

E-Surveillance Policy Of India Is Needed



By
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[E-Surveillance in India](#) is rampant that also without any Constitutionally Sound Legal Framework and parliamentary Oversight. The issues of [E-Surveillance](#), [Civil Liberties Protection in Cyberspace](#) and [Conflict of Laws](#) have further complicated the scenario. Recently United Nations (UN) Third Committee approved text titled [Right to Privacy in the Digital Age](#). However, India is treading on a totally different path of E-Surveillance and defiance of Privacy Rights of Indian Citizens.

India has no E-Surveillance Policy and Legal Framework. This is despite the fact that many Indian projects are so e-surveillance oriented that they cannot pass the scrutiny provisions of Indian Constitution.

India has launched Projects like [Aadhar](#), [National Intelligence Grid \(NATGRID\)](#), [Crime and Criminal Tracking Network and Systems \(CCTNS\)](#), [National Counter Terrorism Centre \(NCTC\)](#), [Central Monitoring System \(CMS\)](#), [Centre for Communication Security Research and Monitoring \(CCSRM\)](#), [Internet Spy System Network And Traffic Analysis System \(NETRA\) of India](#), etc. None of them are governed by any Legal Framework and none of them are under [Parliamentary Scrutiny](#).

If this was not enough the sole Cyber Law of India (Information Technology Act 2000) was amended through the Information Technology Amendment Act 2008. The IT Act 2008 made the Cyber Law of India an “unregulated and unaccountable” piece of E-Surveillance Legislation. It is now wide open to misuses by Indian Government and its Agencies. Further, the IT Act 2008 also violated various provisions of Indian Constitution and hence is “Unconstitutional” as well.

Parliament of India has been increasingly abdicating its “Constitutional Duties” of Parliamentary Oversight and Law Making. The way Indian Executive takes decisions on behalf of Indian Parliament is really surprising. Some have [validly questioned](#) the very purpose and existence of Parliament of India.

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We have been suggesting that E-Surveillance Projects like NATGRID must be [suitably regulated](#) and they must comply with [Civil Liberties Protection Requirements](#). The Home Ministry of India did not pay heed to these suggestions and now a stage has reached where NATGRID Project [may become redundant](#). So is the status of NCTC.

India has been imposing Projects like NATGRID and Aadhar on false pretexts of National Security and Welfare Schemes. However, this is not the truth. As far as Aadhar Project is concerned, it is an Endemic E-Surveillance Project. Similarly, Projects like NATGRID must [Reconcile](#) National Security interests with Protection of Fundamental Rights.

If Parliament of India has abdicated its duties and Indian Judiciary is watching as a moot spectator, it becomes of paramount importance for Cabinet Committee on Security (CCS), Union Cabinet and Prime Minister's Office (PMO) to "disallow" all such Projects till proper Civil Liberty Safeguards and Legal Frameworks are at place. Further, India must also formulate an E-Surveillance Policy as soon as possible.