

# PRIVACY RIGHTS, WRONGS

Relevant for: Developmental Issues | Topic: E-governance - applications, models, successes, limitations, and potential incl. Aadhaar & Digital power

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The Supreme Court has rightly agreed to hear together multiple public interest litigations pending in the Madras, Bombay and Madhya Pradesh high courts, calling for the linking of [Aadhaar](#) with social media accounts. There can be no room for conflicting rulings in a matter with international implications, which could inspire litigation or influence attitudes in other nations. Privacy is at stake here, and the Supreme Court is its most appropriate guardian, having clarified it and defined it as a “guaranteed fundamental right” in 2017. In its deliberations, the Court will no doubt be guided by that landmark judgement, which was celebrated, among others, by the Electronic Frontier Foundation, the pioneering digital civil liberties group.

As it stands now, the court is expected to strike a balance between the imperatives of privacy and security. Obviously, this is an impossible choice, since the right to privacy is fundamental and cannot be reduced under normal circumstances. By way of a parallel, the right to life is absolute until a death sentence is pronounced, and the right to liberty can be conditional only in a state of unrest or emergency. Logically, therefore, the question of striking a balance with an absolute right cannot arise under normal circumstances. It also involves a question of scale. Why is Aadhaar indispensable? Wouldn't the phone numbers associated with social media accounts suffice? They identify owners with complete accuracy, since sim cards are issued against identity documents. While the data security of Aadhaar remains so contested that it is not mandatory even for banking purposes, insistence on Aadhaar would simply invite more lawsuits.

Death threats, criminal intimidation, smearing and stalking are commonplace in social media, and the dark satanic mills of rumour and fake news have the capacity to spark violence and conflict. But a technical solution would be as effective as legal remedy, without trespassing upon privacy. For instance, artificial intelligence can identify dubious content by textual analysis and flag it like spam or malware. And this week, Twitter proactively swept away Chinese accounts spreading disinformation about the Hong Kong protests. The Supreme Court has been admired for standing up for privacy. Now, it should mandate a technical solution, because it cannot possibly consider encroaching upon the very value that it upheld and protected.

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