

DEFINE EXEMPTIONS FROM DATA PROTECTION LAW: PANEL

Relevant for: Polity | Topic: Parliament - structure, functioning, conduct of business, powers & privileges and issues arising out of these

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The Joint Parliamentary Committee on Data Protection has found a middle ground on the contentious clause which in the name of “sovereignty”, “friendly relations with foreign states” and “security of the state”, allows any agency under the Union government exemption from all or any provisions of the law.

More than 10 MPs in the panel had earlier objected to the clause, saying that it made the entire Act infructuous.

In past deliberations, Congress MPs Jairam Ramesh, Manish Tewari and Gaurav Gogoi; Trinamool Congress MPs Derek O’ Brien and Mahua Moitra; Biju Janata Dal (BJD) MPs Bhartruhari Mahtab and Amar Patnaik; Bahujan Samaj Party (BSP) MP Ritesh Pandey; Shiv Sena MP Shrikant Eknath Shinde; and BJP MP Rajeev Chandrasekhar had moved amendments to the contentious Clause 35 of the legislation.

Since then, Mr. Chandrasekhar had been promoted to Minister of State and was no longer a member of the committee.

‘Subject to abuse’

Mr. Shinde had argued for deleting the clause entirely since it could be “subject to abuse”.

Invoking “sovereignty and integrity of India”, “public order”, “friendly relations with foreign states” and “security of the state”, the legislation gives powers to the Union government to suspend all or any of the provisions of the Act for government agencies.

Sources said the committee had largely agreed that the clause needed to be appropriately amended. The members demanded that the conditions for making the exemptions be clearly laid down without leaving scope for interpretation.

No other details on how it would be worded to avoid possible abuse was forthcoming.

Close to 55 clauses

In a day-long meeting on Wednesday, the committee deliberated on close to 55 clauses and was nearly half-way through the Bill.

The report on the Bill is long overdue. The Bill that seeks to provide protection of personal data of individuals was introduced in the Lok Sabha in December 2019 and referred to the Joint Parliamentary Committee soon after.

It got its fifth extension during the monsoon session of Parliament in July this year and has now been asked to submit the report by the winter session.

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