



Mains Marathon

Day 8: Do you think that the Government programme of digital India and the protection of the right to privacy of the citizens can go together. Justify your arguments? (250 Words)

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Approach / Explanation / Answer

- Briefly introduce Digital India Programme.
- Discuss the issues of Digital India Programme related to the right to privacy of the citizens.
- Measures taken by Government related to Data protection in order to make digital India programme in consonance with right to privacy.
- Conclude by suggesting a way forward.

Answer

Digital India is a flagship programme of the Government of India with a vision to transform India into a digitally empowered society and knowledge economy. The programme has three vision areas: Digital infrastructure as a core utility to every citizen, E-governance and services on demand, Digital empowerment of citizens. The Supreme Court maintained the right to privacy as a fundamental right under Article 21 in the landmark decision of K.S. Puttaswamy v. Union of India 2017.

Issues with the Digital India Programme:

- **Leaking Jan Dhan-Aadhaar-Mobile (JAM):** More than 300 welfare schemes have used this mode of delivery. Thousands of crores of Rupees meant for poor, marginal farmers under the PM Kisan Samman Nidhi Scheme (PM-KISAN) have been fraudulently transferred to ineligible persons across India by misusing Aadhaar numbers. More than Rs 4,350 crore has been transferred to ineligible citizens.
- **No Data Protection Law:** India still does not have a law to protect and safeguard the personal data of its citizens. This is despite a historic Supreme Court judgment in 2017 upholding the right to privacy as a fundamental right.
- **Treating Citizens Data as Public Good:** Government wishes to treat citizen data as a public good as opposed to a private good, and which can be monetised or exploited in whichever way the state thinks suitable as long as there is no breach of our data. The Justice Srikrishna Committee that drafted the Bill also describes it as working towards a “free and fair digital economy”, as does the 2019 Economic Survey of India, which makes a spirited case for using the private data of citizens as a public commodity.
- **International Data Surveillance:** International data surveillance is also worrying for national security concerns. The raising surveillance capitalism is a cause of worry on the economic front.

Initiatives in India related to protection of privacy:

- **Information Technology Act, 2000:** It provides for safeguarding against certain breaches in relation to data from computer systems. It contains provisions to prevent the unauthorized use of computers, computer systems and data stored therein.
- **Personal Data Protection Bill 2019:** Personal Data Protection Bill, 2019 is to provide for protection of privacy of individuals relating to their Personal Data and to establish a Data Protection Authority of India for the said purposes and the matters concerning the personal data of an individual.
- **National Data Governance Framework Policy' (NDGF)** proposes the launch of an India Datasets programme to manage the "safe availability" of non-personal data from government and private entities for the use of researchers and innovators, and also for the acceleration of digital governance. The NDGFP draft states that its standards and rules will ensure data security and information privacy, but doesn't state in detail how the government plans to safeguard data privacy.

In this digital age, data is a valuable resource that should not be left unregulated. It is the right time for India to have a robust data protection regime. Personal Data Protection Bill, 2019 needs to be reformulated to ensure that it focuses on user rights with an emphasis on user privacy. A privacy commission would have to be established to enforce these rights. The government would also have to respect the privacy of the citizens while strengthening the Digital India Programme. Additionally, the technological leaps made in the last two to three years also need to be addressed knowing that they have the capacity of turning the law redundant.

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