DIGITAL RIGHTS IN INDIA'S PARLIAMENT: FIVE YEARS IN REVIEW

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I. Introduction: How is Parliament addressing digital rights?

India is the largest democracy in the world. The collective voice of more than 1.3 billion people of India is represented by the Members of Parliament (MPs) in the Lok Sabha (Lower House of the Indian Parliament) and the Rajya Sabha (Upper House of the Indian Parliament). Notably, India has the second-largest number of internet users in the world and it is likely that the majority of the next billion users of the internet will be from India. Currently, it is also at the centre of some of the most important global digital rights conversations.

For example, India is the site of the majority of documented internet shutdowns globally. It has the world's largest national digital identity framework, called Aadhaar, and over the years, this framework has seen multiple legislative, policy, and judicial interventions. Further, India has been working toward developing a comprehensive data protection framework, including through a government-appointed expert committee led by Justice Srikrishna. Most recently, it has begun to consider regulations for intermediary platforms that would add new requirements for due diligence. These requirements could create new obligations to take down users' content and to share more information about users with the government. This would have a huge impact on the human rights of users of these platforms, in India and globally.

In addressing these important issues in the context of the rapid growth of the internet, the Parliament will take an important role in developing rights-respecting frameworks for India's democracy in the digital age. In a parliamentary democracy like India, the issues that MPs raise in Parliament should respond to and reflect the issues that citizens are concerned about, in real-time. MP interventions are a major factor in setting the legislative agenda for the Parliament and the government of India.

With the general elections in India just concluded, this report is an attempt to track and map the interventions MPs have made over the past five years — the tenure of the current government — that are related to digital rights. Our aim is to shed light on the issues MPs have considered important, the legislative initiatives Parliament has undertaken, and the reports various standing parliamentary committees have considered. We also identify the most active Members of Parliament on these issues of great importance to Indians.

To conduct the research for this report, we have relied on the circulars, reports, and documents published by the secretariats of the Parliament of India. These documents are available in the public domain at the official websites of the Rajya Sabha and the Lok Sabha. We present the data available organised according to the various sessions of Parliament, key issues, questions asked, bills introduced, interventions made, and resolutions. We identify the most active parliamentarians.

We begin the report by presenting our key findings from the mapping exercise we have undertaken. However, these data are open for digital rights experts and civil society organisations to examine and use to make their own inferences. One of our objectives is for this

report to serve as a guidebook for understanding digital rights in parliamentary policymaking in India.

Next, we provide a quantitative summary of the mapping exercise. We present the information in the form of a table, providing a look at the various initiatives taken in relation to digital rights for each session of the Lok Sabha and the Rajya Sabha during the 16th Lok Sabha (2014-2019).

Following that, we present the number of questions parliamentarians asked on privacy during the 16th Lok Sabha under different heads, to identify their major privacy concerns. We compare these questions to those raised during the 15th Lok Sabha (2009-2014). Further, we provide quantitative data to show who are the most active members and political parties in Parliament on the issues of privacy and data protection.

In the next section, we map the workings of the standing committees with regard to digital rights. We also highlight the major digital rights issues taken up in Parliament through meetings and major reports tabled.

Last, we provide a session-wise briefing on actions by the Parliament with regard to digital rights, presenting information on Bills/Motions/Resolutions, Government Actions, Interventions, and Other Developments. We merge the collective working of both the Houses for this section, giving an overview of the dominance of specific digital rights issues during each session of the Parliament.

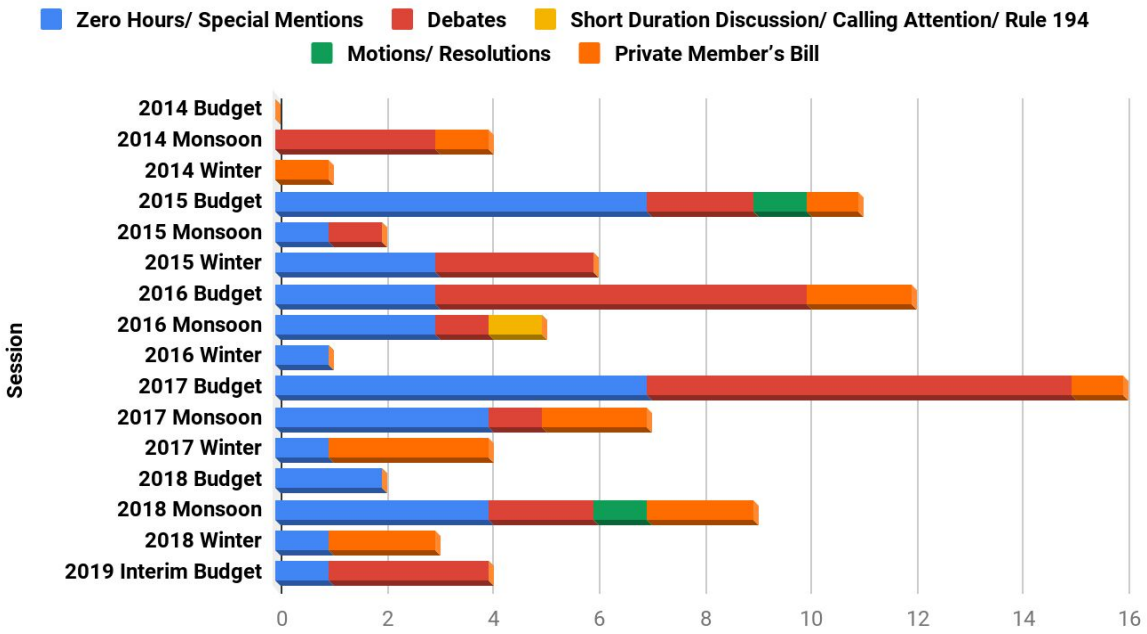
We hope this report is helpful for seeing the larger picture of what is being done on digital rights issues in both Houses of Parliament. As India welcomes new members to Parliament, it is important for stakeholders — including academics, civil society activists, citizens, and parliamentarians — to understand what has been accomplished in this area over the last five years, and to see where the gaps remain for parliamentary policymaking in India to protect the digital rights of users.

