities which are engaged in "Uploading / Streaming of News and Current Affairs through Digital Media" to furnish certain information such as details of the company, promoters, and significant beneficial owners to it within a month of the notice. The Government has also sought information of digital news portals pursuant to the IT Rules. It is possible that upon receipt of information of the stakeholders in the digital news industry, the Government will consult with them on regulations for the industry.

Our take

We can expect rounds of consultations and perhaps, more clarifications from the government to ensure all stakeholders are on the same page.

X. LITIGATIONS: MEDIA & ENTERTAINMENT

The Intellectual Property Appellate Board in [Music Broadcast Ltd. v. Tips Industries Ltd. and Ors.](#) and [Entertainment Network India \(India\) Ltd. v. Phonographic Performance Ltd. and Ors.](#) passed an order in 2020 ("IPAB Order") where it held that separate royalties are to be paid to owners of sound recordings and underlying works for the radio broadcast of musical works, sound recordings, underlying works.

The main issue leading up to the IPAB Order was concerning the issuance of licenses by owners / assignees of the copyright in lieu of the royalties towards the broadcasting of the sound recordings; and how broadcast of songs through radio trigger of dual payment of royalties, i.e. one related to the exploitation of underlying works incorporated in sound recordings and the other for exploitation of sound recording as a whole. The IPAB Order was contradicted by the DHC in January 2021 in [The Indian Performing Right Society Ltd vs. Entertainment Network \(India\) Ltd \[CS\(OS\) 666/2006\] AND Phonographic Performance Ltd & IPRS vs. Cri Events \(P\) Ltd & Ors \[CS\(OS\) 1996/2009\]](#) ("DHC Judgment"), wherein it disposed-off two long-pending disputes relating to statutory licensing of sound recording and underlying works by holding that when sound recordings are broadcasted, underlying works are not considered to be utilized independent of the sound recordings, and therefore, a separate license for broadcasting the underlying works is not required. The DHC Judgment is pending appeal.

Our Take

The contradiction between the IPAB Order and the DHC Judgment may create further ambiguity for music labels, platforms, broadcasters and copyright societies on licensing and royalty payments for utilisation of underlying works and sounds recordings in music.

Interestingly, The Tribunals Reforms (Rationalisation and Conditions of Service Ordinance), 2021 (Ordinance) has come into force from 5 April 2021. By virtue of the Ordinance, the IPAB has been abolished and its powers under the Copyright Act, 1957 now vest with the

High Court or Commercial Court. While this move appears to remove an additional layer of litigation, tribunals like IPAB provided subject matter expertise on issues which will now have to be dealt by the relevant High Court or Commercial Courts.

The DHC in [Super Cassettes Industries Ltd \("T Series"\) v. Relevant E Solutions Private Limited & Ors.](#) CS(COMM) 347/2020 ("Roposo Order") dealt with the issue of utilization of music belonging to T Series on Roposo, a short-video sharing platform. The Roposo Order went on to hold that to the extent of the availability of an extracting tool on the Roposo platform, which allowed extraction of music from one user generated content to be used and synchronized as part of another user generated content by a user, the defendants could not plead safe harbour as an intermediary.

The Roposo Order required the defendant to remove the extraction tool from its platform in absence of a license from T Series. Following this the DHC in [Tips Industries Ltd \("Tips"\) v. Glance Digital Experience Pvt. Ltd & Ors.](#) CS (COMM) 561/2020 ("Tips Order") also dealt with a similar issue of availability of music on short video platforms as part of user generated content.

The DHC did not delve into the availability of extraction tools in the Tips Order and acknowledged that the platforms are intermediaries to the extent they host user generated content.

