

1. The world has a greater need to gather and access personal information to provide Public Services and Security. Do you agree that digital encryption and mass surveillance can go hand in hand with right to privacy in India? Analyze.

Answer:

- Article 21 of the Constitution guards the right to privacy as a Fundamental Right. We do not have an explicit Act in this regard, but Section 43A of the IT Act, 2000, along with the IT Rules, 2011, protects data privacy in India.
- Data and access of Personal information is very much important to provide social sector schemes and also protects it from the non-state actors for personal and major national security threats, particularly from international terrorism, the proliferation of weapons of mass destruction, cyber warfare and espionage. Debates around government surveillance and access to encrypted communications and mass surveillance are growing louder in the shadow of terror attacks in Paris and US's PRISM project.
- Mass surveillance in India includes Surveillance, Telephone tapping, Open-source intelligence, Lawful interception, surveillance under Indian Telegraph Act, 1885, etc. India has been using many mass surveillance projects for many years. These include the following: Central Monitoring System Project, DRDO Netra and Lawful Intercept and Monitoring Project.
- The proposed National Cyber Coordination Centre (NCCC) is a proposed cyber security and e-surveillance project of India. It aims at screening communication metadata and coordinate the intelligence gathering activities of other agencies. In the absence of any legal framework and parliamentary oversight, the NCCC could encroach upon Indian citizens' privacy and civil-liberties.
- The current program creates potential risks to public trust, personal privacy and civil liberty. In some cases, the government will have a national security justification for access to such metadata, which should be held; instead either by private providers or by a private third party, and which should be available only after an appropriate order by a court.
- Public officials should not have access to otherwise private information (such as bank records, credit card records, phone records and Internet data) from third parties (such as banks, credit card companies, telephone companies and Internet providers) without a court order. This will protect the mass surveillance with proper encryption of data.
- Many Internet-freedom activists and security engineers have told the public to trust math—encryption—not politics or law to protect their privacy. We need more transparency in the system. Indians should be assured that their government will respect their privacy. If the government incidentally captures communications of Indians when they are communicating with non-Indians, it should not be permitted to use those communications in any proceeding against the Indian citizen.
- The government should affirm that such surveillance must never be directed at illegitimate ends, such as the theft of trade secrets or obtaining commercial gain for domestic industries.
- Substantial steps must be taken to safeguard Internet freedom. India should support international norms or agreements to increase confidence in the security of online communications.

- We should make it clear that the India will not in any way subvert, undermine, weaken or make vulnerable generally available commercial encryption. To this end, India should support efforts to encourage the greater use of encryption technology for data in transit, at rest, in the cloud and in storage for mass surveillance subject to privacy of Indian citizens.
- Encryption is a category of mathematical operations in which one string, a key, is used to transform another, the plain text, in an encoded version according to a specific algorithm. Once the text is transformed, reversing the transformation without a key takes tens or hundreds of orders of magnitude longer than the encryption did. This will protect the data from ill uses.

PRACTICE QUESTIONS

Answer the following Questions

1. Growing awareness about terminal as well as mental illness has given credence to the idea of "living wills". What is a living will? Discuss the ethical issues to be considered from an individual as well as social perspective to formulate and implement it. (150 words)
2. In order to improve the bureaucratic work culture and productivity, there is a need to downsize government and privatize some of the services. Critically discuss with examples. (150 words)