
AROGYA SETU AND COWIN: ETHICAL AND LEGAL ISSUES

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ABSTRACT

Since 2019 a lot has changed due to coronavirus. It has affected the lives of lakhs and crores of people worldwide and caused huge economic loss due to the lockdown and outburst of COVID-19. Government and others are continuously emerged in finding ways to fight against it, and in the meanwhile, two applications were made that are Arogya Setu app and COWIN, which is to make people aware of the COVID-19 patient by tracking their location and highlighting the infected area in their location and nearby and also for getting vaccination COWIN was used to book the slot for vaccination for its smooth process. However, there were some major legal and ethical issues in these applications, and those issues have been covered in this paper. The issues that have been mentioned are some of the major concern, and thus solutions to those issues have been highlighted.

I. Introduction

Coronavirus is a well-known name due to its spread and the huge loss it caused worldwide. It is an infectious disease which is causing many deaths worldwide. It was first identified in Wuhan, China, and it was then named COVID - 19. The name it has got with the combination of three words - Corona, virus and disease, which made CO, VI, D and it took place in the year 2019 and thus it has been named - COVID 19. This disease is transmittable and can be transferred from one person to another. COVID 19 has caused a lot of deaths not only in India but in the whole world. It has also created a massive economic shock due to lockdown. To get the covid under control, there are various policies and actions taken by the government, Arogya Setu app and COWIN were two of them. Although this application was made available for the safety and for fighting against COVID- 19 as the Arogya Setu app helps in finding the COVID 19 infected person around an individual and COWIN was used for vaccination, still there were a lot of ethical and legal issues that were related to it, and thus it became a concern in the country.

II. Literature Review

- (a) According to Gupta *et al.* , A huge trade-off in between information along with privacy in context to GPS and blue tooth based applications like Arogya Setu is going on. Privacy is one of the major concerns in the applications that use Bluetooth. It uses it to provide geographical information and gives actions information on the movement of people, which is a major aspect of contact tracing. The privacy of the application is also not strong enough to protect this information and thus it has become a major concern.
- (b) As per Dhar, there were various issues with people's privacy in the Arogya Setu app. There was various information that was collected but had no direct relationship with the usage of the application. Also, the data should be deleted once used, but there is nothing explained in that term, and thus the government can keep this data for an infinite period. All of these aspects created a huge concern and even the government made it compulsory for the individual to have this app in their smartphones which also gave birth to a lot of criticism.
- (c) According to Basu, the compulsory installation of the Arogya Setu app is a major concern when the privacy concern takes place. It is said that the compulsory use of this app is intervening in legitimate public health information. The huge critical

information that is taken by Arogya Setu app has led to the rise of risk of this information for the public even though it is used for the national level still there is a lot of risks involved with it.

- (d) With respect to Dhindsa & Kaushik, the data access and knowledge sharing protocol was issued in which the principles have mentioned the processing and collection of data, and as per Sri Krishna, his opinion was not in favor of having fully secured data of the customers. The government has itself denied the security of the data and thus the question of the responsibility arises. The usage of these applications was surely done for the betterment and for the fight against covid but the method and technique being used for the fight will eventually give birth to the other issue if not being handled in the right manner.
- (e) As per Ladha & Duggal (2020), Arogya Setu was launched by the government with a good intention to handle the spread of coronavirus and also to ensure the health safety of the individuals. However, many concerns were attracted towards the app after it was made compulsory by the government. The issues have been addressed under the act of information technology 2000. As per the terms and policies, the government has mentioned that the government is not responsible for inaccurate or wrong information, which raises the question of spreading fake news. Another thing that has been mentioned is that the government will not be held responsible for unauthorized access to the information. This aspect arose a major question: after taking so much personal and critical information and making the application mandatory, if the government will not be liable for the unauthorized access, then whom to blame for this.
- (f) According to Rakheja, a lot of data is collected by the COWIN app from the application's users. The data collected involves name, gender, date of birth, photo and a lot more. However, there is no privacy policy for the application since it is used at the national level. The clarification on privacy has not been given, and this created a lot of concern for the use of the app. It is a major concern that even on a national level, issues like this can arise, and thus it is a major concern.
- (g) With respect to Mishra, a lot of people confuse the issue with the data because the glitch arises in the software. It is not the software but the data that is responsible here. A lot of wrong verification and information is being processed on the application and the website and because of this the unwanted traffic is being increased. All of these are simultaneously causing a glitch in the system. Even the

