



Order on surveillance meant to protect privacy, govt. tells SC

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'December 20 notice was to ensure that only authorised agencies accessed data'

- The Centre told the Supreme Court that its December 20, 2018 notification allowing 10 central agencies to snoop on people is in fact a measure to protect citizens' privacy.
- The order is based on Section 69 (1) of the Information Technology Act of 2000 and Rule 4 of the Information Technology 2009 Rules (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009.
- The government was responding to a PIL filed by advocate M.L. Sharma, challenging the December 20 notification as a violation of the fundamental right to privacy.
- The order allows central agencies, from the Intelligence Bureau to the Central Board of Direct Taxes to the Cabinet Secretariat (RAW) to the Commissioner of Delhi Police, to intercept, monitor and de-crypt "any information" generated, transmitted, received or stored in "any computer resource".
- Turning the argument on its head, the Centre said the order, in fact, limits the power of surveillance to these 10 central agencies and none other.

'Restricted powers'

- The very purpose of the December 20 order is to ensure that surveillance is done as per due process of law; that any interception, monitoring, decryption of computer resource is done only by authorised agencies and with approval of competent authority; to prevent unauthorised use of these powers by any agency, individual or intermediary so that the right to privacy of citizen is not violated.
- The government said surveillance is necessary "in the modern world

where modern tools of information communication, including encryption, is used” where surveillance is done only in the defence of India, to maintain public order, etc.

- The affidavit explained how there are “grave threats to the country from terrorism, radicalisation, cross border terrorism, cyber crime, drug cartels”, and these cannot be ignored or under-stated.
- There is a need for “speedy collection of actionable intelligence” to counter threat to national interests.

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