

The Digital Personal Data Protection Bill, 2023 ? introduced

THE MINISTER OF RAILWAYS; MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI ASHWINI VAISHNAW): Sir, I beg to move for leave to introduce a Bill to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto.

? (*Interruptions*)

HON. CHAIRPERSON: Motion moved:

?That leave be granted to introduce a Bill to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto.?

? (*Interruptions*)

माननीय सभापति: श्री असादुद्दीन ओवैसी जी ।

?(व्यवधान)

माननीय सभापति: माननीय सदस्यगण, अभी कितना अच्छा लग रहा था, हाउस ठीक से चल रहा था ।

?(व्यवधान)

SHRI ASADUDDIN OWAISI (HYDERABAD): Sir, I want to oppose this Bill on four points. ? (*Interruptions*)...

It is a violation on the right to privacy. Secondly, it amends the RTI. It is again violation of freedom of speech on religion. ? (*Interruptions*)? RTI is part of Article 19. ? (*Interruptions*)? Thirdly, it empowers the Government to access people?s private data and this is likely to create a surveillance state. ? (*Interruptions*)? Fourthly, it is anti-women because only one in three women have ever used internet. ? (*Interruptions*)? This is what National Family Health Survey-5 has said because it creates a Data Protection Board which will be digital in design to take complaints? (*Interruptions*)?

माननीय सभापति: माननीय सदस्यगण, आप सबको बोलने का अवसर दिया जाएगा । अभी कृपया इनको सुनिए ।

?(व्यवधान)

SHRI ASADUDDIN OWAISI: On these four points, I oppose the introduction of the Bill and I want a division. ? (*Interruptions*). Please allow a division. ? (*Interruptions*)? Sir, it is my right ? (*Interruptions*)?I want a division. ?

(Interruptions)? I am telling you on record. ? (Interruptions)? Sir, I want a division on this Bill ? (Interruptions)

माननीय सभापति: अभी इनकी बात पूरी हो जाने दीजिए।

?(व्यवधान)

माननीय सभापति: श्री गौरव गोगोई जी।

?(व्यवधान)

श्री गौरव गोगोई (कलियाबोर): सर, इस बिल को आप स्टैंडिंग कमेटी में भेजिए। It is a Bill which impinges on the fundamental rights as per the Puttaswamy judgement on the right to privacy. ? (Interruptions)? It should be sent to the Standing Committee. ? (Interruptions)

माननीय सभापति: श्री सौगत राय जी।

PROF. SOUGATA RAY (DUM DUM): Sir, under Rule 72(1), I beg to oppose the introduction of the Digital Personal Data Protection Bill, 2023. ? (Interruptions).. This is a cumbersome Bill, and very different from the original Bill which was sent to the Standing Committee ? (Interruptions)..

The Chairperson of the Standing Committee and the Minister have changed the Bill altogether. ? (Interruptions) सर, एक मिनट सुन लीजिए ? (व्यवधान) I want this Bill to be again sent to the Standing Committee for a total ? (Interruptions)

SHRI MANISH TEWARI (ANANDPUR SAHIB): Mr. Chairman, Sir, under Rule 72(2) of the Rules of Procedure and Conduct of Business in Lok Sabha, I hereby rise to oppose the introduction of the Bill. I oppose it on three counts.

First of all, a Bill which was considered by the Joint Parliament Committee, came back to the House and was withdrawn by the Government. It was re-introduced. It cannot be introduced as a finance Bill.

Secondly, it is a Bill which requires serious reconsideration by a Joint Parliamentary Committee for the simple reasons that it is in complete contradiction to the fundamental right of privacy upheld by the Supreme Court in the Puttaswamy judgement.

Thirdly, this Bill cleaves the entire digital universe into two parts. The Bill will apply with full force to all non-Governmental organisations and the entire Government universe is going to be exempt from it. Therefore, the fundamental right to privacy laid down by the Supreme Court in the Puttaswamy judgement stands assaulted by the provisions of this Bill. Therefore, I oppose this Bill. ? (Interruptions)

SHRIMATI SUPRIYA SADANAND SULE (BARAMATI): Sir, under Rule 72(2) of the Rules of Procedure and Conduct of Business in Lok Sabha, I stand here to oppose the Bill on two small points. I will not repeat any point.

First, there is excessive centralisation of all the data. Everything will be controlled. It is a complete insult and it is hurting the spirit of the federal structure of the Government of India.

Secondly, even the right to information is diluted. As Manish *ji* rightly said, the Government of India will be completely protected; others will be complexly exposed.

Thirdly, there is a penalty clause. From Rs.500 crore, it has been brought down to Rs.250 crore. What is the meaning? Even a small NGO tomorrow can challenge it. It is Rs.250 crore for a big industrial house which is ridiculous. There is no compensation. There is penalty. But what about a victim? There is no clarity on compensation. Right to privacy is completely evaded. So, anybody can have our data. There is no privacy. So, I would request the Minister to kindly reconsider and send it to a Joint Parliamentary Committee. ? (*Interruptions*)

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I strongly oppose the Digital Personal Data Protection Bill, 2023. ? (*Interruptions*) I would like to make a submission ? yesterday also this matter was raised in the House ? regarding Rule 72(2). It is not only the legislative competence; any matter can be opposed. Rule 72(1) is a general clause and proviso is saying that to have a full-fledged debate in the House, legislative competence is to be there. But as far as opposing on any ground is concerned, I can oppose the Bill.

