India Bans Chinese Apps

What is the issue?

- The Centre has officially banned 59 Chinese apps.
- This ban has brought to the fore the 'national security versus digital rights' question.

Why did India ban these apps?

- This ban came after clashes erupted between the Chinese and Indian troops in Galwan valley in Ladakh.
- The Ministry of Electronics and Information Technology (MeitY) said that it has received complaints that these apps misuse user data.
- There are reports that these apps transmit users' data in an unauthorised manner to servers that have locations outside India.
- The MeitY said that many citizens have shared their concerns regarding the data security and risk to privacy relating to operation of certain apps.

How did India block these apps?

- The MeitY invoked its power under the **Section 69A** of the Information Technology (I-T) Act.
- The MeitY said that, using this Act, it blocked these apps to safeguard the sovereignty and integrity of India.

Why the usage of Section 69A of the I-T Act criticized?

- It is criticised that the Act isn't designed for data protection compliance.
- It is also argued that Section 69A is set for violations that are more specific rather than broad general violations.
- The 'security of the state' ground is what the Union as well as many State governments have unfortunately taken very wide views of.
- However, data protection is not one of the grounds.
- More importantly, Section 69A is a censorship power, which is not well designed to protect people's rights.

What are the other criticisms?

- The concerns around national security or other geopolitical concerns have

intervened to result in this censorship administrative action.
- Banning of the apps is seen as a proxy for a larger geopolitical battle.
- The test of proportionate restriction may have not been met.
- The government didn't follow the three-part test while taking such steps that may intrude upon people's fundamental rights and freedoms.
- [Three-part test - That requires action that is very clear; that could not have been done by a less intrusive means; and that follows standards of necessity and proportionality.]

What was the problem with the process followed by India?

- India should have first investigated the entities.
- It should have then seen whether other mechanisms like orders, fines, etc., could be followed.
- Instead, the Centre has done an emergency blocking order.
- Then, it has said that these platforms should perhaps come to them and make a case as to why they should be unblocked.
- The Centre has said that, only after such a case, these interim orders could be overridden.

How India sees digital rights?

- India is a signatory to the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights.
- So, it has a basic understanding that regulating the Internet by governments has to respect basic human rights standards.
- In India, it is very clear that our fundamental right to free speech and expression applies to online content too.

How the trade-off could be resolved?

- Section 69A of the I-T Act is not a new power that the government is commandeering during a time of national security emergency.
- But, the necessity of blocking the app must be very clearly made out by the government.
- In this way, we can resolve the question of where we can draw the line between this trade-off between national security and rights.

What could be done to make the system fairer?

- Currently, when the Government issues blocking orders under Section 69A of the I-T Act, it asserts secrecy and confidentiality in those orders.
- The government should immediately stop asserting that privilege, so that the

public knows what is being blocked and for what reason.
- It can also undertake broader reforms.
- It can review the Section 69A of the I-T Act itself.
- National security agencies must be brought under a legal framework where people can understand what everybody's powers are.
- If these agencies have overstepped their bounds, there must be consequences as there are consequences for everyone else.

Source: The Hindu