

**GOVERNMENT POLICY AND INTERVENTIONS**

❖ **Section 69(A) of IT Act**

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

- The decision was based on a recommendation of the Ministry of Home Affairs (MHA), which had received inputs from central intelligence agencies that some of the sites and apps were allegedly linked to China and contained “material prejudicial to the sovereignty and integrity of India”.

➤ **What is the danger posed by lending apps?**

- Over the past three years, several police complaints have been received of extortion and harassment from people who borrowed small amounts through such money-lending apps, often at exorbitantly high interest rates.

- ✓ In December 2020, a native of Visakhapatnam, died by suicide allegedly after facing harassment by lending apps. Similarly, the Cyber Police Station of Pune received 699 complaints of loan app crimes in 2020. The number increased to 928 in 2021. As many as 3,151 complaints were filed against the loan app operatives till August 2022.

- Following this, the MHA 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.

➤ **What is Section 69 of the IT Act?**

- Section 69 of the IT Act allows the government to issue content-blocking orders to online intermediaries such as Internet Service Providers (ISPs), telecom service providers, web hosting services, search engines, online marketplaces, etc. However, the Section requires the information or content being blocked to be deemed a threat to India’s national security, sovereignty, or public order.

- If the Centre or state government are satisfied that blocking the content is “necessary” and “expedient” on grounds of “sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence,” it may, for reasons to be recorded in writing, direct any agency “to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource.”

➤ **What is the procedure to block such apps?**

- Since 2009, the MeitY has possessed blocking powers similar to those of the Ministry of Information & Broadcasting.

- Although MeitY derives these powers from the IT Act, it is the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 or the IT Rules, 2009, which explain the process to issue such orders.

- The IT Rules include provisions such as review committees, the opportunity for a fair hearing, strict confidentiality, and maintenance of records by designated officers.

- ✓ However, there are no recorded instances of the MeitY providing individuals with pre-decisional hearings even while blocking non-emergency content.

➤ **What have the courts said?**

- In a landmark 2015 ruling, the Supreme Court in “Shreya Singhal vs Union of India” struck down Section 66A of the Information Technology Act of 2000, which entailed punishment for sending offensive messages through communication services, etc.

- The Court held “Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).”

- The plea had also challenged Section 69A of the Information Technology Rules 2009, but the SC held this to be “constitutionally valid”.

- ✓ The court held “It will be noticed that Section 69A unlike Section 66A is a narrowly drawn provision with several safeguards. First and foremost, blocking can only be resorted to where the Central Government is satisfied that it is necessary to do so.

- ✓ Secondly, such necessity is relatable only to some of the subjects set out in Article 19(2). Thirdly, reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226 of the Constitution.”

- The debate over Section 69A was revisited in July 2022 when Twitter sued the MeitY in the Karnataka HC over blocking orders that failed to adhere to the procedural requirement of giving users a hearing.

- In response, the Centre told the HC that Twitter was a foreign corporation and did not have any fundamental right or legal remedy. After that, Twitter clarified that their arguments under Articles 14, 19, and 21 were in relation to the rights of the citizens who had Twitter accounts.

- On February 8 2023, the most recent date of hearing in this matter, the Centre questioned Twitter’s locus standi to argue the fundamental rights of account holders and also questioned what the jural relationship between Twitter and its account holders would be.

➤ **What are some other instances of the government using Section 69A?**

- Following cross-border tensions with China, the MeitY banned 59 apps on June 29, 2020, including TikTok, Shareit, Shein, Xiaomi Mi Community, Clash of Kings, Weibo, Likee, etc. Similarly, on September 1, 2020, the government banned 118 apps, including the gaming app PUBG, followed by another ban on 49 apps on November 19, 2020.
- More recently on February 14, 2022, the MHA recommended a ban on 54 Chinese mobile applications, including the popular game Garena Free Fire, a Singapore-based app, invoking Section 69A on account of possible concerns surrounding privacy issues and security threats.

