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No.A-43020/ 01 /2014-RTI Gevernment of India/Bharat Sarkar Ministry of Home Affairs/Grin Mantri ava SING. 296

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OFFICE MEMORARDUM

Subject: Trasfer of application of Ms. Shagur, Belwa' under the Right to Information Act. 2005.

This Milistry had repailed an application under the Fig. Act 2005 dated 30.01 2014 from Ms. Snagur. Bellie insee, an in this Ministry on 04.00 1014

- 2. Since the requested information closs not be totally when the jurito bitom of Mn-A. the application is therefore, deing transferred to Department of Information & Technology and Direct 18-3. Mn-A under supplied to Section & of RTT Act 2008 for taking necessary action. His requested that if the subject matter behaving to any other ORAC Public Authority the application may be futher transferred to that Authority checking that on to the application.
- 3. The requisite application fee of Fig. 10 a received in this Ministry vide receipt No. 28840 bated 08 02,2014

Enci: As above.

(Alice Kujur) ¹ Dv. Secretari, (E. & OPIO

To

6/1

Shri Anil Kaushik, Scientist E & CPIO, Depaiment of Information & Technology, Electronic Niketan, 6, CGO Complex, Lodhi Roac, New Demi – 410003

Copy forwarded for similar action to :

Director (IS-1), Ministry of Home Affairs. North Block New Delhi.

Copy for information to:

Ms. Shagun Belwal. K-9, 2nd floor, Birbal Road, Jangpura Extension. New Delhi. 177-296 Div (25-2) 14

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Sub: Application under the Right to Information Act.

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- 1 + 0 while the regard point complication NFTAL systems of the section 1
- 3 Minar la tra daglicyman atrategy of NEThul as flacusar, in the marging of the unitary minasterial group?
- 4. Which are the law enforcement agencies where the NETPLA system will be deployed?
- 5. What are the guidelines, rules, measures of strategies to be adopted by NETRA to ensure effective security practices, as discussed in the meeting of the inter-ministerial group?
- 6. What safeguards are in place for protecting the privacy of citizens?
- 7. Please provide copy of minutes of the meeting of the inter-numisterial group
- 8. Please provide file notes, if any.

If the information sought hereit is with any other public authority yet aso transfer the application to such authority within a period of five days (as per S.E.(3) of the Right to Information Act, 2003), and information are of such manafer and related communication.

I am a 'Citizen' of India and I am requesting for this information as a 'Citizen' of India. I am enclosing one postal order of Fis. 10 deted $\frac{N}{N}$ January, 2014 favoring the Accounts Officer, Ministry of Home Affairs, as the requisite fee. I are ready to pay any expense incurred in making photocopies of documents on intimation of the same.

Yours faithfulla,

Ms. Shagan Belwal SFLC.ID N-9, Second FLoon, Birbal Road. Jangpura Extension, New Delhi- 110014



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Augraphass, to make the month pringry in the Controller, was rejected in the Constituent Assembly with the subtle for the Separutoly, a projosal to govo tuidens an explicit semesmental right againm unretachat word venumento seamt, con saizure was also put before the Cristitaeri Assembly. This proposal was supported by Dr. B.B. Artheolan Hartept-of motor, came included within our Coastituun tik orinciples from which the United States denves as protection equinst state surveillance. However, this proposed amendment was rejected by the Constituent Assembly

Fortunately, the Supreme Court has gradually been reading the right to privacy into the funcamental rights explicitly listed in the Constitution. After its initial reluctance to affirm the right to privacy in the 1954 case of M.P. Shormo is. Sour! Unondro. the count came around to the view that other rights and liberties guaranteed in the Constitution would be seriously effected if the right to privacy was not protected. In Kharak Singh vs. The State of U.F., the event recognised "the right of the people to be secure in their persons, houses, papers, and effects" and declared that their right against unreasonable searches and secourse was not to be violated. The night to privacy here was conceived around the home, and unauthorised intrusions into homes were seen as interference with the right to personal liberty.

If the 1thorak Singh judgment was progressive in its recognition of the right to privacy, it was consertative about the discumstances in which the right applies. The majority of judges held that shadowing a person could not be seen to interfere with their person's liberty. Dissenting with the majority, Justice Subba Rat maintained that troad surveillance powers put innocent ditizens at risk, and that the right to privacy is an integral part of personal liberty. He recognised that when a person is shall wed her movements will be constricted, and will certainly not be free movements. His dissenting judgment showed remarkable foresign; and his reasoning is consistent with what is now a universally acknowledged principle that there is a "chilling effect" on expression and actual when people think that they are being wetched.

The right to per any as defined by the Supreme Court new extends beyong government introduction in a private comes. After Found vs. State of M.F., and Dist. Registrar and Collector of Hyderabod vs. Canara Bank, this right is seen to protect persons and not places. Any introduction right for surveillance of communication must be for permissible reasons and according to just, fair and reasonable procedure. State action in violation of this procedure is open to a constitutional challenge,

Our meagre procedural safeguards against phone tapping were introduced in PUCL vs. Union of India (1997), after the Supreme Court was conficuled with extensive, undocumented phone tapping by the government. The apex coun found itself compalled to lay down what it saw as bare minimum safeguards, consisting mostly of proper record-keeping and internal executive oversight by senior officers such as the home secretary, the cabinet secretary, the law secretary and the telecommunications secretary. These safeguards are of little use since they are opaque and rely solely on members of the executive to review surveillance requests.