II. Key findings

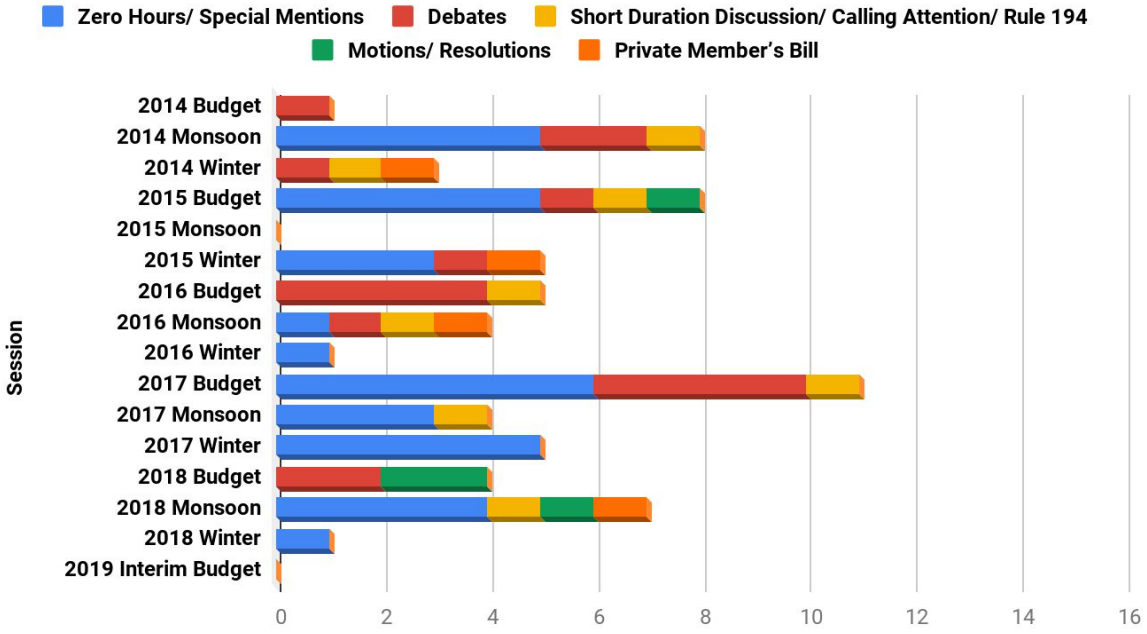
- **Budget sessions are more active.** Budget sessions were the most productive in terms of the number of digital rights issues raised.
- **Key issues predominate in specific sessions.** In each parliamentary session, a short list of issues became the focus for interventions. For example, in budget session 2015, snooping and network neutrality were a primary focus; in budget sessions 2016 and 2017, it was Aadhaar; and in 2018, it was data protection.
- **Lok Sabha is more active on digital rights.** During the 16th Lok Sabha, there was a total of 19 Private Member's Bills on digital rights introduced in both Houses. There were 15 in the Lok Sabha and 4 in the Rajya Sabha.
- **Interest in privacy is sharply increasing**. During the 16th Lok Sabha, there were 290 questions asked on privacy, compared to 114 in the 15th Lok Sabha. This means that there was a 154% increase in the number of questions on privacy over five years.
- **Lok Sabha shows more interest in surveillance and snooping.** Surprisingly, over the last 10 years, there were only 13 questions asked on surveillance and snooping in the Rajya Sabha. In contrast, there were 91 questions asked in the Lok Sabha during the same period.
- **BJP leads among the parties in asking questions on privacy.** The parties that had the largest number of MPs asking questions about privacy in the Lok Sabha during the 16th Lok Sabha were: BJP - 71 MPs; INC - 21 MPs; AIADMK - 21 MPs; and Shiv Sena - 11 MPs.
- **In the 16th Lok Sabha, Mr. S.P. Muddahanumegowda (INC) and Mr. Shrikant Eknath Shinde (Shiv Sena)** asked the most questions on privacy (6 and 5, respectively). Other active members of the Lok Sabha were: Mr. Anurag Thakur (BJP) - 5 questions; Mr. Ninong Ering (INC) - 4 questions; Mr. Vinod Kumar Boianapalli (TRS) - 4 questions; and Mr. M.K. Raghavan (INC) - 4 questions.
- **In the past 10 years (2009 - 2019), Mr. Rajeev Chandrasekhar (BJP), and Mr. C.P. Narayanan (CPI),** asked the most questions on privacy in the Rajya Sabha (14 and 9, respectively). Other active members of the Rajya Sabha were: Mr. Derek O'Brien (TMC) - 6 questions; Mr. Naresh Agrawal (Samajwadi Party) - 6 questions; Mr. P.L. Punia (INC) - 5 questions; Mr. Sanjay Raut (Shiv Sena)- 5 questions; and Mr. Tiruchi Siva (DMK) - 5 questions.
- **In the past five years, Mr. Tathagata Satpathy (BJD), Mr. Shashi Tharoor (INC), Mr. Baijayant Jay Panda (BJD), and Prof. Saugata Roy (AITMC)** were the most active MPs in the Lok Sabha on digital rights. Prof. Richard Hay was the most active among all the nominated MPs of both Houses.
- **In the past five years, Mr. Derek O'Brien (AITMC), Mr. Rajeev Chandrasekhar (BJP), Mr. Sukhendu Sekhar Ray (AITMC), Mr. Jairam Ramesh (INC), and Mr. Tarun Vijay (BJP)** were the most active MPs in the Rajya Sabha on digital rights.
- **Of reports presented by the Standing Committee on Information Technology in the last five years, only a small number were on the digital rights issues it examines.** During the 16th Lok Sabha, the Standing Committee on Information Technology presented 60 reports at the table of both the Houses. However, out of the total reports presented, only four dealt with the digital rights issues taken up during Committee meetings.