Our Take

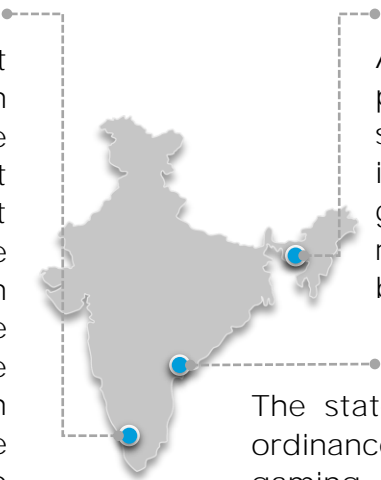
While both the matters are sub-judice, it appears that short video platforms may seek licenses from music labels to the extent music incorporated by the platform as part of its library, and to the extent that an extraction tool is made available by the platforms. For music that is merely incorporated by users as part of user generated content the DHC has followed the principle under [MySpace Inc. Vs. Super Cassettes Industries Ltd.](#) (2016) SCC Online Del 6382 and held that these platforms are mere intermediaries.

XI. GAMING

The Payout in the States

Tamil Nadu

Here, the state government introduced an ordinance in November 2020 to include online gaming within the ambit of the TN Gaming Act, 1930. It consequently banned online gambling, wagering or betting in cyberspace in TN. Various online gaming platforms have approached the Madras High Court challenging the ordinance but the court has refused to grant an interim stay on the ordinance pending final order.



Meghalaya

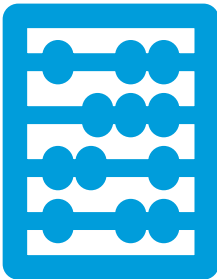
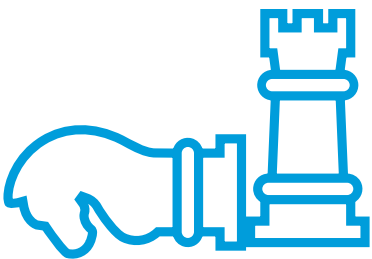
An ordinance has been promulgated in 2021 which seeks to regulate gaming, including games of skill, and gambling under a license-based regime instead of outrightly banning it.

Andhra Pradesh

The state government promulgated an ordinance in Sept 2020 to include online gaming within the ambit of the AP Gaming Act, 1974. Amendments included banning all forms of real money gaming including 'games of skill' in AP.

Developments at the NITI Aayog

The body recently introduced a draft titled "Guiding Principles for the Uniform National-Level Regulation of Online Fantasy Sports Platforms in India" ("OFSP Guidelines") to address concerns related to transparency, online fantasy sport platforms ("OFSP") operator integrity and fairness varying from state-to-state. The NITI Aayog had invited comments from the stakeholders on the draft OFSP Guidelines by 18 January 2021. The draft proposes a formal recognition of fantasy sports industry and providing for a principle-led governance to enable OFSPs to focus on innovation, scale and attract foreign direct investment.



Our take

In light of the AP Ordinance, TN Ordinance, Meghalaya Ordinance, and the OFSP Guidelines, it appears that while certain states have taken measures to ban online gaming including online fantasy gaming, the Central Government is trying to consolidate regulations governing online fantasy gaming into one code of conduct. Given this contradiction it is likely that there may be consultation between the Central and State Governments and stakeholders in the online fantasy gaming industry for clarity on the legality of online fantasy gaming in various states in India.

XII. LITIGATIONS: CONSTITUTIONALITY OF THE IT RULES 2021

Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 ("IT Rules 2021")

The IT Rules 2021 introduce several changes to the existing legal framework applicable to intermediaries and publishers of news or online curated content. The scope and validity of various aspects of the IT Rules 2021 have been challenged by various stakeholders including publishers of news, law reporters and users of social media messengers, before different courts. The outcome of these petitions will likely provide guidance with respect to how these Rules are to be interpreted. Conversely, divergent interpretations by different State High Courts could complicate issues of compliance, until the Supreme Court finally settles the position. Challenges pending before various courts by various stakeholders:

Publisher of law reports

In *Live Law Media Pvt. Ltd. and Ors. v. Union of India and Anr.*, W.P.(C) 6272 of 2021, Kerala High Court has passed an interim order directing that no coercive action be taken against Live Law, under Part III of the IT Rules 2021 (dealing with digital media), as Live Law is a publisher of law reports and legal literature.

