

# PEGASUS MISADVENTURE: ON WHATSAPP SNOOPING SCANDAL

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

The Government's reaction to messaging platform WhatsApp's revelation that Indian journalists and human rights activists were among some 1,400 people globally spied upon using a surveillance technology developed by Israel-based NSO Group is inadequate and, more unfortunately, far from reassuring. Thursday's disclosure by Facebook-owned WhatsApp, which is [suing the Israeli company](#) in a California federal court for the hack, is a chilling reminder that nothing is private in the digital world, given the right tools. In this case, a malicious code, named [Pegasus](#), exploited a bug in the call function of WhatsApp to make its way into the phones of those select users, where it would potentially have had access to every bit of information. But the disclosure raises a more worrying question: on whose directions were the Indian journalists and human rights activists spied upon? There are a few reasons why this question is important. One, this was not done with money in mind. Two, as the NSO says on its website, "NSO products are used exclusively by government intelligence and law enforcement agencies to fight crime and terror." The [NSO, by its own admission, sells its service only to government agencies](#). Three, those [targeted include civil rights activists, lawyers, and journalists](#). Notably, some of them have legally represented activists arrested in the case related to the violence in Bhima Koregaon in 2018. Lawyer Nihalsing Rathod, academic Anand Teltumbde, Dalit activist Vivek Sundara, and human rights lawyer Jagdish Meshram are some of those who have been targeted by Pegasus. Who would have wanted to snoop on them?

It is, therefore, extremely important for the Government to clear the air on this issue in no uncertain terms especially when WhatsApp had given information to CERT-IN, a government agency, in May, even if without any mention of Pegasus or the extent of breach. It is all right to ask WhatsApp, as the Government has done, as to why the breach happened and what it is doing to safeguard the privacy of its users in India, estimated to be around 400 million. In separate statements, Information Technology Minister Ravi Shankar Prasad and the Ministry of Home Affairs have expressed concern about privacy breaches while at the same time hinting that this issue is being politicised and an attempt is being made to malign the Government. This is hardly a trivial issue, as it concerns the digital well-being of citizens, the very thing this Government says it wants to promote. In a country where data protection and privacy laws are still in a nascent stage, incidents such as this highlight the big dangers to privacy and freedom in an increasingly digital society. It is thus imperative that the Government sends a strong message on privacy, something that the [Supreme Court in 2017 declared](#) to be intrinsic to life and liberty and therefore an inherent part of the fundamental rights. The first thing it could do is to answer categorically if any of the governmental agencies used NSO's services.

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