III. Details of interventions during the 16th Lok Sabha

1. LOK SABHA (2014-2019)

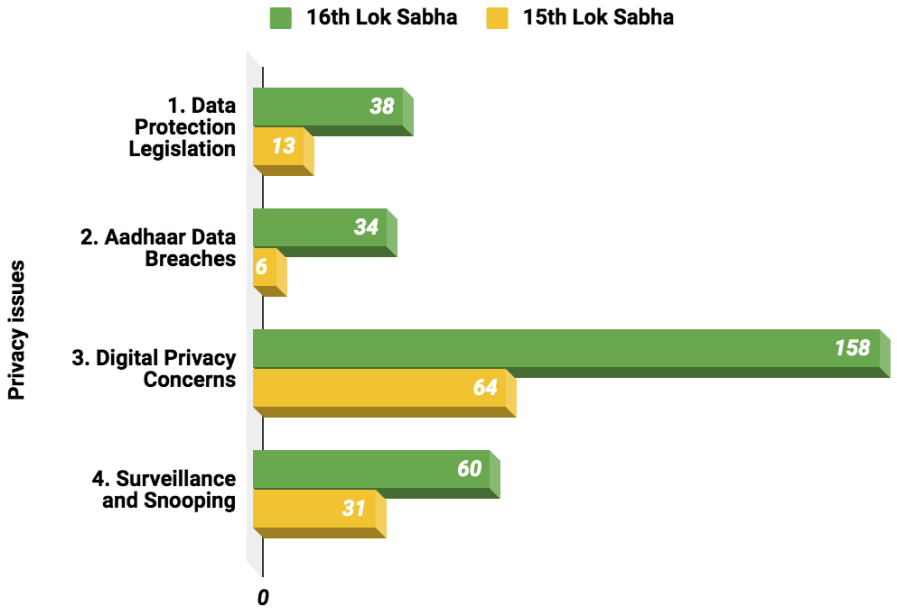


2. RAJYA SABHA (2014-2019)

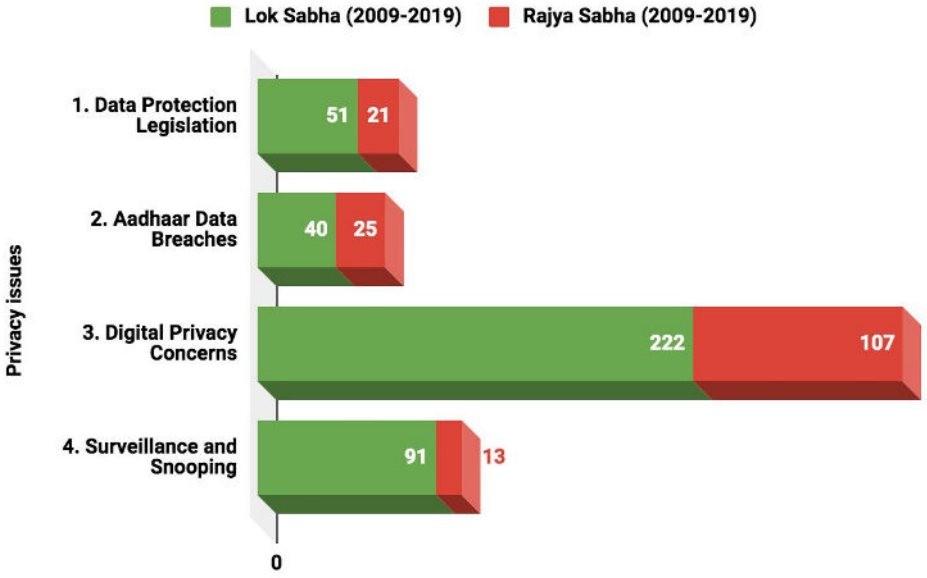


IV. Questions asked on privacy and surveillance

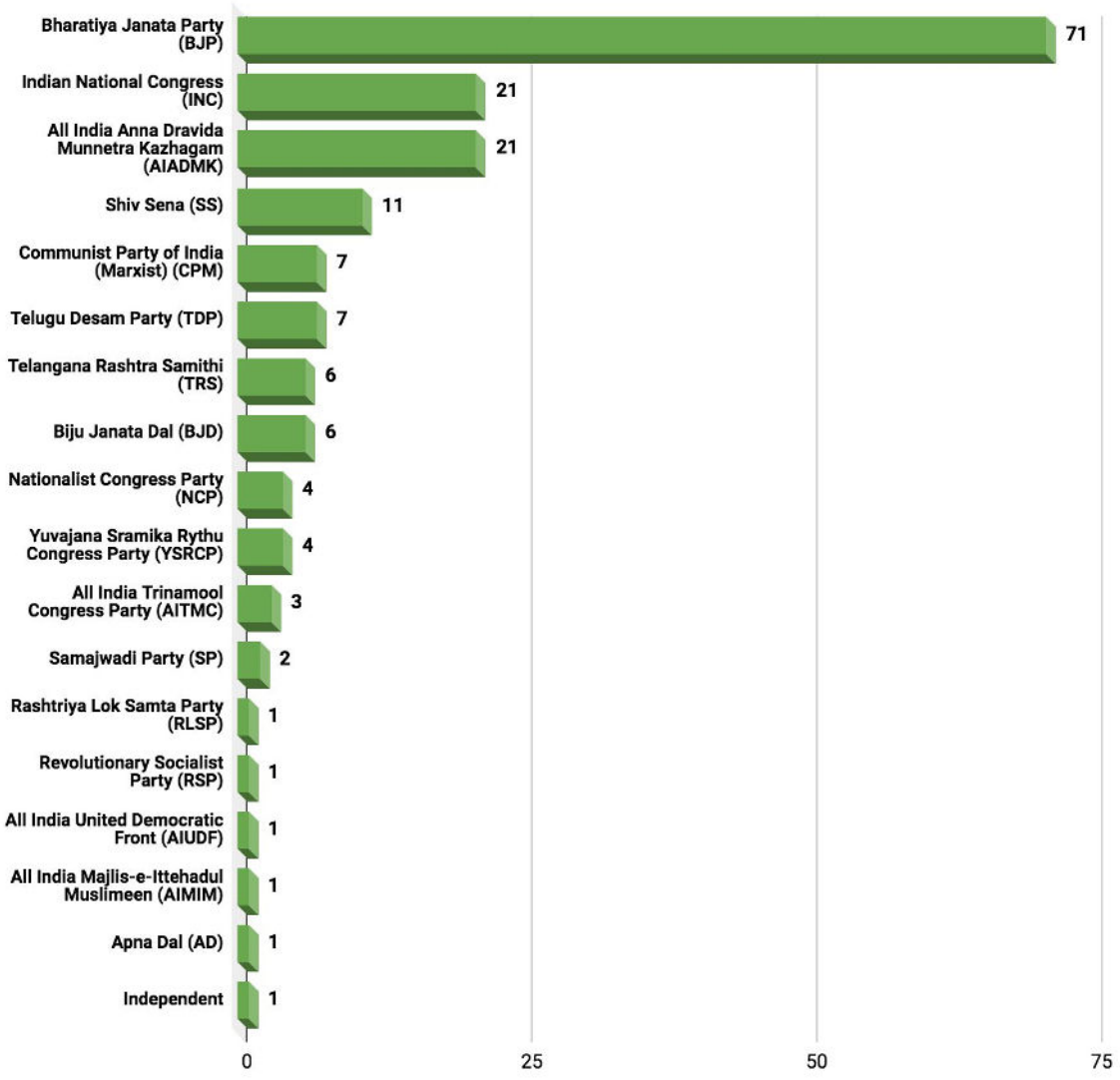
1. COMPARISON OF QUESTIONS ASKED ON PRIVACY DURING THE 15TH AND 16TH LOK SABHA



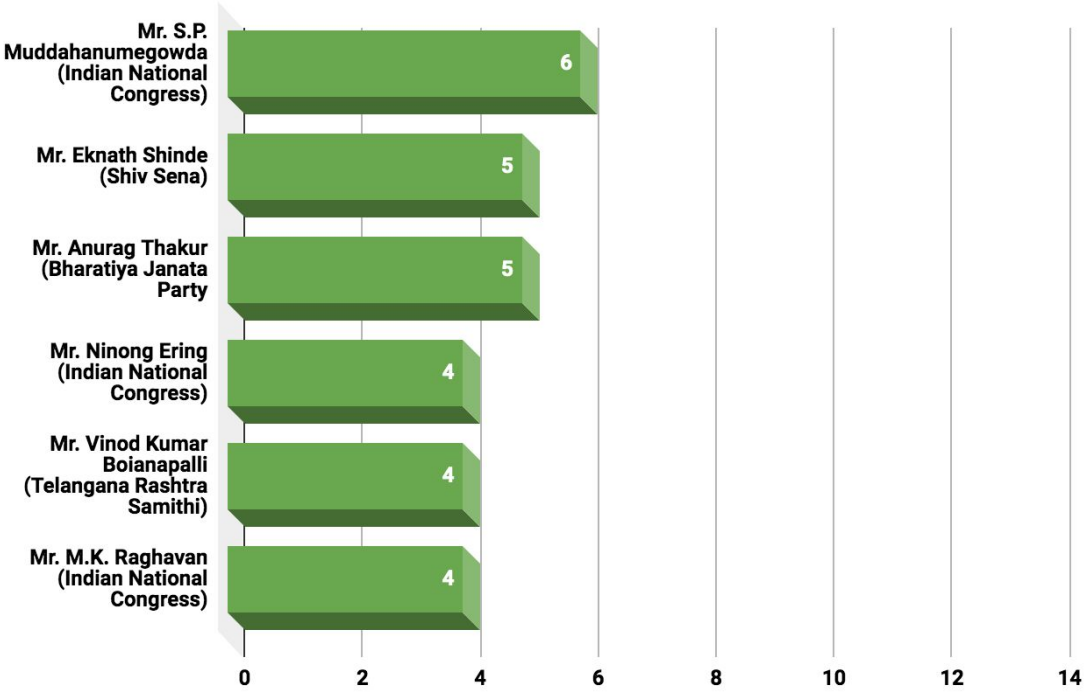
2. COMPARISON OF QUESTIONS ASKED ON PRIVACY IN THE LOK SABHA VERSUS THE RAJYA SABHA BETWEEN 2009-2019



