

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2657
TO BE ANSWERED ON: 04.01.2019

LAW FOR DATA PROTECTION

2657. SHRI K. C. RAMAMURTHY:

Will the Minister of Electronics & Information Technology be pleased to state:-

- (a) whether it is a fact that there is no law at present for data protection;
- (b) if so, the reasons therefor;
- (c) whether there is any proposal to enact legislation for data protection;
- (d) if so, the details thereof;
- (e) whether it is also a fact that the Ministry constituted a Committee in this regard and the Committee has also submitted its report; and
- (f) if so, the recommendations of the Committee and how these recommendations impact Supreme Court's judgment in Aadhaar case?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI S.S. AHLUWALIA)

(a) and (b): No, Sir. Section 43, section 43A and section 72A of the Information Technology Act, 2000 provided for privacy and security of data in digital form. However, it was limited in scope and in order to broaden the coverage of privacy protection, drawing up a new regime for data protection was felt necessary.

(c), (d) and (e): Yes, Sir. The Government constituted a committee of expert on data protection, chaired by Justice (Retd) B.N. Srikrishna, Supreme Court of India to study various issues relating to data protection and come out with Data Protection Bill. The said committee has brought out a draft Personal Data Protection Bill (PDPB-2018) on 27th July 2018 on which opinions have been sought from the public, which are currently being processed and the bill is intended to be placed in parliament.

(f): The Supreme Court delivered its judgment in WP 494 of 2012 & Ors. on 26.9.2018, wherein the Apex Court has impressed upon the Government to bring out a robust data protection regime in the form of an enactment on the basis of Justice B.N. Srikrishna (Retd.) Committee Report with necessary modifications thereto as may be deemed appropriate.
