

ISSN :2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 6

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 6 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

INTERNATIONAL JOURNAL
FOR LEGAL RESEARCH & ANALYSIS

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board

ANALYSIS



Dr. Namita Jain

Head & Associate Professor



School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



INTERNATIONAL JOURNAL

Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench.

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN

2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

A large, semi-transparent watermark of the IJLRA logo is centered on the page. The logo features a stylized emblem at the top, followed by the acronym 'IJLRA' in a bold, sans-serif font, and the full journal title 'INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS' in a smaller, all-caps font below it.

IJLRA
INTERNATIONAL JOURNAL
FOR LEGAL RESEARCH & ANALYSIS

PRIVACY IN DIGITAL WORLD: A STUDY ON KOO APPLICATION

Authored By : Ms. Utsa Nath
Lecturer, Department Of Commerce
St. Xavier's College (Autonomous), Kolkata

CO- Authored By : Mr. Debarghya Bhattacharya
Assistant Professor, Department Of Law
Kristu Jayanti College Of Law, Bengaluru

Introduction

The utmost significant device for a nation is to establish the concept of welfare to achieve prerogatives of welfare state. In today's digital world, security related to privacy in cyber space is of great concern. It falls under the obligations of the government to check whether any activity by intermediaries is infringing the privacy rights of any citizens or not. In India, Right to Privacy is part and parcel of Article 21 of Constitution. With the advent of microblogging and social services, the idea of privacy and cyberspace security has been merged. Protection of personal data of users of such services is required to assure their right to privacy.

Recently our homegrown application KOO app, which is an alternative to Twitter have fairly earned popularity in the household of India. The *Atmanirbhar Bharat App* challenge winner of 2020, KOO, have grabbed the attention of the Indian users by providing the feature of local languages in the app and also have taken the proper opportunity of the present ongoing legal war between the government and twitter, for its prominent growth in the country. The KOO is available both for IOS and Android clients, and provide its users a limitation of 400 characters to post, which is more than twitter, as the creators believe that one need more characters to express in the local language.ⁱ Interestingly, the application was launched in 2020 but came into the spotlight due to the ongoing dispute between the government and twitter, India's former electronics and information technology Minister, Shri Ravi Shankar Prasad also joined the app and stated that he had around 500,000 followers already in the app.ⁱⁱ

Nevertheless, we know that whenever a new application is released, the foremost thing that the creators must focus on is the data privacy of the users, as in India even if we have been offered some protection by the Information Technology Act, 2000 (IT Act) which provides compensation to

the victim against any unlawful disclosure of the personal information and also the Constitution of India have included the right to privacy under the sphere of Article 21 but still, India have not yet sanctioned any pending data protection bills, due to this drawback we have witnessed several cases in connection to leakage of personal data of the public. As in the present scenario, KOO is making effort to expand its reach as compared to twitter which has 199 million users globally, but recently in February 2021 some claims have been raised by a French cybersecurity researcher in related to the privacy concerns of the KOO app, which automatically creates a gloomy situation about the extent of the security provided to the user's private data by the application.

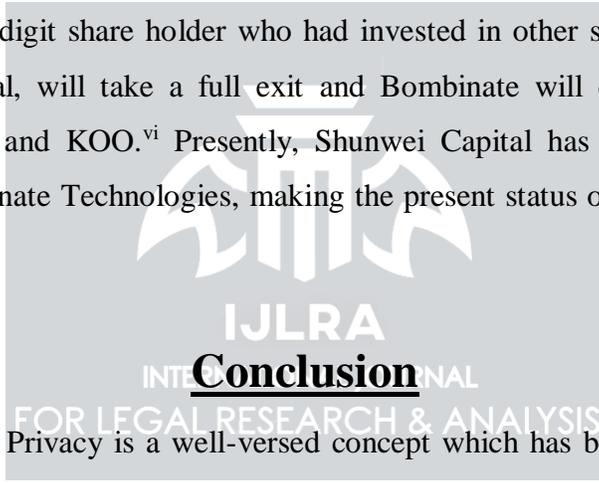
Is Koo App Leaking Data?

As stated earlier, KOO is our own Atmanirbhar microblogging platform which is presently available in English as well as local languages which is Hindi, Kananda, Tamil, Telegu, Marathi, Bangla and Assamese, apart from these in future it is also planning to add 10 more Indian languages. As this yellow bird logo app giving a tough competition to the blue bird in the Indian market, with more than 6 million users, it is also attracting the scrutiny related to the safety of the consumer's data.