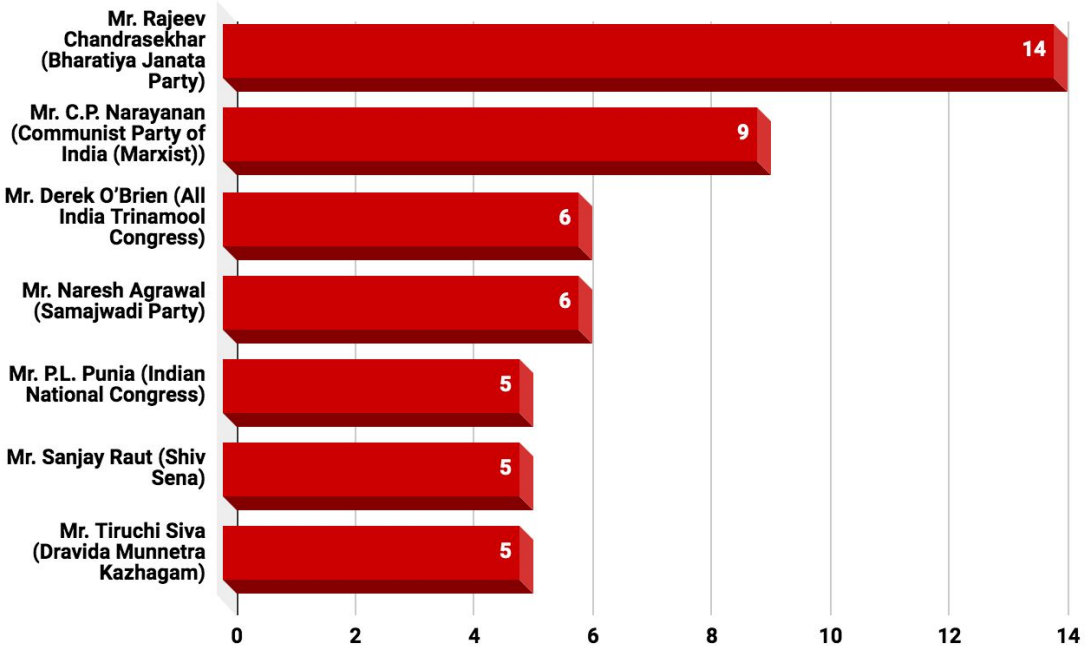
3. NUMBER OF MPS FROM POLITICAL PARTIES ASKING QUESTIONS ON PRIVACY AND DATA PROTECTION IN LOK SABHA DURING THE 16TH LOK SABHA:



4. LOK SABHA MPS WHO ASKED MOST QUESTIONS ON PRIVACY IN THE 16TH LOK SABHA



5. RAJYA SABHA MPS WHO ASKED MOST QUESTIONS ON PRIVACY BETWEEN 2009-2019



V. Details on the work of the standing committees during the 16th Lok Sabha

1. The Standing Committee on Information Technology

The Standing Committee on Information Technology met 85 times during the 16th Lok Sabha. The Committee held 12 meetings in the year 2018-19, 21 meetings in 2017-18, 23 meetings in 2016-17, 15 in 2015-16, and 24 meetings in 2014-15. The top issues taken up by the Committee were: call drops (11 meetings), network neutrality (six meetings), data protection and privacy (five meetings), BharatNet Project (four meetings), and safeguarding citizens' rights on social/online news media platforms (three meetings).

During the 16th Lok Sabha, the Committee presented 60 reports to both the Houses. However, most of the reports were based on budgetary allocations or "Demands for Grants". Out of the total reports presented, the Committee could present only four reports on the above-discussed digital rights issues. The reports presented on digital rights issues were:

- ➔ **21 December 2015:** "Action taken by the Government on the Observations/ Recommendations of the Committee on Cyber Crime, Cyber Security, and Right to Privacy"
- ➔ **11 April 2017:** "Issues related to the quality of services and reported call drops"
- ➔ **29 December 2017:** "Action taken by the Government on issues related to the quality of services and reported call drops"
- ➔ **7 August 2018:** "Progress of implementation of BharatNet"

2. The Standing Committee on Home Affairs

The Standing Committee on Home Affairs held three meetings to discuss the issue of digital rights and digital governance. Aadhaar and privacy concerns related to it was the top priority for the Committee. The Committee held the following meetings to discuss digital rights issues:

- ➔ **28 August 2017:** Discussion of the subject National Security and Privacy concerns related to Aadhaar
- ➔ **25 July 2017:** To further hear the views of the Ministry of Home Affairs on the subject National Security and Privacy concerns related to Aadhaar
- ➔ **21 July 2017:** Hearing of the views of the Ministry of Home Affairs on the subject National Security and Privacy concerns related to Aadhaar

3. The Standing Committee on Finance

The Standing Committee on Finance held 12 meetings to discuss the issues of digital rights and digital governance. Following are the details of the meetings:

- ➔ **28 December 2017:** Consideration and adoption of draft Report on Transformation towards a digital economy by the Committee
- ➔ **30 November 2017:** To hear the views of representatives of Cellular Operator Association of India (COAI) and Internet and Mobile Association of India on Transformation towards a digital economy
- ➔ **16 November 2017:** Evidence of the representatives of Department of Telecommunications, BSNL and MTNL on Transformation towards a digital economy

- ➔ **3 November 2017:** Evidence of the representatives of the Ministry of Electronics and Information Technology on Transformation towards a digital economy
- ➔ **23 July 2017:** To hear the views of Academicians on the issue “Progress of digitalisation including challenges thereof in the country with particular reference to cybersecurity issues and preventive measures thereof” with reference to the subject “Demonetisation and Transformation towards digital economy” under examination by the Committee
- ➔ **20 July 2017:** Evidence of the representative of NASSCOM and NITI Aayog on Demonetisation and Transformation towards digital economy
- ➔ **13 July 2017:** Evidence of the representatives of the Ministry of Home Affairs on Demonetisation and Transformation towards the digital economy, with particular reference to cybersecurity aspect
- ➔ **12 July 2017:** Evidence of the representatives of RBI on Demonetisation and Transformation towards digital economy
- ➔ **8 June 2017:** Evidence of the representatives of MEITY and UIDAI on "Demonetisation and Transformation towards digital economy"
- ➔ **1 June 2017:** Representatives of IBA, PNB, and OBC on the subject "Demonetisation and Transformation towards digital economy" and Banking Sector- challenges and way forward
- ➔ **25 May 2017:** Evidence of the representatives of the Ministry of Finance on "Demonetisation and Transformation towards a digital economy”
- ➔ **3 November 2016:** Performance Review of select bodies namely National Payments Corporation of India (NPCI)

VI. Session-wise details of interventions in both Houses of the Parliament

2014

BUDGET SESSION 2014

1. Interventions

- ◆Ashwani Kumar expressed his concerns on the absence of privacy law in India.

MONSOON SESSION 2014

1. Bills, Motions, and Resolutions

- ◆Baijayant Jay Panda introduced the Private Member's Bill titled "The Information Technology (Amendment) Bill, 2014" in the Lok Sabha on 11 July 2014.

2. Interventions

- ◆Five digital rights issues were raised during Zero Hour/ Special Mentions during the Session. All the issues were raised in the Rajya Sabha.
  - *Avinash Rai Khanna - "Demand to set up a regulatory authority to protect interests of consumers of the internet shopping and advertisements"*
  - *Sukhendu Sekhar Ray - "Bugging/Tapping"*
  - *Rajeev Shukla - "Bugging/Tapping"*
  - *Rajeev Shukla - "Demand for taking stringent measures to prevent illegal withdrawal of money from bank accounts internet banking in the country"*
  - *Tarun Vijay - "Demand for making survey of India sole provider of map services of the country and using NIC e-mail accounts in public and private sector for cyber security"*
- ◆Shobha Karandlaje urged the government to take immediate steps to ban obscene videos and visual clips.
- ◆Kothapalli Geetha demanded a law be enacted in order to punish individuals who publish such derogatory articles in social media.
- ◆Bhartruhari Mahtab criticised the NDA as well as the UPA government for poor implementation of the Aadhaar scheme.
- ◆K. C. Venugopal criticised the Aadhaar scheme.
- ◆Sukhendu Sekhar Ray expressed his fears and concerns on telecom companies sharing data with foreign intelligence agencies and requested the Home Minister to inquire and stop prevent such data sharing if any.
- ◆T. K. Rangarajan said raised the issue of an increase in cybercrime against children and women.
- ◆During discussion on the issue of "situation arising from reported attempts to curb independence of media and restrict freedom of expression" through Short Duration Discussion, Renuka Choudhary expressed her concerns on the inability to control free access to pornography.
- ◆Naresh Gujral talked about ensuring safeguards if SEBI decides to intrude into somebody's privacy.

