

ENSURE EQUAL NET PRIVACY FOR INDIANS AND OTHERS: CENTRE

Relevant for: Security Related Matters | Topic: Role of Media and Social Networking Sites in internal security challenges

The government on Thursday stated in the Supreme Court that it expects social media companies, however “big” they were, to treat Indian users’ privacy on a par with foreign customers.

“My stand is clear. Howsoever big the multinational corporation be, if you are operating in India, you have to comply with the laws of India and have to treat Indian citizens with an equal degree of privacy as you treat others across the world,” Solicitor General Tushar Mehta declared the government’s commitment to protecting Internet privacy during a hearing before a Constitution Bench headed by Justice K.M. Joseph.

Mr. Mehta said, “Many directions of the Central government are flouted. Many legal directions under the statutory regime are flouted.”

He said the government is in the process of making a law to protect social media users.

Legislative response

“Government is alive to the situation. The preparation of making the Bill is already going on. This issue requires more of a legislative response than a judicial intervention,” said the Solicitor General, asking the Bench to wait for the new law.

To Justice Joseph’s statement: “If the government was keen to bring legislation, it would have done so. This case is pending for nearly five years”, Mr. Mehta said a draft Bill had been earlier tabled and then withdrawn.

Senior advocate Shyam Divan, for the petitioners, argued that corporations have to adopt a “golden mean or value” even in the absence of domestic online privacy laws.

Waiting for outcome

The Bench decided to wait for the outcome of the government’s efforts to bring a Bill and posted the case for January 17 for final disposal.

The case is based on a petition by Karmanya Singh Sareen and Shreya Sethi challenging a 2016 policy of instant messaging app – WhatsApp – to give Facebook access to information and personal details shared by millions of its users.

Against free speech

The petitioners had said the policy was a violation of their privacy and free speech.

The duo had moved the apex court after the Delhi High Court upheld the contract.

The High Court had taken a nuanced position by confirming the legality of the policy while directing WhatsApp to “delete completely” from its server information or data or details of all

users who choose to delete their account.

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Justice K.M. Joseph

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