The French cybersecurity researcher, Robert Baptiste expressed his dissatisfaction related to the safety precautions of the app and claims a overflowing of user's sensitive data by the app. The researcher who is popularly known as Elliot Anderson in Twitter has also made headlines before by highlighting numerous susceptibilities in the Aadhaar card system. Baptiste took twitter to explain the loopholes of KOO, stating that it is disclosing the personal data of the users which includes name, date of birth, gender, marital status, email which is a set of personal data known as personally identifiable information (PII), this information can be used for identity thefts and then using it for banking security process leading to financial fraud. Automatically, the claim directly raises concern regarding the possibility of the leakage of data of not the million users of the app but also the various governmental wings using this platform, which may lead to the threat towards the national security as well. The claim of the data leakage has been immediately cross verified by the independent cybersecurity researcher, Rajshekhar Rajaharia who actually discovered the existence of the fault in KOO's API (application programming interface) system which were occurring a leakage of the user's personal data. The company within hours of such discovery have made correction to such errors and ensured the security of the data.ⁱⁱⁱ

However, on contrary the founders of the KOO, Mayank Bidawatka and Aprameya Radhakrishna specified these claims as invalid and also mentioned that the users are sharing the data voluntarily to everyone. It is also further clarified by Radhakrishna, that the public access of the user's email has been now blocked by the company.^{iv} But the French researcher tweeted again by sharing some screenshots of an IAS officer in KOO and pointed out that the user has not mentioned his marital status on the app, but still Robert has the information of the same.^v

In the meantime, some allegations have also been made of some Chinese investment link to the app. The Chinese company named Shunwei, which also had a connection to Xiaomi, had made some earlier investments on the application, but it is cleared that presently the app is registered under Bombinate Technologies, which is the parent company of KOO and the Whois record for domain Kooapp.com which shows the app is registered in China have been created three years and nine months ago and since then there have been a lot of changes. According to the founder of the app, Shunwei is a single digit share holder who had invested in other startups made by the KOO founders known as Vokal, will take a full exit and Bombinate will continue to be the parent company of both Vokal and KOO.^{vi} Presently, Shunwei Capital has completely taken exit by selling its stake to Bombinate Technologies, making the present status of the application as purely *Made in India*.



Conclusion

The principle of Right to Privacy is a well-versed concept which has been uniformly accepted as part of the ambit of human rights of every individual. Article 12 of UDHR (Universal Declaration of Human Rights), clearly states that the privacy of each individual shall be protected under law. The Constitution of India under Article 21 provides that no person shall be deprived of his or her life or personal liberty. The right to life enshrined in Indian Constitution has been liberally interpreted to mean something more than mere survival or existence. Keeping these things in mind, the privacy security related to the personal information and posts of the users in social media networking sites is matter of great concern. The cyber security does falls under the ambit of privacy and its facets in a wide range and protecting such specific right is necessary for the government to initiate the concept welfarism in its administrative and legislative procedures.

Moreover, Section 43A of the IT Act, it has been laid down that all corporate bodies and intermediaries, who possess, handle of collect any sensitive personal data shall maintain security practices which are reasonable. But the Parliamentary Standing Committee on Information

Technology in its 52nd Report (2013-2014) on Cyber Crime, Cyber Security and Right to Privacy were unhappy of the fact that the government is yet to institute a legal framework for Privacy.^{vii} The Government of India thus constituted a committee to propose a draft statute on data protection. Personal Data Protection Bill, 2019 was proposed on the basis of such draft statute. But the Bill has not been taken a form of codified statute yet making the personal data of the users of social media intermediaries vulnerable.

The KOO application is surely a strong step towards creating a healthy self-dependent economy in today's digital world. But welfare of the state is always signified on the basis of how one government is guaranteeing its citizens all the fundamental rights. In today's electronic world the ambit and scope of right to privacy has spread into a new horizon which can only be measured with strong sets of organized legislation.



ⁱ*Koo vs Twitter: How Atmanirbhar social media app different from microblogging website*, available at www.indiatoday.in/technology/news/story/koo-vs-twitter-how-atmanirbhar-social-media-app-different-from-microblogging-website-1768101-2021-02-11 (last visited on July 20, 2021)

ⁱⁱ*Koo v Twitter: Why India's government is favouring a social media newcomer* available at www.bbc.com/news/world-asia-india-56037901 (last visited July 20, 2021)

ⁱⁱⁱ*All That's Right And Wrong With Koo, India's Swadeshi Twitter* available at <https://inc42.com/buzz/all-thats-right-and-wrong-with-koo-indias-swadeshi-twitter/> (last visited July 20, 2021)

^{iv}*Koo founders say user data is secure on their app after hacker posts about leak on Twitter* available at <https://theprint.in/tech/koo-founders-say-user-data-is-secure-on-their-app-after-hacker-posts-about-leak-on-twitter/603124/> (last visited July 20, 2021)

^v*French cyber expert shows data leak on Koo app, company denies any breach* available at <https://www.deccanherald.com/specials/french-cyber-expert-shows-data-leak-on-koo-app-company-denies-any-breach-949976.html> (last visited July 20, 2021)

^{vi}*Privacy concerns, Chinese connection surface as Koo app sees surge in downloads; company responds*, available at <https://www.freepressjournal.in/india/privacy-concerns-chinese-connection-surfaces-as-koo-app-sees-surge-in-download-company-responds> (last visited July 20, 2021)

^{vii}*A Study Of Indian Law On Protection Of Right To Privacy In The Cyber World* available at <https://www.legalserviceindia.com/legal/article-3763-a-study-of-indian-law-on-protection-of-right-to-privacy-in-the-cyber-world.html> (last visited July 23, 2021)