WINTER SESSION 2014

1. Bills, Motions, and Resolutions

- ◆Vijay Jawaharlal Darda introduced a Private Member's Bill titled "The Personal Data Protection Bill, 2014" in the Rajya Sabha on 28 November.
- ◆Rakesh Singh introduced the "The Provision of Communication Facilities in Every Village Bill, 2014" in the Lok Sabha on 28 November 2014.

2. Interventions

- ◆During Calling Attention, Ashok S Ganguly argued that better distribution of Aadhaar cards could significantly reduce the misuse of MNREGA, as the identity could no longer be misused.
- ◆Tarun Vijay said highlighted the significant increase in cybercrime numbers in subsequent years.

2015

BUDGET SESSION 2015

1. Bills, Motions, and Resolutions

- Jagdambika Pal introduced the Private Member's Bill titled "The Information Technology (Amendment) Bill, 2015" in the Lok Sabha on 13 March 2015.
- Mallikarjun Kharge moved an Adjournment Motion in Lok Sabha on alleged snooping and invasion of privacy into Rahul Gandhi's life by the Delhi Police.

2. Interventions

- Twelve issues were raised during the Zero Hour/ Special Mentions collectively, in both the Houses. Seven issues were raised in the Lok Sabha and five were raised in the Rajya Sabha.
  - *Anto Antony - "Deprivation from subsidy of LPG consumers due to mandatory linking of Aadhaar cards with bank accounts"*
  - *Mallikarjun Kharge - "Snooping and evasion of privacy into the life of Congress leader Rahul Gandhi"*
  - *P. Venugopal - "Hate speech on social media"*
  - *K. Ashok Kumar - "Poor internet connectivity constituency"*
  - *M.B. Rajesh - "Network Neutrality"*
  - *Gaurav Gogoi - "Network Neutrality"*
  - *E. Elumalai - "Problem faced by MNREGS workers due to mandatory linking of Aadhaar cards with their bank accounts"*
  - *Tarun Vijay - "Cybersecurity in the country"*
  - *Narendra Kumar Kashyap - "Obscene messages/ photos being received on mobile phones and internet"*
  - *K.C. Tyagi - "Use of Aadhaar cards as proof of address for procuring new SIM cards"*
  - *Tarun Vijay - "Demand for taking steps to protect citizens" right to net neutrality in the country"*
  - *Vivek Gupta - "Proposal to remove net neutrality by TRAI allegedly in connivance with telecom companies"*
- Thota Narasimham termed social media as a "double-edged weapon" and highlighted the hate speech campaigns launched over social media against ethnic groups of the country, leading to violence.
- Y.S. Avinash Reddy expressed his concerns on the increase of cyber crimes in the country with an increase in internet penetration and demanded the government to address these issues.
- Adhir Ranjan Choudhury, while speaking on Whistleblowers Protection (Amendment) Bill, argued that the leaking of information held under a data fiduciary would also not be protected by the law unless the information has been accessed through the Right to Information Act.
- Leaders of the Congress Party, alleging the Government of snooping on Rahul Gandhi, gave the notice for Suspension of Listed Business under Rule 267 in the Rajya Sabha. Ghulam Nabi Azad, Anand Sharma, K.C, Tyagi, Naresh Agarwal, and Tapan Kumar Sen spoke on the issue. Arun Jaitley gave a statement over the issue, defending the Government.
- Derek O'Brien through Calling Attention raised the matter "Issue of safeguarding net neutrality in the country". Kanimozhi, Ashok Ganguly, Ritabrata Banerjee, Vivek Gupta, Tarun Vijay, M.V. Rajeev Gowda, Rajeev Chandrasekhar, Anand Bhaskar Rapolu, A.U. Singh Deo, Ravi Prakash Verma, Shantaram Naik, Anil Desai, Narendra Kumar Kashyap, A. Navaneethakrishnan, K.T.S. Tulsi, D. Raja, and V.P. Singh Badnore. Ravi Shankar Prasad gave a statement to conclude the debate.
- During the discussion on "Report of Committee on Privileges laid on the Table", the Opposition MPs raised their concerns over alleged snooping on opposition leaders by the Government. Anand Sharma, Naresh Agrawal, Sitaram Yechury, K.C. Tyagi, Rajeev Shukla, Ramgopal Yadav, K.C. Tyagi and Satish

Chandra Mishra spoke on the issue. On behalf of the Government, Mukhtar Abbas Naqvi put forward the views.

MONSOON SESSION 2015

1.Papers Laid

- Bhubaneswar Kalita, on behalf of the Petitions Committee, presented the Hundred and Fifty-second Report on the petition praying to put a check on Cyber Pornography by amending the Information Technology Act, 2000.

2. Interventions

- Only one digital rights issue was raised through Zero Hour/ Special Mentions in the Lok Sabha during the Monsoon Session.
  - *Bheemrao B. Patil - "Poor internet connectivity in Zaheerabad, Telangana"*
- Thota Narasimham appreciated the government for installing surveillance cameras in select coaches and ladies compartments for women's safety without compromising on privacy.

WINTER SESSION 2015

1. Bills, Motions, and Resolutions

- Mansukh Mandaviya introduced the Private Member's Bill titled "The Prohibition of Using Telecommunication System for Hoax Calls Bill, 2015" in the Rajya Sabha on 4 December 2015.

2. Papers Laid

- A report on "Cyber Crime, Cyber Security and Right to Privacy" was tabled by Vijay Jawaharlal Darda on behalf of Standing Committee on Information Technology.

3. Interventions

- Six matters were raised through Zero Hour/ Special Mentions interventions in both the Houses. Three matters each were raised in both the Houses
  - *Bhagwant Mann - "Need to protect the social media activists"*
  - *V Panneerselvam - "Misinformation spread during Tamil Nadu floods"*
  - *Kunwar Haribansh - "Need to set up Base Transceiver Stations of BSNL in Pratapgarh parliamentary constituency, Uttar Pradesh to augment mobile and internet connectivity in the region"*
  - *Mansukh Mandaviya - "Demand for taking effective measures to check cyber crime in the country"*
  - *K. N. Balagopal - "Concern over poor data/ broadband service by BSNL/ MTNL"*
  - *Nadimul Haque - "Demand for giving clarifications on need to ensure privacy of Aadhaar card holders"*
- Tathagata Satpathy raised the issue of Internet Shutdowns. Giving references to Shreya Singhal case and Section 66A of the Information Technology Act, he urged upon for ensuring freedom of expression to people.
- P. Kumar argued that individual views expressed without adequate restraint over social media lead to an "outrage" in the social media space.
- Asaduddin Owaisi alleged that despite droughts in several states, the Government by issuing an executive order to the Department of Food and Public Distribution have frozen the whole coverage, by making Aadhaar mandatory.
- Rajeev Chandrasekhar criticised those parties that have passed laws the IT Act and alleged them of using the power of arrest to attack Fundamental Rights of Expression and privacy.

2016

BUDGET SESSION 2016

1. Bills, Motions, and Resolutions

- Arun Jaitley introduced the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill ("Aadhaar Bill") in Lok Sabha on 3 March.

- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill was passed in the Lok Sabha on 11 March.
- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, was listed in the List of Business of Rajya Sabha for consideration and return of, as passed by Lok Sabha.
- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill was passed in the Rajya Sabha on 16 March.
- Kirit Somaiya introduced the Private Member's Bill titled "The Information Technology (Amendment) Bill, 2016" in the Lok Sabha on 29 April 2016.
- Dushyant Chautala introduced the Private Member's Bill titled "The Telecom Regulatory Authority of India (Amendment) Bill, 2016" in the Lok Sabha on 29 April 2016.