**POLITY**

❖ **Article 356**

➤ **CONTEXT:** Recently, Prime Minister Narendra Modi recalled in Rajya Sabha that Congress governments at the Centre had dismissed 90 state governments by “misusing” Article 356 of the Constitution, and that former PM Indira Gandhi had “misused” it 50 times to dismiss elected state governments.

- Article 356 of the Indian Constitution contains provisions for the imposition of “President’s Rule” in a state, removing an elected government.
- While the Constitution intended Article 356 to be used only under extraordinary circumstances, central governments, repeatedly used the provision to settle political scores.

➤ **What does Article 356 say?**

- Article 356 empowers the President to withdraw to the Union the executive and legislative powers of any state “if he is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution”.
  - ✓ Whether the constitutional machinery has broken down may be determined by the President at any time, either upon receipt of a report from the Governor, or suo motu.
- According to the provisions of Article 356, President’s Rule in a state can be imposed for six months at a time for a maximum duration of three years. Every six months, Parliamentary approval to impose President’s Rule will be required again.
  - ✓ However, in the past, President’s Rule has been extended for significantly longer periods under specific circumstances. For instance, Punjab was under President’s Rule from 1987-1992 due to the growing militancy.

➤ **What are the origins of Article 356?**

- Article 356 was inspired by Section 93 of the Government of India Act, 1935. This provided that if a Governor of a province was satisfied that a situation had arisen in which the government of the province cannot be carried on in accordance with the provisions of the said Act, he could assume to himself all or any of the powers of the government and discharge those functions in his discretion. The Governor, however, could not encroach upon the powers of the high court.
  - ✓ For the British, this provision allowed for a ‘controlled democracy’ – while providing some autonomy to provincial governments, Section 93 allowed the British authorities to exercise ultimate power when they deemed necessary.

➤ **How was the provision used as a political weapon in independent India?**

- During the decades of Congress’s dominance at the Centre, Article 356 was used against governments of the Left and regional parties in the states.
- Until 1959, Jawaharlal Nehru’s government had used the article six times, including to dislodge the first-ever elected communist government in the world, in Kerala in 1959.
- In the 1960s, it was used 11 times. After Indira came to power in 1966, Article 356 was used seven times between 1967 and 1969 alone.
- The 1970s were more politically turbulent. Between 1970 and 1974, President’s Rule was imposed 19 times. Post Emergency, the Janata Party government used it in 1977 to summarily dismiss nine Congress state governments. When Indira returned to power in 1980, her government too imposed President’s Rule in nine states.
- In 1992-93, Prime Minister Narasimha Rao dismissed three BJP governments in the wake of the demolition of Babri Masjid, besides Kalyan Singh’s government in UP.

➤ **How was this political misuse of Article 356 curbed?**



- In 1989, the Centre dismissed the S R Bommai government in Karnataka. In its judgment in the landmark *S. R. Bommai v. Union of India* case, the Supreme Court discussed the provisions of Article 356 at length.
- A nine-judge Bench in its decision in 1994 noted the specific instances when President's Rule can be imposed and when it cannot.
- The court held that Article 356 can be invoked in situations of the physical breakdown of the government or when there is a 'hung assembly', but that it cannot be used without giving the state government a chance to either prove its majority in the House or without instances of a violent breakdown of the constitutional machinery.
- Since the judgment, the arbitrary use of Article 356 has been largely controlled.

**PRELIMS**

**1. ISRO's SSLV-D2 launch**

➤ **CONTEXT:** In its second development flight, the Small Satellite Launch Vehicle (SSLV-D2) will place the Indian Space Research Organisation (ISRO) earth observation satellite EOS-07 and two co-passenger satellites — Janus-1 and AzaadiSat2 — developed by start-ups in a 450-km circular orbit around the Earth.

➤ **About the vehicle:**

- The new vehicle was developed to capture the emerging small and micro satellite commercial market, with launches offered on demand.
- The rocket can be assembled by a small team in only a few days, compared to the six months and around 600 people it takes for ISRO's workhorse PSLV.
- The launch vehicle uses three solid stages followed by a liquid-fuel-based Velocity Trimming Module (VTM) to place satellites in orbit.

