

## Listening in

The Union government has proposed to set up a network of social media communication hubs to monitor the digital chatter of citizens. To be implemented by the Ministry of Information and Broadcasting, this initiative came to light when the Broadcast Engineering Consultants India called for bids to provide software and service support for the hubs. The bidder, once successful, would be required to monitor local editions of newspapers, cable channels, FM radio stations, and influential social media handles. Coming on the heels of the Cambridge Analytica investigations, this proposal raises serious questions about the surveillance state, right to privacy and data protection.

With the proposed network of hubs poised to cover all 716 districts across India, we are reminded of George Orwell's famous words in *1984*: "Big Brother is watching you." Today, big data analytical tools and machine learning can map user behaviour and predict trends. The modern-day Orwellian nightmare of a surveillance state is that the government can analyse your digital footprint to detect your sexual orientation or political preference. Combined with your Aadhaar data, the setting up of a totalitarian regime will be complete.

The first casualty of this new regime will be the citizens' right to privacy. In the *Justice K.S. Puttaswamy (Retd.) v. Union of India* judgment (2017), the Supreme Court of India held informational privacy to be "a facet of the right to privacy." This case, decided by a constitutional bench, looked at whether privacy is a fundamental right. One of the nine judges of the Bench, Justice S.K. Kaul, described privacy as "an inherent right" and upheld the "individual's right to control dissemination of his personal information."

While the European Union is moving towards a more secure data regime under the General Data Protection Regulation, private data and personal information in India are still exposed to serious risks from state and non-state actors. With the most number of Facebook users in the world, India has taken no effective steps to investigate the Cambridge Analytica data leak. In comparison, the U.S., the U.K. and Singapore have triggered high-level inquiries into Facebook's operations. This reflects the fact that the present legal framework around data protection in India is grossly inadequate.

The government should, therefore, focus on enacting tough data protection laws which ensure a balance between individual rights and legitimate concerns of the state like national security or investigation of crime. The decision of the government to administer social media monitoring tools goes against the privacy judgment and much of the global best practices in this field. Any move to persist with the monitoring of social media is likely to be seen with grave suspicion by the people and as contempt by the courts.

*The writer is an advocate and spokesperson of the DMK*

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This refers to the tendency to form friendships and other forms of interpersonal relationships with people we come across often in our daily lives.

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