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Q19

Data security has assumed significant importance in the digitized world due to rising cyber-crimes. The Justice B. N. Srikrishna Committee Report addresses issues related to data security. What, in your view, are the strengths and weaknesses of the Report relating to protection of personal data in cyber space? (250 Words, 15 Marks).

UPSC Civil Services Mains 2018 · GS III · 15 marks · Cyber Security and Money Laundering

Challenges to internal security through communication networks, role of media and social networking sites in internal security challenges, basics of cyber security; money-laundering and its prevention.

Core demand of the question

- State the strengths and weaknesses of the **Justice B. N. Srikrishna Committee** Report on protection of personal data in cyberspace
- Keep the view tied to the 2018 report and its draft law

Revision summary

The 2018 **Srikrishna Committee** drafted a Personal Data Protection Bill after the Puttaswamy privacy judgment.

Strengths are fiduciary duties, consent and purpose limits, user rights, a DPA with penalties, and a localisation push for enforcement.

Weaknesses are broad State exemptions, weak real consent, start-up costs of localisation, and an incomplete surveillance reform.

A DPA that is not independent cannot police either Big Tech or the government.

Cyberspace protection needs the State under the same law as the company.

Flow diagram

Puttaswamy privacy -> Srikrishna Report 2018

Srikrishna Report 2018 -> User rights consent fiduciary

Srikrishna Report 2018 -> Data Protection Authority

Srikrishna Report 2018 -> State exemptions localisation gaps

User rights consent fiduciary -> Personal data in cyberspace

Data Protection Authority -> Personal data in cyberspace

State exemptions localisation gaps -> Personal data in cyberspace

Conclusion

- Pass a data law whose **State exemptions are narrow, listed, and reviewable**, not a second Official Secrets net.
- Pair it with **surveillance and encryption** rules that a court can test.
- Make the DPA as independent as a regulator that can fine a ministry's vendor, not only a start-up.
- Use **localisation only for truly critical** data, with security investment, not as a slogan.
- Treat **consent plus duty of care** (fiduciary fairness) as the daily tool against cyber misuse.

The Srikrishna Report's strength is a rights-based fiduciary statute, a regulator, and a serious draft after Puttaswamy. Its weakness is a State that can step outside those rights, an unfinished surveillance debate, and localisation that may cost more than it protects. Personal data in cyberspace will be safer when the law binds government as tightly as it binds the platform.

Facts & figures

Justice B. N. Srikrishna Committee

Expert committee that submitted its data-protection report and draft Bill in 2018 to the Union government.

Puttaswamy, 2017

Supreme Court nine-judge holding that privacy is a fundamental right; the report treats this as the constitutional base.

Data fiduciary

Person or State body that determines the purpose and means of processing personal data and carries the main duties.

Data Protection Authority

Proposed regulator to standard-set, inquire, and penalise, modelled in spirit on a strong independent commission.

Critical personal data

Class of data the draft treated as storable only in India, a core localisation idea of the 2018 text.

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