

Sansad TV Perspective: Regulating Mobile Apps

In the series Sansad TV Perspective, we bring you an analysis of the discussion featured on the insightful programme 'Perspective' on Sansad TV, on various important topics affecting India and also the world. This analysis will help you immensely for the [IAS exam](#), especially the mains exam, where a well-rounded understanding of topics is a prerequisite for writing answers that fetch good marks.

In this article, we feature the discussion on the topic: Regulating Mobile Apps

Video link: <https://youtu.be/HrezyxnFw0U>

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Participants:

1. Abhishek Singh, CEO, MyGov, GoI
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4. Abhishek Shah, Co-founder & CEO, Wellthy Therapeutics

Context

In India, users spend about 3.5 hours a day on a smartphone, specifically on mobile apps. With new apps coming in every day, it is evident that they have a huge impact on the life of a person. Recently, with the rise in cases like that of Bulli Bai App where apps were used to target women and communities there is a need to deal with such challenges and examine what are the provisions in the legal framework to tackle such issues.

Background

- There are about 40 crore internet users and about 25 crore social media users in India.
- Mobile apps have become a significant part of the lives of smartphone users.
- Apart from having a huge impact on the life of people, the apps also influence how a person thinks, behaves, or perceives.
- India currently does not have a dedicated legal framework to govern mobile applications.
- There are no government or self guidelines currently in place in India, regulating the apps.
- There are only regulatory or policy guidelines by the Operating system providers like Google and Apple.

Challenges

- The cases of suicides due to harassment by unauthorised digital lending mobile apps were reported recently.
 - These apps were run by scammers in China.
 - More than 40,000 crore hawala transactions took place in India through the distribution of instant loans.
- Mobile apps which are being operated by India's hostile countries were also used for espionage.
- There are also gaming and betting apps that are currently being used extensively by mobile users in India.
 - Example: PUBG gaming app reportedly raised a profit of 2500 crores functioning in India but did not pay any taxes in India.
- These applications also pose challenges such as addiction and induce violent behaviour among children.
- The betting apps, though they pay the GST, are also unregulated in terms of limitations on the amount that can be invested.
- There are also examples of apps being used to promote hate crime and hate speeches as recently seen in the case of the Bulli Bai app that was hosted on the web platform GitHub for "auctioning women" from a particular community. Similarly, another application Sulli Deals had created profiles of around 80 women, describing them as "deals of the day" in the recent past.

Present provisions for monitoring Mobile Applications

- **Information Technology Act, 2000**
 - Section 69A empowers the government to block internet sites in the interests of the nation. The law also contains procedural safeguards for blocking any site or mobile apps.
 - The recent [banning of certain Chinese Apps](#) was done citing the provisions under Section 69A of the [IT Act](#).
 - Section 43A of the Act mentions the compensation for the failure to protect data.
 - Section 72A deals with punishment for disclosure of information in breach of lawful content.
- **The Information Technology Rules, 2011** - protect the personal information and sensitive personal information for which a corporate body needs to obtain consent before disclosing information.
- **The Personal Data Protection Bill, 2019**
 - The draft bill contains various provisions safeguarding the privacy of individuals. Know more about the [Personal Data Protection Bill, 2019](#) in the linked article.

Also read: [Information Technology Rules, 2021](#)

Need for Regulations

- Despite having provisions that address mobile applications, the entire aspect of regulating the affairs of mobile applications has not been defined or adequately dealt with under the Indian cyber laws.
- The specific parameters of due diligence for mobile apps service providers have not been specifically defined under the Indian Information Technology Act, 2000.
- The sensitive sectors like health care and others that involve personal data of people need to be regulated and controlled.
- The laws that are in place to protect privacy do not currently cover other issues of mobile applications like addiction, espionage, hate crimes, etc.
- The existing regulations hence do not cover the holistic challenges that are posed by the mobile applications and are to be updated and regulated to tackle the current challenges.

Way Forward

- There is a need for a comprehensive umbrella IT Law that needs to be proactive and be reviewed from time to time to check the new challenges posed by the technology.
- An independent and autonomous Technology Regulator has to be set up along the lines of SEBI/RBI/TRAI.
- A light touch regulation is necessary for the field that regulates only to an extent necessary and at the same time allows the enterprise to develop and innovate creative services that offer great help to the people.
- The law of the land should be enforced in a stringent manner and strict actions should be taken against any violations.
- The enforcement of the policies should be done by involving all the stakeholders and departments along with the industry experts.
- Industry interventions should also be allowed in the implementation of the policies to make them dynamic.

Conclusion

In order to frame regulations on mobile applications, the government should bring in a regime that involves all the stakeholders like the industry experts and academia so that the requirements of regulations are met along with the provisions for the free flow of creative and innovative ideas that provide service to the people.