

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.6/2020

Date of Order: 02.02.2021

Jade Jeremiah Lyngdoh Vs. Union of India & ors

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice

Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K Paul, Adv
For the Respondent(s) : Mr. N Mozika, ASG with
Mr. J Nongrum, Adv for R/1&2
Mr. A Kumar, Advocate General with
Mr. A Kharwanlang, GA for R/3-5

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No

This writ petition has been filed as a Public Interest Litigation [PIL] by one Shri Jade Jeremiah Lyngdoh.

The issue in this writ petition centers around two applications softwares (commonly referred as 'APP'), namely, CORONTINE APP and STAY SAFE MEGHALAYA APP, which were in operation at the height of the COVID pandemic, but has since been discontinued by the State. The specific contention of the writ petitioner is with regard to privacy of the citizens – particularly those residing in Meghalaya – being compromised due to lack of protection of personal sensitive data of those citizens collected by means of the two 'APPS'.

Undoubtedly, data privacy safeguards are *sine qua non* for the purpose of protecting the privacy of citizens, particularly when an 'APP' such as a CORONTINE APP or a STAY SAFE MEGHALAYA APP is

required to be installed by a citizen at the instance of the State. Although it appears during the course of hearing of the instant matter that these two 'APPS' have been discontinued, it is the bounden duty, nay, an absolute obligation on the part of the concerned authority of the State to preserve, protect and safeguard the private and personal data of its citizens so that someone somewhere does not breach the walls of privacy and utilize the private and personal data of the citizens collected by these two 'APPS' for such purposes other than the specific purpose for which the two 'APPS' were created.

As such, we are of the view that the instant writ petition can be disposed of with a direction upon the respondent Nos.4 and 5 to look into the specific allegations made by the writ petitioner – as contained in the pleadings – by causing a thorough inquiry in respect thereof and ensure that any private or personal data collected from the citizens who have used the two 'APPS' are not misused or disseminated in any manner. Needless to mention that while embarking upon this exercise, the respondent Nos.4 and 5 shall adhere to all privacy protocols that are now in place in the State of Meghalaya as well as in India.

The writ petition stands disposed of accordingly.

(H.S. Thangkhiew)
Judge

(Biswanath Somadder)
Chief Justice

Meghalaya
02.02.2021
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