

PRESS RELEASE

Sept. 22, 2015

Randeep Singh Surjewala, Incharge Communication, AICC has issued the following statement to the press today:-

'''Subjugation of individual freedom', 'Surveillance of the citizen' and 'Suppression of the dissent' have emerged as the 'DNA' of Shri Narendra Modi-led BJP government. 'Draft Policy on Encryption' of Department of Electronic and Information Technology first circulated, then amended and now withdrawn with a rider for re-issuing it, is a totalitarian, misconceived and a failed attempt of Modi government to over-ride all sense of individual 'Freedom of Speech and Expression' and encroach upon 'Right to Privacy' of communication.

Contrary to the stated objective of creating an information security environment and secure transactions, policy gave the Modi government a licence to indulge in 24x7 surveillance, monitor private lives/activities of citizens – particularly the young population, introduce a new 'Registration/Licence Raj' by making only registered encryption products eligible to conduct business in India and would actually have been counter productive as it was discouraging people from using encryption making India as 'anti-encryption regime'. With 24.31 crore 'Internet Users' in India at the end of 2014 (17.30 crore being mobile internet users), 11.20 crore 'Facebook Users', over 8 crore 'Whatsapp Users', 2.20 crore 'Twitter Users' and over 95 crore mobile connections; intrusion of individual liberty is fraught with dangerous dimensions in Modi government.

SINISTER ATTEMPTS TO CURB INDIVIDUAL LIBERTY

In last 16 months, Modi government has made systematic sinister attempts to quash dissent and undermine individual liberty. One recent example is the authoritarian circular issued by BJP government in Maharashtra threatening to press sedition charge for legitimate criticism of government and political leadership. Ban on mobile internet across Gujarat, particularly Ahmedabad and Surat, for days together denying 6.3 crore people of Gujarat from using mobile internet and whatsapp etc. in State of Gujarat is another example. An IIT student group was recently banned for criticizing Shri Narendra Modi. Not to mention the systematic undermining of 'net neutrality' to assist select Telcos that was being pushed through surreptitiously by a consultation paper of TRAI and had to be withdrawn after massive public backlash from young and old alike and its

cause being championed by Congress Vice-President, Shri Rahul Gandhi. Of course, the actual intent of BJP government was disclosed a month ago when it informed none less than the Supreme Court of India that 'privacy is not a fundamental right and has no meaning under article 21 of the Constitution'.

Indian National Congress strongly believes that 'Right to Privacy' is integral to Fundamental Right to Live under Article 21 of the Constitution. Modi government's systematic suppression of individual liberty as also suffocating curbs on dissemination and flow of ideas is the very anti-thesis of 'Idea of Freedom' in 21st century.

KEY ISSUES OF TOTALITARIAN, ANTI-LIBERTY, ANTI-ENCRYPTION POLICY

Now that BJP government is proposing to re-issue the encryption policy, it is important to point out the following essential key issues that affect the citizens.

1. Government had proposed that all individuals and businesses store plain text version of encrypted communication for a period of 90 days from the date of transaction for production before law enforcement agencies on demand, more so when large amount of information is transient.

It would have led to massive expenditure on creation of additional storage capacity. If all the data of an individual would be monitored and stored, no one would trust you. Any number of individuals, particularly the young, may like to not disclose something that may be of no relevance to anyone but the individual concerned. In such an eventuality, what would happen to personal privacy of communication?

Although Minister now says that the policy applied to B2B services and banks, policy was clearly being applied to individuals.

2. Government had envisaged that it will notify a list of registered encryption products and only these services will be able to conduct business in the country. This would have started a new 'Registration/Licence Raj' and isolation of India from the IT world.

3. Specification of standards and algorithms for encryption as also restricting the key size would have meant that one is allowed to communicate using a language from a

given set of government specified languages and no other language could be used. This would have weakened the security considerably as the parameters mentioned in the draft policy were undated and unsafe to use.

Cyber criminals could have also hacked into data so stored for a period of 90 days compromising on privacy of individuals.

If a citizen was using a service with a higher level of encryption than that specified by the government, it would have led to violation of law on his part.

4. Practically, all on-line activity would have been controlled by the new policy. All operating systems in windows, linux, mac etc. use encryption technologies at various levels. Similarly, e-commerce services like Flipkart, Amazon, Snapdeal and another use encryption technologies. Even browsers like Google Chrome, Mozilla Firefox etc. use encryption technologies. Almost all e-mail services like yahoo, rediff, gmail also use encryption technologies. This would require all of them to be registered with the government creating situations where content providers or operators are based outside and may not submit at all to the parameters fixed by the government leading to anomalous situation.

5. In fact, all devices of communication use some amount of encryption technology. It would have meant that every communication device, be it telephone or tablet or computer etc., would have been required to be registered.

U-TURN

Like in the case of net neutrality, massive public outrage over encryption policy has made the government take a u-turn momentarily. Intent of the government, however, stands exposed. All Indians would need to stand united to ensure that government does not bring back such policies to subjugate individual liberty again through the back door. Modi government's hasty retreat reestablishes the strength of '**democratic dissent**' over '**tuglaki farmans**'.

Randeep Singh Surjewala