There is a difference between targeted surveillance in which reasons have to be given for surveillance of particular people, and the mass-surveillance which Netra sets up. The question of mass surveillance and its attendant safeguards has been considered by the

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Indian Government Plans Internet Monitoring System Netra



While there is no privacy law in India yet, the Government is shortly launthing an Internet monitoring system called 'Nerra' which will be capable to detect suspicious words like tanack', 'bemb', 'blast' or 'kill' in real time on social media, emails, instant messaging services, blogs and others, reports The Economic Times.

Citing a note from the tolecom department, the report mentions that security agencies will be able to mention voice traffic on services like Skype, Google Talk and others through this system and this deployment will facilitate setting up of a national Internet scanning & coordination centre, similar to ones present in the United States. United Kingdom, China and others.

Neura has been developed by Centre for Artificial Intelligence & Rebotics (CAIR), a leb under Defence Research & Development Organisation (DRDO) whose research focuses on various defense related areas in information and Communication Technology like artificial intelligence, robotics, intelligent systems, communication & information security and others. The lab is also reportedly working with Centre for Development of Telematics (C-DoT) to develop a formal strategy to track Internet usage.

A PTI report also cites a home ministry note on Netra which states that the Intelligence Bureau and Cabinet Secretariat have conducted tests on the system and the ministry is currently providing final couches to the system.

The provided to security agentics

another key component in the Indian government's breader Internet surveillance plans ever the . If wever, we are curious on how the system is able to no nitor phrases in private convenations of experiment, since that typically requires a backdoor entry to the respective service.

he remittated of a recent report which had suggested that the proventment was planting to ask in 3.5 gan to share the technology it uses to decrypt conversations happening over that services like What App Skype, if the companies don't do so themselves, hast year, there were also record a locvery indian is his while the government to force it reign Internet companies like I zeebeed, and to ogle to setup local servers in

While mining of public due for "suspicious" words is understandable, we are a bit sleep out of its uschilders since 11.44.4 terr, rise or entire that elements wouldn't probably discuss their plans publicly on I when or other blog publicant

hidian Government internet Servelliance Initiatives

Lest mouth, it was indicated that the Indian government's ambilitus intelligence gathering project National Intelligence GrankATGRID av III be up and running in four monds and the initial stage could involve the Treatone linking" of ith bowern very all agencies through he NATGROD platform.

Entendes this, there is the <u>Community minimage System CMS</u>, which is ensembled India to contain 1988 to <u>PREST</u> Little Mande privition and racks what we say or toxi over the phone, write, post or brillish over the Internet by g cuing direct source from telecom operators and ISPs. Last July. Department of Telectr (munications 1 of) was to normally planning to ask all telecome operators to contract their Law ful interception System. LISM the Indian government's Commissé Monitoring System (CMS) and had inscred clauses in mobile licenses for entiting this sirveillance.

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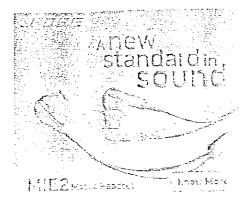
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The side of dathnic of the Netral system can be taken as frozen following tests by the intelligence Bunkou and Coolnet Secretar at and can be considered for only ding multiple user access to recurry agencies," a name Ministry note on Netralsays

An inter-trun ster alignoup comprising officials of the Cabinet Septetariat, Home Alin stry, 0,400, 04.7 Inter-gence Bureau, 0,00 filand computer Emergency Reports Eleam 10,471, necently have discussed the oscioyment strategy of inetra.

The group also thalked-out a strategy of now to deal with computer security indicents, trating stem by herad in the and promote effective. Tisecurity practices across the country.

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Reply of St Mo. 2916

RTI Matter By Speed Post

No. II.20034/35/2014-IS.II/M Government of India Ministry of Home Affairs (IS.I Division/IS.II Desk)

North Block, New Delhi, Dated:) March, 2014

То

Ms Shagun Belwal SFLC.IN K-9, Seconf Floor, Birbal Road, Jangpura Extension, New Delhi-110014.

Sub: Application of Ms Shagun Belwal seeking information under Right to Information Act, 2005.

Madam,

Please refer to your RTI application No RTI/CTAG/01/2014 dated 31.01.2014, received in the office of this CPIO on 05.03.2014 through MHA OM No A-43020/01/2014-RTI dated 20.02.2014 on the above subject.

- On the information sought, it is submitted that the subject matter is being dealt by Department of Telecom and reply has already been provided by Department of Telecom vide OM No DIR (DS-II)/RTI/2014 dated 10.03.2014 (Copy enclosed).
- 3. It is informed that in case you are not satisfied with the reply, you can prefer an appeal within 30 days from the receipt of this communication to Shri Rakesh Singh, Joint Secretary (Internal Security-I), Room No 197-B, North Block, Ministry of Home Affairs, New Delhi, who is the Appellate Authority in this case.

Yours faithfully,

Director (Internal Security-I) & CPIO

Cc:

Shri S.T. Abbas Director (DS-II) & CPIO, Department of Telecommunications, Sanchar Bhavan, 20 Ashoka Road, New Delhi with respect to OM No DIR (DS-II)/RTI/2014 dated 10.03.2014