major issue like wrong location and available seats are the two of the other major concerns that are taking place in the application and software and thus it is a major concern and is causing huge hindrance for the data availability and the service being provided to the customers.

III. Arogya Setu App and COWIN

Arogya Setu is a mobile application that was developed after the COVID outbreak in India. This application is an initiative by the government of India to keep track of all the infected people by providing priority towards the safety and health of other uninfected citizens during the COVID pandemic. With this application, a person can easily know if the people around them have any infection symptoms because of COVID- 19 to keep a safe distance from such people. It is an application that helps people maintain social distance in public places, causing the virus to spread at the mass level¹ . With this application, people can protect themselves and their families while travelling, shopping, or going out for work. It has a GPRS tracker that provides the location of infected people around you.

It also helps people to find nearby emergency hospitals and COVID treatment centres for treatment. Arogya Setu app also helps in finding nearby oxygen cylinders. But its main purpose is to warn people and keep a detailed update of the various areas that have been infected. That is why the Indian government has made it compulsory to install this app for going to public places like hospitals, bus stands, railway stations, airports, etc. With this app, people can also contact the emergency helplines if they need medical assistance or oxygen cylinders. So this app is very useful for people, and the government is focusing on the increased use of this app to analyze the present state and spread of covid so that further actions can be taken to curb the harmful effect of this virus.

COWIN is a portal by the government of India to help the general public find out the nearby locations for getting vaccinated. It is a part of the vaccination drive operated by the central government so that people living in different locations do not have to go to distant places searching for the covid 19 vaccines² . The COWIN portal has made the task of the government as well as the general public very easy. With this portal, people can enter their address or pin code and find out the nearest vaccination centre and the availability of vaccines in different

¹ Alanzi, 2021

² Gupta et al., 2021.

slots. They can register for a maximum of four people from their phone number to get the dose of covid vaccine. So they do not need to stand in queues and can get free vaccination. Also, with this portal, it has become easy for the government to get the public vaccinated with transparency and accuracy as it is a centralized portal. With the COWIN portal, the government wants to ensure that each citizen of India gets their dose of vaccine.

IV. Ethical issues

Several ethical issues with the Arogya Setu app have created problems and difficulties for the general public. Since this app provides information about people near you, like whether they are infected with covid or not, to their information, there is no authenticity. In the Arogya Setu app, every person has to fill in some personal information like name, age, gender, address, and then they are asked some questions related to their health and current situation³. Based on their answer, the app decides if a person is fit or has chances of mild or high covid infection. So, the wrong or unethical information can lead to inaccurate reports about the active covid cases.

And this has happened in so many cases, which has spread the virus to people at a large level. So this is not ethical conduct. Further, if the COWIN portal is to be looked at, the government aims to ensure the availability of vaccines to the general public at large, but the vaccine centres are very few, and most of the time, the slots are not available for registration. So this has created difficulty for people, and they are looking forward to private vaccination centres, where many cases of wrong vaccines or charging amounts for vaccines have been reported, which is not good for the poor section of the society.