➤ **Janus-1**

• Janus-1 is a technology demonstrator satellite built by United States-based Antaris and its Indian partners XDLinks and Ananth Technologies.

• Janus-1, which weighs only 10.2 kg, is a six-unit cube satellite with five payloads on board.

➤ **AzaadiSat2**

• AzaadiSAT-2 is a satellite by SpaceKidzIndia which will carry 75 small experiments weighing 50 grams like camera, microcontroller, various sensors etc.

• These experiments were used to teach students how space systems work and to promote STEM education.

• Six months is its expected mission life.

• The payloads have been built by 750 girl students from across India.

• The satellite will also carry the G20 logo to space and the NCC song to celebrate 75 years of the organisation.

**2. Gaganyaan: Human Spaceflight Mission**

➤ **CONTEXT:** Recently, The Indian Space Research Organisation (ISRO), along with the Indian Navy, has conducted a trial for the Gaganyaan.

• ISRO & Indian Navy has carried out initial recovery trials of the Crew Module in the Navy's Water Survival Test Facility (WSTF) in Kochi.

• The trials were part of the preparation for crew module recovery operations for the Gaganyaan mission that will be carried out in Indian waters with the participation of Indian Government agencies.

• The overall recovery operations are being led by the Indian Navy.

➤ **Significance of the trial:**

• Need of recovery: According to ISRO, as the safe recovery of the crew is the final step to be accomplished for any successful human spaceflight, it is of paramount importance and it has to be carried out with the minimum lapse of time.

• Feedback operation: These trials assist in validating the SoP, and training recovery teams as well as the flight crew.

✓ They provide valuable inputs for the utilization of recovery accessories.

✓ The feedback from the recovery team/trainers helps improve the recovery operations SoP, design various recovery accessories, and finalize the training plan

➤ **About the Mission**

• The Gaganyaan project envisages demonstration of human spaceflight capability by launching a crew of three members to an orbit of 400 km for a three day mission and bringing them back safely to earth, by landing in Indian sea waters.

• The first trial (uncrewed flight) for Gaganyaan is being planned by the end of 2023 or early 2024. This will be followed by sending Vyom Mitra, a humanoid and then with the crew onboard.

• ISRO's first human spaceflight mission: This manned mission will be the first of ISRO's human spaceflight missions.

✓ The US, Russia and China are the only three countries to have conducted human spaceflights yet.

• ISRO's Geosynchronous Satellite Launch Vehicle GSLV Mk III (3 stages heavy-lift vehicle).

➤ **Significance**

- India's aim of Self-reliance: It will help India in achieving self-reliance, in line with the vision of Atma Nirbhar Bharat and also boost the capacity development in launching satellites under the Make in India Initiative.
- ✓ It will reduce India's dependence on foreign cooperation in this direction.
- R&D and robotic programme: It will also enhance the research and development (R&D) at science and technology levels especially in the space sector.
- ✓ It is in line with India's progress towards a sustained and affordable human and robotic programme to explore the solar system and beyond.
- Focus on regional needs: Gaganyaan will focus on regional needs because one International Space Station (ISS) may not be enough to cater to global requirements.
- Strengthening international partnerships: The programme will strengthen international partnerships and global security through the sharing of challenging and peaceful goals.

