

Section 69 (A) of the Information Technology Act, 2000

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Context- The Ministry of Electronics and Information Technology has issued orders to block 138 online betting platforms and 94 money lending apps on an “urgent” and “emergency” basis under the provisions of **Section 69(A) of the Information Technology Act, 2000.**

Crisis related to Lending Apps

- **Blackmailing and Harassment:** During the past three years, there have been several police complaints of people being blackmailed and harassed by money-lending apps after borrowing small amounts of money at prohibitive interest rates.
- **Suicides:** There have been cases where people have committed suicide after facing harassment from lending apps.
- **Rise in the number of Complaints:** The number of complaints received by the Cyber Police Station throughout India regarding loan app crimes has been increasing.
- **Hidden Apps:** The Ministry of Home Affairs also started investigating Chinese loan-lending apps and found out that while only 94 are available on e-stores, others are operating through third-party links or websites.

IT Act

- *In 2000 India witnessed the rise of the IT Bill that received assent of the President and therefore came to be the Information Technology (IT) act in which Cyber laws are contained.*

- The Aim of the IT Act was to provide certain legal infrastructure for e-commerce in India.
- The Act also aims to provide for the legal framework thereby legal sanctity is accorded to all electronic records and other activities carried out by electronic means.
- It states that an acceptance of contract may be expressed by electronic means of communication and the same shall have legal validity and enforceability.
- In India, the Information Technology (IT) Act, 2000, through several amendments, governs all activities related to the use of computer resources.
- The Act covers all 'intermediaries' who play a crucial role in the use of computer resources as well as electronic records.
- The role of the intermediaries has been illustrated in distinct rules framed for the purpose in 2011- **The Information Technology (Intermediaries Guidelines) Rules, 2011.**

Amendment to the IT Act, 2000

- The first Act to amend the IT Act 2000, **Information Technology (Amendment) Act, 2008** received the assent of the President on 5th February 2009.
- It brought several changes such as
 - **Data Protection** -with no specific reference to Data Protection in 2000 Act, the ITA 2008 introduced two specific sections addressing Data Protection i.e. **Section 43A** – Compensation for failure to protect data, and **Section 72A** – Punishment for disclosure of information in breach of lawful contract.
 - **Information Preservation** Section 67C of the act states about the Preservation and Retention of Information by Intermediaries. According to the Union Government, any intermediary who intentionally contravenes the provisions shall be punished with an imprisonment for a term which may extend to 3 years and shall not be liable to fine.
 - **Section 69** grants power to issue directions for interception or monitoring or decryption of any information through any computer source.
 - **Section 69B** endorses to monitor and collect traffic data or information by any computer resource for Cyber security.

Section 69 of the IT Act

- This section grants the Central and State governments the power to issue directions "to intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource".
- The grounds on which such powers may be utilised include
 - In the interest of the sovereignty and integrity of India, defence of India as well as the security of the state.
 - Establishing good relations with foreign states.
 - Public order, or for preventing incitement to the commission of any cognizable offence relating to such matters.
 - For the investigation of any offence.

Procedure for Blocking Apps

- The Ministry of Electronics and Information Technology has been empowered to block access to information, similar to the Ministry of Information & Broadcasting, since 2009.
- The powers of the ministry are procured from the IT Act, and the procedure for blocking access to information is mentioned in the Information Technology (Procedure and **Safeguards for Blocking for Access of Information by Public) Rules, 2009 or the IT Rules, 2009**.
- The IT Rules contain provisions for review committees, fair hearing opportunities, strict confidentiality, and record maintenance by certain designated officers.
- However, there have been no recorded cases of the MeitY providing individuals with pre-decisional hearings.

Rulings of the court

- **Landmark Ruling by Supreme Court:**
 - In 2015, the Supreme Court in the case “**Shreya Singhal vs Union of India**” laid down Section 66A of the Information Technology Act of 2000, that imposed punishment for sending offensive messages through communication services, as it violated Article 19(1)(a) of the Constitution.
- **Debate over Section 69A:**
 - The plea had challenged Section 69A of the Information Technology Rules 2009, but the Supreme Court held that it is “constitutionally valid”.
 - At the recent hearing, the Central government questioned Twitter’s standing to argue the fundamental rights of account holders and the legal relationship between Twitter and its account holders.

Other situations where Government invoked Section 69A

- **Ban on 59 Chinese Apps (June 2020):** Following increasing tensions with China, the MeitY banned 59 apps, such as TikTok, Shareit, Shein, and Clash of Kings, among others.
- **Ban on 118 Apps (September 2020):** In September, 2020, the government banned 118 apps, such as the popular gaming app PUBG.
- **Ban on 49 Apps (November 2020):** The government banned other 49 Chinese apps in November 2020.
- **Recommendation for Ban on 54 Chinese Mobile Applications:** The MHA further recommended a ban on 54 Chinese mobile apps, such as the popular game Garena Free Fire, due to concerns over privacy and security. The ban was invoked under Section 69A of the Information Technology Act.