

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 503**

TO BE ANSWERED ON THE 19th DECEMBER, 2017 /AGRAHAYANA 28, 1939 (SAKA)

PRIVACY OF CITIZENS

**503. DR. KIRIT SOMAIYA:
SHRI M. RAJA MOHAN REDDY:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware about the random breach of privacy of the citizens in the country through gathering individual information by private organizations and if so, the details thereof;

(b) whether there is no appropriate law in the country to protect individual privacy and if so, the reaction of the Government in this regard;

(c) whether the Government will constitute an expert committee to define what should be included under the right of privacy so that an appropriate law can be enacted and if so, the details thereof;

(d) whether it is not necessary to prevent private organizations from accessing the information of an individual without his consent;

(e) if so, the reaction of the Government in this regard; and

(f) the reaction of the Government on the verdict pronounced unanimously by the nine-judge bench of the Supreme Court on privacy as a fundamental right?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a) to (f): Madam, The Information Technology Act, 2000 has been enacted to promote efficient delivery of Government services by means of reliable

electronic records, legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication. Section 43, Section 43A, Section 72 and Section 72A of the Information Technology Act, 2000 provides for privacy and security of data in digital form.

Ministry of Electronics and Information Technology has set up a Committee of Expert under the Chairmanship of Justice (Retd.) B N Srikrishna to work out a Data Protection Bill. The Mandate of the Expert Committee is to study various issues relating to data protection in India and make specific suggestions on principles to be considered for data protection in India. The Committee has prepared a White Paper on “Data Protection Framework for India”, which has been published on Ministry of Electronics & Information Technology website (<http://www.meity.gov.in/white-paper-data-protection-framework-india-public-comments-invited>) soliciting public comments by 31.12.2017 on all issues related to protection of personal data.

The Government welcomes the judgement pronounced by Hon'ble Supreme Court in the “Privacy Case”, upholding the Right to Privacy as one protected by Article 21 of the Constitution of India. The Government has been ensuring the necessary safeguards in its legislative proposals, which had been approved by Parliament.

The judgement of the Hon'ble Supreme Court strengthens the Fundamental Rights and personal liberty, and recognises that personal liberty is not an absolute right but liable to the restrictions provided in the Constitution which will be examined on a case to case basis. The Government is of the view that its legislations are compliant with the tests laid down in the judgement. The Government is also committed to maintain a careful and sensitive balance between individual interests and legitimate concerns of the State.