So, the first ground is the basic, fundamental human right, that is being accepted as a fundamental right by nine Judge Constitution Bench of the Supreme Court in respect of Puttaswamy case, is being taken away. So, it is totally violating the basic, fundamental human rights of the citizens of the country.

Secondly, day before yesterday, the Standing Committee on Communications and Information Technology has submitted a report on the floor of this House. In that, so many recommendations are there. Without looking into the recommendation of the Standing Committee, coming with a new Bill is not fair and proper on the part of the Minister to introduce the Bill. So, I strongly urge that those recommendations may be taken up so as to respect the Parliamentary Committee. With these objections, I oppose the Bill.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, I rise to vehemently oppose the Bill under Rule 72 of the Rules of Procedure and Conduct of Business in Lok Sabha. The issue is that through this Bill, the Government is going to trample upon the Right to Information Act and right to privacy. So, we are vehemently opposing these kinds of sinister motives being displayed by this Government. The Bill by amending the Right to Information Act wants to introduce an era of corruption because new personal data like assets and liabilities, educational qualification of corrupt Government functionaries cannot be asked for under RTI.

Secondly, the Bill does not provide for compensation to an individual whose personal data has been compromised or who has suffered loss due to theft of personal data.

Thirdly, as has been referred to by other esteemed Members, the Digital Personal Data Protection Bill, 2023 violates the Fundamental Right to Privacy, as laid down in the Puttaswamy case, since the present Bill does not

restrict the Government to use and process personal data. Therefore, I will suggest to the Government that they should send this Bill for further deliberation and for wide discussion among all sections of the population. That is why, right now, the time is not opportune for the introduction of this Bill. It is better that the Government should send the Bill to the Standing Committee, or Joint Committee, or any other forum for having a threadbare discussion with regard to this very important Bill.

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Hon. Chairperson, Sir, thank you very much. ?
(Interruptions)

As the former Chairperson of the Standing Committee, ? (Interruptions)

let me say that this is a matter that we have repeatedly requested the hon. Minister to take the Committee into confidence. It is a matter of disappointment that to the best of my knowledge the Committee has not been asked to study this Bill which, as has been pointed out, has been repeatedly modified by the Government and is brought in its third iteration to this House in this condition.

Given the vast number of objections you have heard, Mr. Chairperson, I would urge that the Bill be sent to the Standing Committee for a proper examination as a new Bill because the three different versions do not match, and they have been done without consultation with the Committee whose mandate it is. Thank you, Sir.

माननीय सभापति: माननीय मंत्री जी, क्या आप कुछ कहना चाहेंगे?

? (व्यवधान)

माननीय सभापति: माननीय सदस्या, प्लीज आप बैठ जाइए। You did not give any notice.

? (व्यवधान)

माननीय सभापति: माननीय सदस्या, प्लीज बैठिए। प्रो. सौगत राय जी ने अपनी बात कह दी है।

? (व्यवधान)

श्री अश्वनी वैष्णव: महोदय, किसी भी माननीय सदस्य ने लेजिस्लेटिव कॉम्पिटेंस के बारे में प्रश्न नहीं उठाया है। प्रश्न उठाया गया है कि क्या यह फाइनेंस बिल है, क्या यह मनी बिल है या फिर जनरल बिल है? (व्यवधान) माननीय मनीष तिवारी जी ने अभी कहा था। मैं स्पष्ट तरीके से सदन और आपके समक्ष अपनी बात रखना चाहूंगा कि यह एक जनरल बिल है, यह मनी बिल नहीं है। इसके ऊपर डीटेल में डिस्कशन होगा। अभी सभी माननीय सदस्यों ने इसके ऊपर जो भी पाइंट्स उठाए हैं, चाहे वह पुट्टुस्वामी जजमेंट से संबंधित है, चाहे कम्पेनसेशन से संबंधित हो? (व्यवधान)

श्री अघीर रंजन चौधरी : महोदय, हम चाहते हैं कि इसको वापस लिया जाए।? (व्यवधान)

माननीय सभापति: माननीय सदस्य, आपने अपनी रख दी है। प्लीज बैठ जाइए। आपने अपना विषय रख दिया है।

? (व्यवधान)

HON. CHAIRPERSON: Now, let the House decide it. Please sit down.

? (Interruptions)

श्री अश्वनी वैष्णव: महोदय, जो आरोप लगाया गया है कि दो अलग-अलग व्यवस्था बनी है?(व्यवधान) सभापति महोदय, हर एक विषय पर डिटेल् में डिबेट करने के लिए सरकार तैयार है। मैं आपसे अनुरोध करूंगा कि इस बिल को इंट्रोज़्यूस करने की परमीशन दी जाए।?(व्यवधान)

14.17 hrs

At this stage, Shri Adhir Ranjan Chowdhury, Shri N.K. Premachandran, Shrimati Supriya Sadanand Sule, Shri Rajiv Ranjan Singh 'Lalan' and some other hon. Members left the House.

माननीय सभापति: प्रश्न यह है:

?कि डिजिटल वैयक्तिक डाटा का, ऐसी रीति में प्रक्रमण करने, जो व्यष्टिकों के उनके वैयक्तिक डाटा का संरक्षण करने के अधिकार और विधिपूर्ण प्रयोजनों के लिए ऐसे वैयक्तिक डाटा के प्रक्रमण, दोनों की आवश्यकता को मान्यता प्रदान करता है और उससे संबद्ध या आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए।?

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प्रस्ताव स्वीकृत हुआ।

SHRI ASHWINI VAISHNAW: Sir, I introduce** the Bill.

14.18 hrs