2. Interventions

- Three matters on digital rights were raised under Zero Hour/ Special Mentions during the Budget Session. All the interventions were made in the Lok Sabha.
  - *Prof. Richard Hay - "Free internet access and software technologies in Higher Education in India"*
  - *Meenakashi Lekhi - "Need to strengthen the cyber law in the country"*
  - *Jugal Kishore - "Need to improve BSNL mobile & internet service in Jammu, J&K"*
- During legislative debate on the Aadhaar Bill, the MPs participating MPs were: Arun Jaitley, Rajeev Satav, Ganesh Singh, B. Senguttuvan, Tathagata Satpathy, Arvind Sawant, Ram Mohan Naidu Kinjarapu, Jitendra Chaudhury, Konda Vishweshwar Reddy, Mekapati Raja Mohan Reddy, Rajendra Agarwal, Jay Prakash Narayan Yadav, Kaushalendra Kumar, Asaduddin Owaisi, and S.P. Muddahanumegowda.
- Parliamentarians Saugata Bose, Tathagata Satpathy, Salim Mohammad, and Konda Vishweshwar Reddy spoke on the Aadhaar Bill after it was returned with amendments from the Rajya Sabha to the Lok Sabha.
- N.K. Premachandran criticised the Government for not referring it to the Standing Committee or Select Committee.
- Shashi Tharoor criticised the Government for slow implementation and failure of the National Optical Fibre Network and the BharatNet project.
- Vincent Pala raised the issue of connectivity and requested the Government to connect all the states through the fibre.
- Prof. Saugata Roy raised his concerns on Chinese capacity of electronic jamming and expressed his disappointment on the inability to develop cybernetics to counter such challenges.
- Ghulam Nabi Azad through Calling Attention raised the issue of "Inflammatory speeches made by the Ministers in the Union Government and elected representatives violating the Constitution and oath of office and response of government thereto". Sixteen other MPs participated in the discussion.
- Tarun Vijay argued that the data of India is being parked in the West. He observed that cyber security, being a part of National Security will definitely be brought under BIS.
- Sitaram Yechury raised criticised the Government on taking up the Aadhaar Bill as a Money Bill.
- D. Raja argued that the majority of people either do not have access to the internet or they do not know how to use the internet and suggested the Railway Minister to simplify the process of buying tickets.
- During the introduction of the Aadhaar Bill in the Rajya Sabha, Sitaram Yechury raised a Point of Order before the Chair and argued that the Bill was ultra vires of the Constitution.
- During the discussion on the Aadhaar Bill, Naresh Agrawal, Derek O'Brien, Jairam Ramesh, Tiruchi Siva, Ghulam Nabi Azad raised their opposition on the Bill being introduced as a Money Bill.

MONSOON SESSION 2016

1. Bills, Motions, and Resolutions

- Vivek Gupta introduced a Private Member's Bill titled "The Right to Privacy of Personal Data Bill, 2016" in the Rajya Sabha.

2. Interventions

- Four interventions were made through Zero Hour/ Special Mentions during the Monsoon Session. Three interventions were made in the Lok Sabha and one was made in the Rajya Sabha.
  - *Dr. J. Jayavardhan - "Early approval of fund from Universal Service Obligation Fund"*
  - *Kalyan Banerjee - "Mandatory nature of Aadhaar card and effect on subsidies"*
  - *Prof. Richard Hay - "Recruitment by ISIS through the cyberspace"*
  - *Harivansh - "Concern over threat to cyber security of sensitive departments of government"*
- During a discussion under Rule 193, Thota Narasimham highlighted the recent developments in communication, surveillance, cyber and space technologies and emphasised on the need of institutionalisation of training.
- Konda Vishweshwar Reddy talked about the importance of converting raw data into information and further into knowledge and thereafter into wisdom.
- Gaurav Gogoi highlighted the growing importance of artificial intelligence and raised his concerns on the security of data generated from mobile phones.
- During Short Duration Discussion on "Situation arising out of price rise in country", D. Raja opposed the linking of Aadhaar with the Public Distribution System.
- Derek O'Brien raised the issue of Internet Shutdowns in Jammu and Kashmir.

WINTER SESSION 2016

1. Papers Laid

- Ravi Shankar Prasad, Minister of Electronics and Information Technology, tabled six notifications under Section 55 of the Aadhaar (targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016

2. Interventions

- Two interventions on digital rights issues were made during the Session. One issue each was raised in both the Houses.
  - *Bhartruhari Mahtab - "Issue of debit card frauds in banks"*
  - *Ananda Bhaskar Rapolu - "Cyber insecurity in financial transactions"*

2017

BUDGET SESSION 2017

1. Bills, Motions, and Resolutions

- Om Prakash Yadav introduced a Private Member's Bill titled "Right to Privacy of Personal Data Bill".

2. Papers Laid

- C.R. Chaudhary, Minister of State for Consumer Affairs, Food and Public Distribution, tabled a notification under Section 55 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.
- Dharmendra Pradhan, Minister of Petroleum and Natural Gas, laid a notification under Section 55 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

3. Interventions

- Thirteen matters on digital rights were raised in both the Houses. Out of which, Seven were raised in the Lok Sabha and Six were raised in the Rajya Sabha
  - *Ravindra Kumar Jena - "Need for creation of infrastructure for digital implementation of welfare schemes"*

- *B.N. Chandrappa - "Need to improve the telecom services of BSNL and MTNL".*
- *Ravindra Kumar Rai - "Need to ensure financial security of customers who suffer loss due to cyber fraud"*
- *Sultan Ahmed - "Making Aadhaar compulsory for mid-day meal scheme".*
- *Darshana Jardosh - "Need to curb increasing cyber crimes in the country"*
- *Baijayant Jay Panda - "Internet Shutdowns in India"*
- *Ninong Ering - "Poor internet connectivity in the NorthEastern States"*
- *Dola Sen - "Need to Discuss Political Funding and Electoral Reforms"*
- *Derek O'Brien - "Demand for taking steps to ensure privacy and security while providing services on basis of Aadhaar database"*
- *Nadimul Haque - "Demand for taking effective measures to check incidents of online trolling on social media'*
- *Sanjay Seth - "Alleged theft of personal data from banks and insurance companies and selling same to other companies by some brokers'*
- *Motilal Vora - "Issues relating to linking of Aadhaar with mid day meal scheme and I.C.D.S."*
- *Dr. Subramanian Swamy on - "Need for restructuring of Goods and Services Tax network"*

◆ Varaprasad Rao Velagapalli in three different debates, raised the issues of: problems faced due to the mandatory nature of Aadhaar; welfare benefits being linked to Aadhaar; and the need for adequate balancing between privacy and transparency in statistics, particularly with regard to Aadhaar.

◆ Asaduddin Owaisi said that the statistical data collected might be used by the government for its own use.

◆ Ladu Kishore Swain raised his concerns on the protection of personal data and privacy of HIV patients.

◆ Tathagata Satpathy raised his concern on commercial exploitation of data. He also mentioned about the Approach Paper on Privacy by the Department of Personnel and Training.

◆ Tathagata Satpathy expressed his concerns over the handling of data by the government to the private parties.

◆ Supriya Sule while raised the issue of data privacy in the tax mechanism of the Goods and Services Tax Bill.

◆ Poonam Mahajan expressed her concerns on data protection with regard to the GST Bill.

◆ Prof. Saugata Roy and Y.V. Subba Reddy raised their concerns on personal data breaches from Aadhaar and the threat posed to privacy.

◆ Ahmed Patel argued that frequent reports of Aadhaar data leaks have brought a big threat to people's privacy.

◆ Surendra Singh Nagar, D. Raja, and Kapil Sibal trough their respective speeches urged the Government to take necessary steps of data protection of GST data and ensure the privacy of citizens.