### 3. **Vivad Se Vishwas-2 Scheme**

➤ **CONTEXT: The Ministry of Finance has circulated the draft scheme for a one-time settlement of contractual disputes in which an arbitral award is under challenge called Vivad se Vishwas 2.**

- Arbitration is a mechanism to resolve disputes between parties without having to initiate a case in court.
- **Need**
- To settle long-pending litigation in cases where an arbitration order has been challenged in any Indian court.
- The Union government is aiming to resolve about 500 cases, involving an estimated Rs 1 trillion of funds.
- Government held entities such as Oil and Natural Gas Corporation (ONGC) and National Highways Authority of India (NHAI) have many disputes with private contractors.
- Such cases are not only holding back fresh investment but are also reducing the ease of doing business with the government.
- **About the scheme**
- Aim: To promote ease of doing business and will cover disputes up to 30 September 2022.
- On whom Scheme will apply: The Scheme will apply to disputes where one of the parties is either the Government of India or its bodies like public sector banks, public sector financial institutions, central public sector enterprises, Union territories, National Capital Territory of Delhi.
- ✓ It will also cover all organisations where the central government has a shareholding of 50% like Metro Corporation.
- ✓ Disputes, where claims are raised against procuring entities along with some other party like the State Government or private party will not be eligible under the scheme.
- ✓ Central Public Sector Enterprises (CPSEs) are proposed to be eligible to submit their claims under the scheme.
- Disputes covered: The Scheme is proposed to cover only domestic arbitration and not international arbitration.
- ✓ Settlement of disputed tax, disputed interests, disputed penalty or disputed fees in relation to an assessment or reassessment order on payment of 100% of the disputed tax and 25% of the disputed penalty or interest or fee.
- Opting out of the scheme: Bodies can opt out of the Scheme at their discretion with approval of the Board of Directors.
- Implementation: The scheme will be implemented through Government e-Marketplace (GeM), which shall provide an online functionality for the same.
- Significance: The scheme will boost developer and investor confidence, and will free up financial resources locked in disputes.

### **ANSWER WRITING**

**Q. "The Gaganyaan project envisages demonstration of human spaceflight capability" explain why the Gaganyaan project is important and how it will boost our space programme.**

The Gaganyaan project is an Indigenous mission that envisages demonstrating human spaceflight capability. It aims to launch a crew of 3 members to an orbit of 400 km for a three-day mission and bring them back safely to earth, by landing in Indian sea waters. GSLV Mk-III will be used as a launch vehicle for taking the manned crew module into space.

Importance of the Gaganyaan project:

- Boost to industries: Gaganyaan Mission is expected to source nearly 60% of its equipment from the Indian private sector. Therefore, the Indian industry will find large opportunities through participation in highly demanding Space missions.
- Employment opportunities: According to the ISRO chief, the Gaganyaan mission would create 15,000 new employment opportunities. 13,000 of them in private industry and the space organization would need additional manpower of 900.
- Technological development: Human Space flights are the frontier field in science and technology. The challenges and benefits of taking up human space flight will provide further thrust for technological developments in India.

- The mission has a huge potential for technology spinoffs in areas such as robotics, medicine, agriculture, industrial safety, pollution, waste management, and water and food resource management.
- Inspiring youth: The mission will inspire a large number of young students to take up science and technology careers for national development.
- Space tourism: With a good track record of ISRO's successful launches and accomplishing the Gaganyaan mission, India can build confidence and attract significant space tourists from within the country and globally.

How Gaganyaan will boost India's space programme:

- Providing a broader framework for collaboration: Gaganyaan programme is a national effort and will involve the participation of the Industry, Academia and National Agencies spread across the length and breadth of the country.
  - The learnings from this programme can be applied to future space missions planned by ISRO such as Chandrayaan-3 and Shukrayaan-1.
- Stimulating research ecosystem: The programme is expected to spur research and development in niche science and technology domains. The human spaceflight programme will provide a unique micro-gravity platform in space for conducting experiments and test beds for future technologies.
- Paving the way for India's own space station: Gaganyaan will also pave the way for more futuristic space projects, most notably India's plan to build its space station by 2030.
- Establishing India as a key player in the space industry: With the successful launching of Gaganyaan India will become 4<sup>th</sup> country in the world to launch a human space mission after Russia, the USA and China. Therefore, the mission will not only bring prestige and recognition to the nation but will also establish it as a key player in the space industry.