V. Legal Issues

There have been major legal issues with the Arogya Setu app since its inception in 2020. The right to privacy is one of the fundamental rights given by the Indian constitution to its people, but this app breaches the privacy of people by informing about their location, tells about their health and well being which is not a legal thing. Also, if this app's terms and conditions are to be looked at, it clearly says that the government is not responding to detect wrong information. This is almost the same as spreading rumours about a pandemic which is strictly prohibited by Indian law. Also, it mentions that the data can be used not only by the government but other parties also for generating health reports. So, this app breaches the data usage and privacy rules

³ Agrawal & Singh, 2020.

covered in the information technology act. There are some issues with the COWIN portal as well as reports claim that the chances of it being hacked are very high, and it can lead to a major data leakage which can violate human rights. The COWIN portal had some serious verification issues. The general public had difficulty finding the exact covid vaccination centre as the portal was giving wrong information. Also, while downloading the vaccination certificate, people got the wrong information, like the name was incorrect on the certificate or a wrong certificate got downloaded even after entering the right credentials. So these issues created a problem of trustworthiness on the portal.

V. Steps towards resolving the issues

The issues with the Arogya Setu app and COWIN portal have been categorized into legal and ethical parts. These issues are creating problems for the general public and users as they have to sacrifice their privacy with the Arogya Setu app being made mandatory in several public places. Also, the government is not taking accountability if a data breach happens. So these issues need to be resolved, and there are potential solutions that can help remove these ethical and legal issues⁴. The government can easily adapt these solutions to make improvements in the Arogya Setu app and COWIN portal. To avoid the ethical issue of People putting wrong information on the app, instead of asking them health-related questions at first, there can be a section of checking the honesty of people based on emotional quotient questions that will create a probability of their honesty and will then calculate if people provide correct details about their health and covid infection.

Also, the ethical issues with COWIN can be resolved by ensuring that more detailed information about the availability of vaccines is there on the portal. Suppose the legal issues are to be resolved. In that case, the best way is the declaration by the government that they are accountable and responsible for the data collection from the app and portal, as this will provide a sense of security and will not breach the IT act. Moreover, the terms and conditions of the Arogya Setu app can be revised, and people can be assured that their data will be used by the government only. Also, the app can decline the section of personal details like name and age and can use location only to provide insights into active covid cases. This will avoid the violation of the right to privacy. Also, the government can take the initiative of educating people about the importance and usefulness of Arogya Setu app and COWIN portal and make

⁴ Jaju & Thakkar, 2021

them realize that these apps are for the benefit of the general public. Then only they will show ethical behavior and will not feed wrong information in the app and the portal. Virtual Campaigns can be organized in which the experts can talk about the benefits of using Arogya Setu like people can maintain distance from infected people and know about emergency helplines⁵. Also, they must be encouraged to get vaccination through the COWIN portal as this will help in the successful completion of vaccine drive in the country, and people will be safe from the deadly virus. So all these measures can prove to be an efficient solution for the legal and ethical issues with the Arogya Setu app and COWIN portal.

VI. Conclusion

The outbreak of the COVID-19 viruses impacted the entire globe, and India is the second-highest populated country in the world, has faced huge damage to life and the economy. In the first phase of covid, there was a complete lockdown for three months, and this stopped the flow of money due to the shutting down of businesses. But when the government decided to open up economic activities, the Arogya Setu App became the basis for opening up and travelling. This app could identify the infected people near you and thus helped people to be cautious while going out of their house. But this app has several legal and ethical issues that make people a little reluctant to use it. It violates human and fundamental rights⁶. Also, with the approval of vaccines, the COWIN portal was launched to help people get vaccinated easily in their nearby locations. But this portal has also been issued both from a legal and ethical perspective.

The prominent one is the breach of data and privacy of the users by forcing them to download and use the application in several public places and for travel. With this paper, solutions have been provided to remove those issues. It can be concluded that the legal issues can be resolved through accountability by the government, and ethical issues can be resolved by creating awareness about the benefits and usefulness of Arogya Setu app and COWIN portal, as many of them don't know about these initiatives of the central government. So the government of India is handling the pandemic with these two technologies. The solutions suggested in the paper can be implemented easily with minimal cost as the mechanism is already there. Only minor changes are required in the Arogya Setu app and the COWIN portal to make them more reliable and trustworthy. This can be a great initiative and ensure that more and more people can get assistance from the application in these difficult times.

⁵ Sowmiya et al., 2020

⁶ Gautam & Hens, 2020

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