Publisher of news and current affairs

Foundation for Independent Journalism has in, *Foundation for Independent Journalism and Ors. v. Union of India*, W.P.(C) 3125 / 2021, challenged the IT Rules 2021 to the extent it classifies and seeks to regulate publishers of news and current affairs as 'digital media' under Part III of the IT Rules 2021. Delhi High Court has directed Central Government to file a reply.



XII. LITIGATIONS: CONSTITUTIONALITY OF THE IT RULES 2021



In Sanjay Kumar Singh v. Union of India, W.P.(C) 3483 of 2021, the Petitioner has challenged the IT Rules 2021 from the perspective of a user of social media. The principal ground of challenge is that the grounds on which intermediaries can be required to remove content under the IT Rules 2021 are vague and an overbroad restriction on speech.

Further, there is excessive delegation of authority to the executive to determine whether speech is permissible, without any guidelines for the exercise of such authority. Delhi High Court has issued notice to the Central Government to respond to the petition.



A free and open source software ("FOSS") developer, has challenged the IT Rules 2021, and in particular Part II of the IT Rules 2021 (which deal with the due diligence obligations of Intermediaries) before the Kerala High Court on the grounds that the IT Rules 2021 treat proprietary software portals such as Facebook and Google on a par with FOSS applications and platforms, which are user run and not for profit (Praveen Arimbrathodiyil v Union of India & Anr. WP (C) 18084/2021). The petitioners allege that the IT Rules 2021 therefore create a false equilibrium and impose undue compliance obligations on small scale FOSS developers and communities.

The petitioners further contend that the requirement imposed by the IT Rules 2021 to moderate content will weaken end-to-end encryption, hamper data security and privacy measures taken by intermediaries and ultimately restrict the fundamental right to freedom of trade and profession under Article 19(1)(g) of the Constitution of India."



XIII. LITIGATIONS: CONTENT REGULATION CASES

The backdrop

Even prior to the introduction of the IT Rules 2021, the question of content regulation, across OTT platforms and intermediaries was at issue before various courts. While the IT Rules 2021 may address some of the pending issues to an extent, the following issues continue to remain unsettled:



Geo Blocking v. Global Takedown

In *Facebook, Inc. v. Swami Ramdev and Ors.*, FAO (OS) 212/ 2019 (Delhi High Court), the question of whether Indian Courts can direct intermediary platforms to block content on a global basis is pending in appeal before the division bench of Delhi High Court. The Single Judge Bench of the Delhi High Court directed the platforms to disable access to the impugned content on a global basis.



Making Content Unsearchable

X v. Union of India, W.P. (Crl) 1082/ 2020 (Delhi High Court)- While dealing with a case concerning the publication of a law student's social media pictures on a pornographic website, the Delhi High Court has sought assistance from Google LLC to explore the option of making the offensive content 'un-searchable'. The matter is pending.



Content Regulation of OTTs

Several cases have been filed in the Supreme Court seeking regulation of content streamed on OTT platforms (*Shashank Shekhar Jha v. Union of India*, W.P.(C) No. 1080 of 2020; *Justice for Rights Foundation v. Union of India*, SLP(C) 10937/2019). Pursuant to requests from the Central Government, the Supreme Court has transferred cases for regulation of content on OTT Platforms pending in different High Courts to the Supreme Court, and has passed orders prohibiting the relevant High Courts from hearing these cases while they are pending before the Supreme Court. (*Union of India v. Sudesh Kumar Singh and Ors.*, Transfer Petition (C) No. 100-105/2021). All these matters have been tagged together. Although the IT Rules 2021 provide for a regulatory framework with respect to content on OTT platforms, the Supreme Court has observed, in considering the grant of anticipatory bail to the India head of Amazon Prime in relation to complaints made regarding the Amazon Prime webseries, 'Tandav', that the IT Rules 2021 "...have no effective mechanism for taking action against those who violate the guidelines." in so far as the regulation of OTT content is concerned. The Central Government has undertaken to consider and "...take appropriate steps for regulation or legislation..." (*Aparna Purohit v. The State of Uttar Pradesh*, Special Leave to Appeal (Crl.) No(s). 1983/2021). It therefore appears that the Supreme Court may continue to examine the issue of regulating content on OTT platforms.