◆ Jairam Ramesh criticised the use of Aadhaar for Mid Day Meal programme.

◆ Parliamentarians Kapil Sibal, Jairam Ramesh, Sitaram Yechuri, Sukhendu Sekhar Ray, Digvijaya Singh questioned the government over various aspects of Aadhaar like Aadhaar cards being made mandatory, breach of privacy, and introducing the Aadhaar Bill as a Money Bill.

◆ The issue of "Aadhaar - its implementation and implications" was taken up for a Short Duration Discussion in the Upper House. The discussion was concluded by the speech of Ravi Shankar Prasad.

4. Other Developments

◆ During the Valedictory Remarks, the Chairman of Rajya Sabha observed, "the issues relating to electoral reforms and Aadhaar saw animated debates in the form of Short Duration Discussions."

MONSOON SESSION 2017

1. Bills, Motions, and Resolutions

◆ Baijayant Jay Panda introduced a Private Member's bill titled "The Data (Privacy and Protection) Bill, 2017" in the Lok Sabha on 21 July.

- Suman Balka introduced the Private Member's Bill titled "The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) (Amendment) Bill, 2017" in the Lok Sabha on 21 July.

2. Papers Laid

- Dharmendra Pradhan, Minister of Petroleum and Natural Gas, tabled a notification under Section 55 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.
- Ram Vilas Paswan, Minister of Consumer Affairs, Food and Public Distribution, tabled a notification under Section 55 of the Aadhaar (Targeted Delivery of Financial and other Subsidies Benefits and Services) Act, 2016.
- Mahendranath Pandey, Minister of State for Human Resource Development, tabled a notification under Section 55 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.

3. Interventions

- Seven matters were raised under Zero Hour/ Special Mentions in both the Houses. Four matters were raised in the Lok Sabha, while three matters were raised in the Rajya Sabha.
  - *Kothapalli Geetha - Increasing cases of cybercrimes in digital transactions"*
  - *Baijayant Jay Panda - "Data protection and privacy"*
  - *Prof. Richard Hay - "Need to set up a cyber security authority in the country"*
  - *Kirit Somaiya - "Need to check the cyber game 'Blue Whale'"*
  - *Derek O'Brien - "Demand for taking essential measures to address issues of data security and privacy in country"*
  - *Amar Shankar Sable - "Concern over dangerous consequences of internet game, 'Blue Whale'"*
  - *Derek O'Brien - "Concern over Aadhaar being made mandatory for mid-day meals in schools"*
- Bhartruhari Mahtab argued that import of electronic and IT products and hosting of servers outside India pose a greater threat to the country's security and citizens' privacy.
- Rajya Sabha parliamentarians expressed their concerns on the need for protection of personal data and ensuring the privacy of the statistical data during the discussion on The Collection of Statistics (Amendment) Bill, 2017.
- Parliamentarians of Rajya Sabha expressed their concerns on lynching and atrocities due to the propagation of hateful messages over social media platforms during Short Duration Discussion on "Situation arising out of reported increase in incidents of lynchings and atrocities on minorities and Dalits across the country".

WINTER SESSION 2017

1. Bills, Motions, and Resolutions

- Shivaji Adhalrao Patil on 29 December 2017, introduced a Private Member's Bill titled "E-commerce (regulation) Bill in the Lok Sabha".
- Kunwar Pushpendra Singh Chandel introduced a Private Member's Bill titled "The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services (Amendment) Bill, 2017" in the Lok Sabha on 29 December.
- Dr. Shrikant Eknath Shinde introduced a Private Member's Bill titled "The Violent and Indecent Online Games (Prohibition on Distribution, Sale and Advertisement) Bill, 2017" in the Lok Sabha on 29 December.

2. **Papers Laid**

- Dharmendra Pradhan, Minister of Petroleum and Natural Gas, tabled a notification under sub-section (2) of Section 58 of the Aadhaar (targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.
- Dharmendra Pradhan, Minister of Petroleum and Natural Gas, tabled three notifications under Section 55 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.
- Manoj Sinha, Minister of Communications, tabled a report on "Issues related to the

quality of services and reported call drops".

3. Interventions

- Six digital rights issues were through Zero Hour/ Special Mentions in both the Houses. One issue was raised in the Lok Sabha, while five were raised in the Rajya Sabha.
  - *Aparupa Poddar - "Vulnerability of Aadhaar data"*
  - *Sukhendu Sekhar Ray - "Security Lapses in Aadhaar Infrastructure and Denial of Services to Citizens"*
  - *Vivek Gupta - "Demand for addressing privacy issues and other implications due to Aadhaar being made mandatory for several welfare schemes"*
  - *Shwait Malik - "Demand for strict law to check cyber crime"*
  - *Jharna Das Baidya - "Demand for appointing judicial commission to examine deaths due to starvation in Jharkhand and giving compensation and employment to affected families"*
  - *Ahamed Hasan - "Concern over problems being faced to access various social security and welfare schemes due to mandatory linking of Aadhaar"*

2018

BUDGET SESSION 2018

1.Papers Laid

- Ram Vilas Paswan, Minister of Consumer Affairs, Food and Public Distribution, laid three documents under Section 55 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.
- K.J. Alphons, Minister of State for Electronics and Information Technology, tabled three notifications under Section 55 and one notification under sub-section (2) of Section 58 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

2. Interventions

- Two digital rights issues were raised under Zero Hour/ Special Mentions in the Lok Sabha.
  - *Aruna Poddar - "Need to improve the BSNL mobile service in Arambagh parliamentary constituency, West Bengal"*
  - *Pratyusha Rajeshwari Singh - "Need to improve BSNL mobile service in LWE affected districts in Odisha"*
- Husain Dalwai moved an amendment to President's Address to mention the problems faced due to mandatory linking of Aadhaar.
- Kiranmay Nanda moved an amendment to President Address to mention the issues of digital transactions and the threat of cyber crimes.
- Derek O'Brien raised the issue of data protection of Aadhaar data.
- Rajeev Chandrasekhar urged the Government to create a new National Telecom and Technology Policy to mark this the 25th year of the opening of the telecom sector.

MONSOON SESSION 2018

1. Bills, Motions, and Resolutions

- The DNA Technology (Use and Application) Regulation Bill, 2018 was tabled in the Lok Sabha on 9 August.
- Shashi Tharoor introduced a Private Member's Bill titled "The Data Privacy and Protection Bill, 2017" in the Lok Sabha on 3 August.
- Darshana Vikram Jardosh introduced the Private Member's Bill titled "Prohibition of Using Telecommunication System for Hoax Calls Bill, 2017" in the Lok Sabha on 3 August.
- Narayan Lal Panchariya introduced the Private Member's Bill titled "The Information Technology (Amendment) Bill, 2018" in the Rajya Sabha on 3 August 2018.
- Husain Dalwai filed a Statutory Motion for annulment of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017, issued and notified under the Indian Telegraph Act, 1885.

2. Interventions

- Eight issues were raised under Zero Hour/ Special Mentions in both the Houses. Four issues each were raised in both the Houses.
  - *Nishikant Dubey - "Social media vis-a-vis fight against extremists"*
  - *M.I. Shanavas - "Need to check illegal sale of private data of people"*
  - *Dinesh Trivedi - "Leakage of the database of IRCTC"*
  - *KC Venugopal - "Aadhaar data breaches"*
  - *Harivansh - "Challenges arising out of the misuse of social media"*
  - *Narendra Jadhav - "Threat to India's national security"*
  - *Shanta Chhetri - "Concern over deadline of linking of Aadhaar with mobile phone numbers"*
  - *Derek O'Brien - "UIDAI and Aadhaar data breaches"*
- Prabhas Kumar Singh talked about digital payments system and expressed his concerns on digital security in Lok Sabha.
- Harish Meena highlighted the possible ill-effects of the internet and demanded to ban free internet for children in Lok Sabha.
- V. Muraleedharan raised the issue of "rising incidents of violence and lynching in the country due to misuse of social media platforms" under Calling Attention in Rajya Sabha. Minister of Electronics and Information Technology gave a statement on the issue at the end of the debate.

