Linking Social Media Accounts with Aadhaar - TN Demand

Why in news?

The Tamil Nadu government told the Supreme Court that social media profiles should be linked to users' Aadhaar number to check terrorist messages, pornography, and fake news.

What is the case about?

- Tamil Nadu made the submissions when a two-judge bench of Justices was hearing a petition by Facebook.
- The petition was to transfer all such cases pending in different high courts to the Supreme Court.
- The High Courts of Madras, Bombay, and Madhya Pradesh are hearing nearly similar petitions to link Aadhaar number with social media profiles.
- All such pending petitions nearly raise the same question of law and the same issue of whether private entities could use Aadhaar numbers of individuals.
- Facebook said before the Supreme Court that it was difficult for it to defend itself before high courts across the country.
- The high courts had given conflicting observations in the case.
- Transferring them all to the apex court would serve the interests of justice by avoiding the possibility of conflicting decisions.

What is the petition before Madras HC?

- Following the Supreme Court’s decision in the Aadhaar case, the unique 12-digit-number can be used only for subsidies and welfare benefits.
- Also, Section 57 of the Aadhaar Act relating to use of Aadhaar by private entities has been struck down by the SC.
- The petitioners had approached the High Court, noting that many people got away with controversial posts on social media because of the lack of traceability.
- There have been several Public Interest Litigations (PILs) filed in the case, with the earliest being moved before the Madras high court in July 2018.
- The petitioner had asked for making it mandatory to link Aadhaar or any other government-authorised identity proof for authentication of social media profiles.

- Other similar PIL sought that Facebook should seek some sort of government-authorised identity before allowing any person to open an account on its platform.

What is the Madras HC's observation?

- The Madras high court had observed that the application to link Aadhaar with social media profile was dangerous.
- The court said that this would affect the right to privacy of every individual.
- It had however agreed to hear the case.
- It looks at examining the adequacy of the legal framework on cybercrimes and the responsibilities of intermediaries who provide telecommunication and online services.

What is the TN government's stance?

- The Tamil Nadu government opposed the transfer of the Facebook-related cases to the Supreme Court.
- The Madras high court has already had 18 hearings on the case.
- So, the TN government has argued that the apex court should wait for a comprehensive judgment before deciding on the issue.
- The State government is trying for better assistance from intermediaries and social media companies to trace offending messages.
- It is also in support of linking social media profiles of registered users with their Aadhaar numbers.

What is the regulation in this regard?

- The Union Ministry of Electronics and Information Technology notified new draft rules for intermediaries recently and called for public comments.
- The proposed rules envisage new obligations for service providers.
- One of the changes proposed is that intermediaries should help identify originators of offensive content.
- However, technology companies that use end-to-end encryption have said they were unable to open a back door for identifying originators.
- The issue concerns the global policy of these companies as well as the wider public interest of millions of registered users.

What should be done?

- The K.S. Puttaswamy decision (2017) in the 'privacy' case is worth mentioning here.
- Accordingly, any state intervention for regulation of online content has to pass the test of proportionality laid down by the court.

- It is desirable if courts do not impart urgency to the process of introducing a balanced regulatory regime to curb controversial content.
- It must let the government work out a balanced regulatory regime for online content.
- The balance must be right between protecting privacy and allowing the state the leeway to curb crime.

Source: Business Standard, The Hindu

