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Title: Need for a new comprehensive data protection and privacy law.

SHRI BAIJAYANT JAY PANDA (KENDRAPARA): As India makes a great leap into the digital era, the issue of privacy and data protection takes on enormous importance. We have recently heard my colleague from a neighbouring State talk about cyber crime, which is one aspect of the problem but the problem goes far beyond that.

A lot of information about all of us is already out there because we voluntarily give information to social media, and Apps. We have heard about banking transactions, loss of identity or theft of identity. These are serious problems.

Today the issue has come to the fore because of this major programme called Aadhar. As you are aware, the Supreme Court is hearing a Public Interest Litigation on the issue of privacy, following which they will also continue to hear a PIL regarding where Aadhar can or cannot be applied. This issue goes far beyond Aadhar because privacy and data protection are issues that are going on for at least a decade or more than that. Aadhar has brought tremendous benefits to the country. It does not have to be 'either' 'or' – it is not that you have to choose either Aadhar or privacy and data protection. I have separately moved a Private Member's Bill. I just want to have your indulgence for a couple of minutes to raise this very important issue.

Aadhar has made possible tremendous savings in corruption and leakage of Government programmes. We have seen that with the use of e-KYC – Know Your Customer – Aadhar led to almost 45 million bank accounts for the underprivileged mostly and JAM– Jan Dhan-Aadhar Mobile - Trinity is making a phenomenal change in the way governance is delivered to the people of India. It also makes possible micro ATMs, makes possible portable point of sale devices, provide banking to remote villages where physical bank branches cannot be set up. The digital transactions through micro ATMs has increased 26 times as a result of this and about 33 per cent of Direct Benefit Transfer is already happening from Government to individual through these means. But the concern for privacy and data protection is a serious concern; it is not just about Aadhar, it is about the entire gamut of the digital universe into which we are making this big leap.

Our laws and Acts are very outdated. We have the Indian Telegraphs Act which is in place since 1885. Even the Information Technology Act is in place since 2000; and the rules are from 2011 and many experts are saying that it is inadequate and that needs to be updated.

In my opinion, there is a right to privacy – whether it is fundamental or not, the Supreme Court is hearing but it is inferred from constitutional guarantees in articles 19 and 21(2) on life and dignity. Can the right to privacy be absolute? In a modern world it is not possible because we have already agreed, Madam, that we have CCTVs all over the cities. We have airport security. The modern versions of these have biometric capacities. Already CCTV can take facial recognition and identify the person. We have voluntarily agreed. We cannot live in the 21st century without having these things in place.

We need to regulate what we are conceding. So, there must be a right to privacy with very narrowly defined exceptions. I want to cite one exception as an example for everybody to understand and I will conclude, Madam. Take for example, snooping and surveillance. We as a civilized democratic society, cannot have wanton random surveillance of citizens but there is a national security priority because there are terrorist threats to the country. I will give an example. Should authorities have the ability to start surveillance or wiretapping any individual without any cause? Of course, not. But should they have the ability to have a surveillance of metadata of all the communications that are happening through computer algorithms, for example, to find out if there is a use of the word, RDX. And if a particular individual or a particular address is very frequently using the term, RDX, then, perhaps the authorities with proper authorization and checks and balances can then start having wiretapping and surveillance where the word RDX is being inordinately used. This is an example of how you can have a balance between privacy ...(*Interruptions*)

SHRI MOHAMMAD SALIM (RAIGANJ): We will have a debate....(*Interruptions*)

HON. SPEAKER: What do you want?

SHRI MOHAMMAD SALIM: We want an elaborate discussion on this.

SHRI BAIJAYANT JAY PANDA: I agree, Madam, if you will permit. This is a very critical issue. We must have a full-fledged discussion.

HON. SPEAKER: I have no objection. You can give a notice for that.

...(*Interruptions*)

HON. SPEAKER: You can associate. You demand for a discussion and we will have it.

...(*Interruptions*)

HON. SPEAKER:

Shri Shivkumar Udasi,

Shri Nishikant Dubey,

Dr. Satya Pal Singh,

Shri Uday Pratap Singh,

Shrimati Kothapalli Geetha,

Shri George Baker,

Adv. Joice George,

Mohammed Faizal,

Shri Dushyant Chautala and

Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Shri Baijayant Jay Panda.

SHRI P. KARUNAKARAN (KASARGOD): Madam, Shri M.B. Rajesh has given a notice for an Adjournment Motion. The Government should respond to it. ...(*Interruptions*)