WINTER SESSION 2018

1. Bills, Motions, and Resolutions

- The Aadhaar and Other Laws (Amendment) Bill, 2018 got passed in the Lok Sabha on 4 January 2019.
- The DNA Technology (Use and Application) Regulation Bill, 2018 got passed in Lok Sabha on 8 January 2019.
- The Consumer Protection Bill, 2018 passed in Lok Sabha on 20 December 2018.
- Shashi Tharoor introduced a Private Member's Bill titled "The Sports (Online Gaming and Prevention of Fraud) Bill, 2018" in the Lok Sabha on 28 December.
- Jagdambika Pal introduced the Private Member's Bill titled "The Information Technology (Amendment) Bill, 2018" in the Lok Sabha on 28 December 2018.

2. Papers Laid

- The Annual Report and Accounts of the Telecom Regulatory Authority of India (TRAI), for the year 2017-18, together with the Auditor's Report on the accounts was tabled in the Rajya Sabha.

3. Interventions

- Two Zero Hour/Special Mentions issues were raised during the Session. One issue each was raised in both the Houses.
  - *N.K. Premachandran - "Home Ministry's Surveillance Notification"*
  - *Sukhendu Sekhar Ray - "Right to privacy for all computers"*

4. Other Developments

- Chairman of the Upper House felicitated the Indian Space Research Organisation (ISRO) on the launch of GSAT-11 satellite and said, "GSAT-11 will be instrumental in providing high data rate connectivity in Indian mainland and islands. GSAT-11 is also poised to augment the BharatNet Project, which envisages delivery of high-speed broadband services in over 2.5 lakh Gram panchayats in the country".
- More than 30 Members associated themselves with the issue when the matter of Surveillance Notification by the Ministry of Home Affairs was raised in the Rajya Sabha.

2019

INTERIM BUDGET SESSION 2019

1. Bills, Motions, and Resolutions

- The Aadhaar and Other Laws (Amendment) Bill, 2019 lapsed after being listed in the Rajya Sabha on 5 February.

2. Papers Laid

- Ram Vilas Paswan, Minister of Consumer Affairs, Food and Public Distribution, in both the Houses, tabled two notifications under Section 55 of the Aadhaar (targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.
- Manoj Sinha, Minister of Communications, tabled three notifications in Rajya Sabha, under Section 37 of the Telecom Regulatory Authority of India Act, 1997.

3. Interventions

- One Zero Hour/ Special Mentions issue raised in the Lok Sabha.
  - *Balabhadra Majhi - "Need to improve BSNL/MTNL mobile/internet services in Nabarangpur parliamentary constituency in Odisha and Delhi"*
- K. Ashok Kumar urged upon the government for better implementation of schemes related to digital connectivity.
- Jayadev Galla of TDP accused the Government of violating the right to privacy.
- Tathagata Satpathy expressed his concerns over exclusivity of the digitisation initiatives.

4. Other Developments

- The Speaker of the Lok Sabha as well the Chairman of Rajya Sabha in their concluding speeches termed the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016 as one of the "important bills" tabled/passed in respective Houses.

VII. Conclusion: to defend digital rights, Parliament must continue to make progress

In the wake of the 2019 general elections for the Indian Parliament, review of the activities in the Parliament in the 16th Lok Sabha yields important information regarding key digital rights issues for the people of India. Our report identifies the MPs who have served as champions for digital rights issues and sheds light on the array of legislative and policy interventions parliamentarians have undertaken or are currently considering. We hope that the Indian Parliament formed by the general elections will continue working to safeguard human rights in the digital era, and that it will increase the substance and quantity of the initiatives for protecting these rights. India can serve as a positive trendsetter for developing rights-respecting frameworks in the region, and possibly also around the world.

It is encouraging to observe that a number of political parties considered and provided space in their platforms for digital rights issues in the 2019 general elections. The parties, through their respective manifestos, have pledged to work on key issues including data protection and privacy, internet shutdowns, Aadhaar, surveillance, and more. We hope that individual MPs will take responsibility to fulfill the agenda set by their party manifestos on these rights, or to streamline their platforms to focus on developing human rights-respecting frameworks, where required. Regardless, that digital rights issues were a part of the existing manifestos is a promising sign.

Parliamentary committees play a major role in ensuring the accountability of the government. Hence, we also hope that the Parliamentary Standing Committee on Information Technology will work as the watchdog for government policy on digital rights. We expect the Committee to play a proactive role in taking up the issues concerning human rights in the digital era and affirming citizens' rights. We encourage the Committee to carry out comprehensive consultations on prevalent issues to ensure participatory policy-making in this area.

We also expect civil society organisations, activists, and citizens to unite their voices and work to strengthen the rights of Indian citizens in this digital age. The prominence of issues in the Parliament is based on the discussions and deliberations happening in civil society and in the public sphere. Hence, civil society actors and citizens have an important role to play here, and can serve as catalysts for enhancing Parliament's performance on digital rights. We hope that our mapping research in this report will be helpful for all the stakeholders working to build or reinforce these rights.

Finally, we expect an increased focus on digital rights in the 17th Lok Sabha, with improvements in parliamentary initiatives, both in terms of quantity and quality. We stand ready to help all stakeholders — including parliamentarians, political parties, civil society organisations, and citizens — work collectively to make India a global role model for supporting digital rights.

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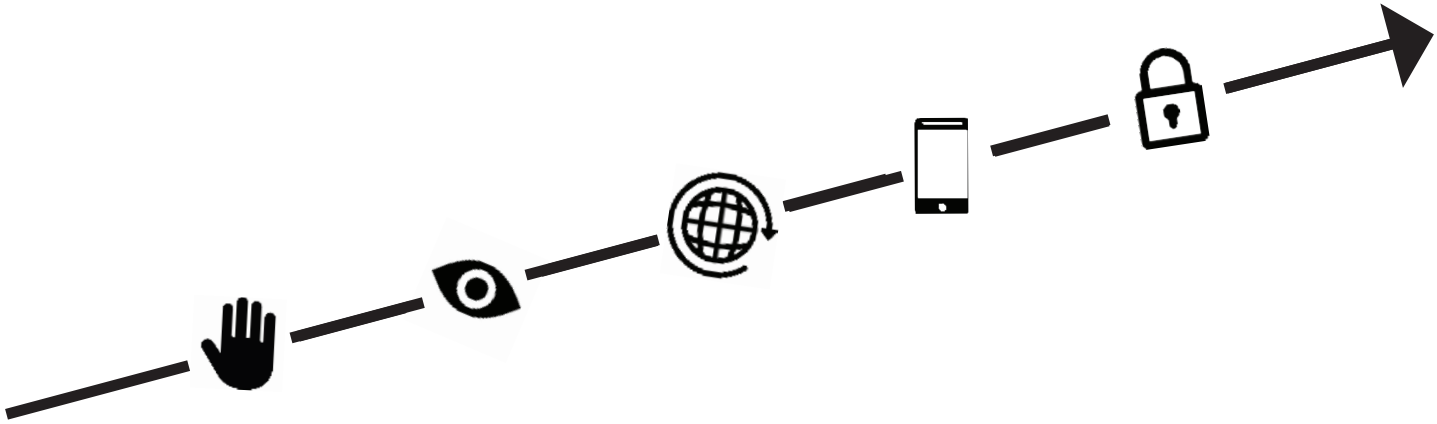

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