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1. Rescripting India's Engagement with Afghanistan

Context

The article analyses the possible changes in dynamics and strategy that India might need to adopt in order to protect India's geo-political interest with the recent Taliban takeover in Afghanistan.

Introduction

- Afghanistan is an interesting site for analysis for scholars of international politics and diplomacy.

- Taliban, a non-state armed group with a declared allegiance to an idea of fundamentals of Islam, assumes power and vows to bring back religious and customary practices like the sharia law to the centre stage of its engagement at home and abroad.

- The Taliban entered Kabul, which officially marked the fall of the elected Afghan government on 15 August 2021.

- With the United States (US) withdrawal slated for 31 August 2021, this was a momentous point in the history of Afghanistan, though not completely surprising.

- The images of Taliban fighters posing behind the massive desk at the presidential palace in Kabul was a grim reminder of the competing claims for empire in between modernity and religion.

- India can rescript its language of engagement with non-state armed groups like the Taliban.

- India's stated position in September 2020 at the intra-Afghan peace talks in Doha reaffirms the long-held Indian position that any peace process should be ''Afghan-led, Afghan-owned, and Afghan-controlled".

- A socio-theological approach recognises that "politics has a religious side and religion can be an inherent part of public and political life".

- The political aspect lays emphasis on India's commitment to the goal of a political road map for Afghanistan, which recognises that the Afghan nation and its identity is more heterogeneous than homogeneous.

- It comprises not only the dominant Pashtun tribe but also the Tajiks, Uzbeks, Turks, Hazaras, and other minorities.

- The Loya Jirgah can be a first step where India vests its trust in an Afghan-led process but with the caveat that it includes women and minorities.

Taliban 2.0

- From the standpoint of the Taliban 2.0, India's move can be strategic, as it provides the Taliban with filters to engage with India and gives it the much needed space to manoeuvre its moves to prove to the international community that the Taliban 2.0 of 2021 is different from the Taliban of 1996.

- However, women's representation still remains a sticky issue with the Taliban, and women stand in many ways banished from public spaces.

Strategic Reasons

- India needs to realign its politics to its geopolitical board game as it stands to be excluded from the hydropolitical security complex not only in South and Central Asia but also in the Middle East and North Africa (MENA) region.
- Afghanistan is key to India's connectivity projects in South and Central Asia and the MENA region.
- Thus, India needs to test the Taliban on its offer where it categorically states that it would allow India to continue with development projects.
- India needs to realign its moves as it stands boxed on the margins with the emerging Russia, Pakistan, China, and Iran axis, not essentially in a linear order.

Changing Geopolitical Realities

- By 2019 India had completed nearly 400 social infrastructure projects in partnership with the Afghan government that were spread across 34 provinces of Afghanistan in diverse fields of development, including education, healthcare, infrastructure, administrative capacity, flood control, irrigation, agriculture, and sports.
- It is critical to understand from the perspective of changing geopolitical realities as the control over water resources.
- It can be safely stated that India was playing out its geopolitical interest in the region alongside pursuing the goal of development.
- Now with the Taliban in the driver's seat, with close proximity to Pakistan, India's geopolitical interest stands threatened.
- India by its involvement in the Harud Basin and its support to Ashraf Ghani's resource capture strategy surely was in the way of interests of Iran and Turkmenistan.
- Iran was unhappy with India's unilateral support for Afghanistan, under the Ghani government, in terms of ''resource capture strategy'' that had transnational impacts for Afghanistan's neighbours in the Harid Basin.
- It is rather crucial to avoid India's exclusion from the hydropolitical security complex that not only involves Afghanistan but also Iran and Turkmenistan.

New Great Game

- India technically would not want to compromise its official policy of not talking to any militant group due to the domestic repercussions.
- India needs to follow a two-track approach.
    - First, talking to the Taliban does not mean that India accords legitimacy to its politics of terror, but it only means that India is willing to judge the Taliban 2.0 by its actions and is not antagonistic to the Taliban.
    - Further, both China and Pakistan combined would attempt to curtail India's interest, and thus, opening channels of communication is in India's long-term interest.
    - India has quite reasonably balanced this with its wait-and-watch policy.

- Second, it is important to point that India needs to follow a path of course correction, as it has systematically been kept out of regional discussions both by the US on the grounds that India has never announced its support for the US–Taliban process, and given India's declared proximity with the US, it gives no strong reasons for Russia or Iran to battle for India's role in Afghanistan. And more obvious than not, for Pakistan, this stands to be a win-win situation.

Overview

- India would be able to navigate and blend the complex pathway with interest and morality with 'strategic adjudication' rather than 'moral adjudication'.
- India will have to shed its ideological hesitancy to speak and engage with armed insurgent groups that subscribe to the sharia.
- The thin line that India needs to underline is that it will judge the Taliban not by its Islamic character, which does not fit into frames of Western modernity but by its practice and commitment to the well-being of Afghan people.

2. Reconciling Blockchain and Data Protection Regimes

Context

Introduction

- The Supreme Court on 24 August 2017 recognized privacy as a fundamental right, which was followed by a lot of legislative activity for safeguarding various facets of privacy.
- In the United States elections of 2016, it was alleged that social media and search engine websites were used for aggregation of information of US citizens and targeted advertisements were used to manipulate the choices of the voters.
- This particular incident, inter alia, triggered a rage among all the countries unwary of the further repercussions that data manipulation could open up.
- The EU took the lead on this front and drafted an extensive regulation styled as the **General Data Protection Regulation** (GDPR) for governing the digital forums.
- This particular piece of legislation has been an inspiration for more than 60 countries to draft their own Personal Data Protection (PDP) laws, including India.
- The history of data protection in India is fairly recent, as it was only called into action in 2018.