Therefore, Gaganyaan's success will put India in the elite club of space superpowers. ISRO has already developed the required technology and has conducted various tests for the successful launch of the mission. This will also help leverage India's position strategically in the global arena and be a potent international policy tool in the space sector.

#### MCQs

1. With reference to Information Technology Act, 2000, consider the following
  1. The Information Technology (IT) Act, 2000, governs all activities related to the use of computer resources.
  2. It covers all 'intermediaries' who play a role in the use of computer resources and electronic records.
  3. Section 69 of the IT Act confers power on Central government only to issue directions to intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource.

Which of the above given statement/s is/are correct?

- a) 1 only
  - b) **1 and 2 only**
  - c) 2 and 3 only
  - d) 2 only
2. Recently, Prime Minister Narendra Modi recalled in Rajya Sabha about the previous misuses of article 356, consider the following statements with reference to President's rule that is imposed under Article 356 of the Constitution.
    1. A proclamation imposing President's Rule must be approved by both the Houses of Parliament within one month from the date of its issue.
    2. A proclamation of President's Rule may be revoked by the President at any time by a subsequent proclamation.
    3. It cannot be imposed without the written recommendation of the Governor of the concerned state.

Which of the statements given above is/are not correct?

- a) **1 and 3 only**
  - b) 3 only
  - c) 2 and 3 only
  - d) 1 only
3. Which of the following satellite is/are built by ISRO?
    1. SpaceKidz India
    2. EOS-2
    3. AzadiSat
    4. Janus-1

Choose the correct answer using the codes given below

- a) 1 and 2 only
  - b) 2 and 3 only
  - c) 3 and 4 only
  - d) **2 only**
4. With reference to Gaganyaan Mission consider the following
    1. With the launch of Gaganyaan, India will become the fourth nation in the world to launch a Human Spaceflight Mission after the US, Russia, and China.

2. ISRO has also developed a female half humanoid robot named Vyommitra, which will be sent on the first unmanned Gaganyaan flight.

Which of the above statement/s is/are correct?

- a) 1 only  
b) 2 only  
c) **Both 1 and 2**  
d) Neither 1 nor 2
5. Vivad Se Vishwas scheme often mentioned in news is related to which of the following?  
a) Land revenue  
b) **Tax**  
c) Dispute settlement under Insolvency code  
d) Man animal conflict
6. Consider the following statements  
1. PT Usha became the first nominated member in the history of the Rajya Sabha to be included in the panel of vice-chairman of the House.  
2. PT Usha became the first female and the first nominated person to chair Rajya sabha

Which of the above statement/s is/are correct?

- a) 1 only  
b) 2 only  
c) **Both 1 and 2**  
d) Neither 1 nor 2
7. With reference to the Small Satellite Launch Vehicle (SSLV), consider the following statements:  
1. SSLV is a rocket that is designed to orbit satellites weighing less than 500kg in Low Earth Orbit and 300 kg to Sun Synchronous Orbit (SSO).  
2. It is a 3 stage Launch Vehicle configured with three Solid Propulsion Stages and liquid propulsion-based Velocity Trimming Module (VTM) as a terminal stage.

Which of the statements given above is/are correct?

- a) 1 only  
b) 2 only  
c) **Both 1 and 2**  
d) Neither 1 nor 2
8. 'Environment and Climate Sustainability Working Group (ECSWG)' seen in news recently works under which of the following?  
a) UNEP  
b) UNDP  
c) UNFCC  
d) **G20**
9. Consider the following statements  
1. Monetary policy essentially deals with the supply and cost (interest rates) of money in an economy.  
2. Under the original RBI Act, 1934, the central government is empowered to constitute a six-member Monetary Policy Committee (MPC).

Which of the above statement/s is/are correct?

- a) **1 only**  
b) 2 only  
c) Both 1 and 2  
d) Neither 1 nor 2
10. Yokohama Strategy Plan and the Hyogo Framework for Action often mentioned in news are related to which of the following?  
a) **Disaster risk reduction**  
b) Pandemic treaty  
c) Population control  
d) Terrorism