XIV. LITIGATIONS: DATA PRIVACY CASES

While the draft Personal Data Protection Bill, 2019 continues to be debated, the outcome of certain cases before Indian courts may provide guidance regarding the scope of the obligations of private parties to secure data privacy for others.

Challenges to WhatsApp's Privacy Policy

Karmanya Singh Sareen v Union of India SLP(C) No. 000804 / 2017 (Supreme Court of India) – The petitioner had originally approached the Supreme Court in 2017 challenging WhatsApp's data privacy policy, as applicable in 2016, and WhatsApp's right thereunder to share user data with Facebook. The scope of the challenge by the petitioner has now been expanded to include the new WhatsApp privacy policy, introduced in 2021. A separate challenge to WhatsApp's 2021 privacy policy has also been instituted before the Delhi High Court, seeking that the implementation of the 2021 privacy policy be enjoined, and that the Central Government be directed to prevent WhatsApp from sharing user data with any third party, including Facebook. The Central Government has informed the Delhi High Court that the issue of WhatsApp's 2021 privacy policy is being examined at a senior governmental level. (*Chaitanya Rohilla v. Union of India*, through Secretary, Ministry of Electronics and Information Technology and Ors., W.P. (C) 677/2021).

In parallel, the Competition Commission Of India ("CCI"), has on 24 March 2021, ordered a probe into WhatsApp's 2021 privacy policy, alleging that the "excessive" data collection and targeted advertising allowed under the 2021 privacy policy may amount to the abuse of a dominant market position or anti-competitive practices. WhatsApp has approached the High Court of Delhi seeking that the order dated 24 March 2021 initiating the investigation by the CCI be quashed (*Whatsapp LLC v Competition Commission Of India & Anr.* WP(C) 4378/2021). The High Court of Delhi has reserved orders in this matter, and a judgment is awaited.

Data Privacy of Students

Anupam and Ors. v. University of Delhi, through its Registrar, and Ors., W.P.(C) 3946/2020 (Delhi High Court)- This is a Writ Petition regarding the data privacy of students who appeared for the online Open Book Exams conducted by Delhi University. The Delhi High Court has directed Delhi University to file an affidavit regarding whether the University has a privacy policy, in respect of the data which has been collected.

CONTRIBUTORS



Supratim Chakraborty, Kolkata
Data Privacy & Protection
supratim.chakraborty@khaitanco.com



Anushka Sharda, New Delhi
Dispute Resolution
anushka.sharda@khaitanco.com



Sarthak Sarin, New Delhi
Corporate and Commercial
sarthak.sarin@khaitanco.com



Harsh Walia, New Delhi
Technology, Media &
Telecommunications
harsh.walia@khaitanco.com



Tanu Banerjee, Mumbai
Media, Entertainment &
Technology
tanu.banerjee@khaitanco.com

This document provides some basic information pertaining to the issues and should not be construed as a legal opinion or legal advice. It may neither be relied upon by any person for any purpose, nor is it to be quoted or referred to in any public document or shown to, or filed with any government authority, agency or other official body.

Bengaluru	Kolkata	Mumbai	New Delhi	Noida
Embassy Quest, 3 rd Floor 45/1 Magrath Road Bengaluru 560 025 India	Emerald House 1B Old Post Office Street Kolkata 700 001 India	One World Center 10 th & 13 th Floors, Tower 1C 841 Senapati Bapat Marg Mumbai 400 013, India	Ashoka Estate 11 th Floor, 1105 & 1106 24 Barakhamba Road New Delhi 110 001, India	Max Towers, 7 th & 8 th Floors Sector 16B, Noida Uttar Pradesh 201 301 India
T: +91 80 4339 7000 F: +91 80 2559 7452 E: bengaluru@khaitanco.com	T: +91 33 2248 7000 F: +91 33 2248 7656 E: kolkata@khaitanco.com	T: +91 22 6636 5000 F: +91 22 6636 5050 E: mumbai@khaitanco.com	T: +91 11 4151 5454 F: +91 11 4151 5318 E: delhi@khaitanco.com	T: +91 120 479 1000 F: +91 120 474 2000 E: delhi@khaitanco.com