Also read: Puttaswamy Case (2017)

Blockchain Technology

- Blockchain is a specific type of distributed ledger with a distinct set of features or operational processes.
- A blockchain is a sequence of blocks.
- A change in a blockchain can happen only if other nodes verify the change, which is logically hard to achieve.
- Once a block of information gets hashed in the blockchain, tampering with it is next to impossible.
- One of the earliest mentions of blockchain technology can be found in a paper written by Satoshi Nakamoto, whose actual identity to date is not known, as to how financial transactions can take place without the need of centralized financial institutions.

Also read: National Strategy on Blockchain

India's Data Protection Regime

- India does not have any specific legislation for data protection. It only has an Information Technology Act, 2000 that is an instrument made for validating e-transactions.

- The IT Act is applicable only on an intermediary, which again is in contrast to blockchain technology.

- The new Personal Data Protection Bill, 2019 imbibes the intricacies required for dealing with the cases of data protection in line with GDPR.

    - The Personal Data Protection Bill, 2019 was introduced in Lok Sabha by the then Minister of Electronics and Information Technology, Mr. Ravi Shankar Prasad, on December 11, 2019. The Bill seeks to provide for protection of personal data of individuals, and establishes a Data Protection Authority for the same.

    - The Bill governs the processing of personal data by:

        - government,

        - companies incorporated in India

        - foreign companies dealing with personal data of individuals in India.

- The new bill is in line with the Western policy of data ownership and self-determination.

- The bill in its core sense is applicable to a data fiduciary.

    - The Data Fiduciary is an Indian version of the Data Controller of the GDPR.

    - The terminology of the sentence used in defining a "data fiduciary" starts with the term "means any person" and thus it includes any entity, and may also include a "Node" from the blockchain, which means the term is large enough to include a blockchain participant.

    - The other condition is that "who alone or in conjunction with others determines the purpose and means of the processing of personal data."

Permissioned Blockchain

- There are primarily two genes of blockchain, known as permissioned blockchain and permission-less blockchain.

- The permissioned blockchain, unlike the permission-less blockchain, is a closed blockchain with limited nodes, the access to which is limited. They maintain an access control layer that allows certain actions to be performed only by certain identifiable nodes.

- A permissioned blockchain is much more secure and prompt technology as compared to the permissionless blockchain, under which there can be millions of nodes, and thus the process of verification may take time, which is not the case with permissioned blockchain.

- The permissioned blockchain tends to bring a certain amount of control to particular nodes and hence brings a sense of centralized system, which by default then becomes subject to data protection law.

Right to be Forgotten

- There is bound to be a clash between blockchain technology and the right to be forgotten at a functional level.

- The basic premise of the <u>right to be forgotten</u> runs on the philosophical backing of the right to self-determination, the idea that an individual has a right to determine how much information pertaining to the person can be floated on a digital forum.

- The system of blockchain does not functionally support the concept of the right to be forgotten; a particular block of information may be deleted only if there is a consensus by 51% of the users of a particular blockchain, which is hard to happen in a permission-less blockchain where the blockchain users can range from 1 to 1 million.

Right to Portability

- The right to portability has its philosophical origin in the idea of the "right to ownership" of personal data.

- An individual has ownership over personal data and therefore has a right to shift/port the data from one organization to another.

- In third-party portability, there is enough discreteness to raise suspicion in the mind of the individual as to whether all of the personal data has been transferred or not, but there is literally zero possibility of such a case happening in the blockchain system, as the individual willing to port his personal data may just cryptographically secure the piece of data by a private key and the owner then can grant or revoke access by third parties to that data as required.

Privacy by Design

- Privacy by design is an organizational demand for a secure structure. It means while new technology is being created, privacy is incorporated into the system by default.

- A permissioned blockchain is closer to a centralized data processing system, where entrance into the blockchain depends on the permission of the nodes.

Transparency & Blockchain

- Transparency is one of the essential elements of data processing, and transparency is one of the inalienable features of a blockchain, as the information stored under the blockchain is open to several nodes on that blockchain.

- This brings in the immutable characteristics of the blockchain as everyone can access that block; therefore, the possibility of tampering with any block becomes very less.

- The same might not be the case with a permissioned blockchain, where there are few nodes, and entrance into that blockchain is governed by those nodes.

Blockchain & Cryptocurrency

- There are various nuances that data protection law needs to go through to comply with the technological demand of blockchain technology.

- Coming to <u>cryptocurrency</u>, it too is not backed by any substance but by popular usage. Its fluid nature ensures it can easily be used for international transactions without any impediment.

- The Subhash Garg Committee which is an inter-ministerial committee appointed on virtual currency has denounced the usage of virtual currency in any form unless the currency is recognized by the union government.

- The popular usage of cryptocurrency does not per se bring in the required stability and security.

- Governments across the globe have been using the argument of the volatile nature of cryptocurrency as the reason for not recognizing it.
- India has even moved a step forward and brought a bill titled the "Banning of Cryptocurrency and Regulation of Official Digital Currency" Bill, 2019 to regulate the working of cryptocurrency.

Read previous EPW articles in the link.