

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 3877
TO BE ANSWERED ON 17.07.2019

DELAY IN ENACTING DATA PROTECTION LAW

3877 DR. SUKANTA MAJUMDAR:
SHRI RAJA AMARESHWARA NAIK:
SHRI VINOD KUMAR SONKAR:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it has taken more than a decade for the Government to draft a law on data protection and privacy and if so, the reasons therefor;
- (b) whether the issue of data protection and privacy kept on shifting from one ministry to another in the past decade and if so, the reasons thereof;
- (a) the major recommendations of the committee constituted by the Government to strengthen data protection regime in the country; and
- (b) whether the said recommendations are in consonance with the supreme court's judgment in Aadhar case and if so, the details thereof and if not the reaction of the Government thereto?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) and (b): Issue of privacy and data protection has been dealt with by MeitY. The IT Act SPDI Rules-2011 has specific provisions on protecting privacy of the individual. The planning commission in 2012 constituted a group of experts on privacy chaired by Justice AP Shah former Chief Justice, High Court of Delhi. Subsequently a case was filed in the Supreme Court on Aadhaar by Justice (Retd.) K.S Puttaswamy. In July 2017 the government constituted a committee of experts to bring out a data protection framework for India that was chaired by Justice (Rtd.) B.N Srikrishna. In August 2017 the nine judge bench of Hon'ble Supreme Court gave its verdict on privacy in the Puttaswamy case laying down that privacy is a fundamental right under article 21 of the constitution. In July 2018 the Justice Srikrishna committee submitted its report along with the draft of the personal data protection bill.

(c): The report of the committee along with the draft of the PDP bill is available at <https://www.meity.gov.in/data-protection-framework>.

(d): During the proceedings in above cited case Hon'ble Court took note of the constitution of the committee of experts to bring out the data protection framework. The committee also studied the observations of the Hon'ble Court in the privacy judgement and ensured that its report is in consonance with the Supreme Court's judgement.

