

Seizure of Journalists Devices Serious Matter : Supreme Court

Why In News

- The **Supreme Court** highlighted the **need to frame guidelines to protect privacy of journalists** when their personal digital devices are seized by the Central agencies.
- The petition argues that personal digital devices are now like people's extensions and emphasises that current legal safeguards are not enough to protect constitutional rights of journalists.
- A bench of Justices **Sanjay Kishan Kaul and Sudhanshu Dhulia** pointed out that media professionals could have confidential information or details about their sources on their devices.



Justice Sanjay Kishan Kaul

Justice Sudhanshu Dhulia

Case Is All About

- The bench was hearing a plea by the **Foundation for Media Professionals** seeking **safeguards against** what it called unnecessary interference by investigation agencies, and laying down comprehensive guidelines for search and seizure of digital devices.
- Senior advocate Siddarth Aggarwal, appearing for the petitioners, said the **law enforcement agencies** seemed to enjoy unfettered search and seizure powers and it posed a threat to guarantees provided to citizens by the Constitution.



- “The issues raised in this petition are significant because **there are no guidelines with reference to what may be seized**, what can be accessed, what kind of protection is ensured for personal data.
- The entire digital footprint is on that one device. There are several journalists whose digital devices have been taken away.



- Once an investigating agency is involved, the person does not even get to have a back-up of the data,” pointed out Aggarwal.
- Pointing out that there is a right to privacy, he said “today investigative agencies force me to provide a password or a biometric, would not otherwise be allowed under compelled test in terms of **Article 20**”.
- Agarwal said “from the media perspective, we are the common enemy to everybody because truth is something that comes through us”. privacy is also an angle that has to be considered.

Government Say

- Appearing for the Central government, Additional Solicitor General SV Raju replied that the authorities cannot be shut out from examining such devices.
- "But there are anti-nationals who may ... We cannot be shut out completely. **Media cannot be above the law,**" he said. the investigating agencies could not be kept out.
- The ASG said suppose there is incriminating material in a mobile phone, while the investigation agency cannot disclose the data to a third person, "the investigative agency will have to go through that entire record and find out one small bit which is relevant for the purpose of investigation, relevant for prosecuting somebody.



Supreme Court Say

- The Court proceeded to give the **Central government a month's time** to suggest what guidelines could be put in place to govern such seizures of digital devices.
- The Court added that the **matter cannot be treated as an adversarial one**, and that the government has to play a role in shaping the necessary guidelines.

