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INDIA'S DIGITAL STRIKE ON CHINA

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ABSTRACT

The recent tensions along the Indo - China border escalated simmering military and non-military aggression from both the sides. Although both the countries resorted to military options to confront each other, non-military moves were seen as a strategic option by India. The ban on over 200 Chinese applications underlined India's stern approach towards China and manifested as non-military choice to confront Chinese unsolicited aggression. In this context, the paper analyses the India's digital strike and its implications on bilateral relations. It sheds some light on how India managed to make it capable of addressing the cyber space and related security threats over the past few years.

Keywords: *Digital Strike, Applications Ban, Military Aggression, Bilateral Relations*.

Introduction

The tensions along the Indo - China border conflict have been simmering over the past few decades, but the military confrontation of the last couple of months has aggravated the situation. It resulted into a border skirmishes between the two powerful military nations in the world. According to the Indian Ministry of Defence, the border skirmishes between India and China have resulted in 20 casualties of the Indian soldiers.[1]However, the Chinese Ministry of Defence either does not provide such information nor does it confirm the number exact number of Chinese casualties resulting from these border skirmishes. The Indian citizens have registered a significant voice against these violent clashes, which had taken place in Galwan Valley of Ladakh. Indian netizens had urged its own citizen to boycott Chinese products and have similarly urged the Indian Government to take strict action against the Chinese Government in order to protect nation's sovereignty and territorial integrity.

Gauging the public mood, the Government of India has retaliated by carrying out a series of economic sanctions against China. One such measure includes the banning of digital mobile applications operated and owned by Chinese enterprises. These digital applications have been banned on the grounds of national security and data security concerns. The Indian government till date has banned over 220 digital applications and permanently banned 57 digital applications.[2]This combined app ban is estimated to cost forty-five thousand crores in losses to Chinese enterprises. It is in this context, the paper takes brief overview of India-China relations and its implications for both countries.

India – China Border Conflict

India China share land border with a total length of 3488 km. The Western border between the two nations in also knows as the Line of Actual Control. The India-China border is divided into three major sections. First comprises of Western Sector involving a range of 1597 km along with entire Ladakh border. Second in the middle sector begins from the State of Uttrakand and extends up to the state of Himachal Pradesh covering nearly total length of 545 km. Third consists of Eastern sector that begins from the State of Arunachal Pradesh and extends up to the State of Sikkim with a total length of 1546 km.[3] While the middle sector is least disputed, the Western sector often witnesses the highest border aggression between the two nations, the Eastern sees occasional intrusions. In the past, the Western Sector alone has seen over 240 border violations. Despite the border violations, there have been no human casualties reported. This has been largely attributed due to the effective confidence building measure between the two nations.[4]

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On the 20th May 2020, 20 Indian soldiers died resulting from border clashes between the Indian Armed forces and the People Liberation Army of China. This incident has reportedly taken place in the Western Sector of India-China border in Ladakh at Galwan, PangongTso Valley. Similarly, many Chinese soldiers have lost their lives in this border skirmishes, but Chinese Government Agencies deny confirming on the exact number of casualties. This incident has resulted in a significant military escalation and diplomatic strain between the two nations and become anon-going border standoff between the two Asian giants at Asia Chin. With no signs of military de-escalation, both nations have significantly increased their troop's deployment on the Line of Actual Control. Though there have been border intrusion in the past, but there have been no human casualties. Both India and China have resolved their border conflicts peacefully, but the way in which violent clashes escalated at Galwan Valley was never witnessed between the two nations in the last 45 years.[5]

One of the key reasons of on-going standoff is the direct result of Indian government's decisions to develop its border regions facing India-China border. The initiative taken by the Indian government to boost infrastructure development projects in these remote locations near border was seen as a threat by the Chinese Government. China views this border development as a threat to its economic and political interests in the region. With India, opting out of One Belt One Road, China relies heavily on the Asia China region to ensure road connectivity with rest of the Central Asian Republic, Pakistan and Europe. One Belt One Road forms one of the strategies of the Chinese initiative to ensure Chinese land connectivity with rest of the world in order to secure its geopolitical goals and energy security.[6] Thus the violent border skirmishes inflicted by People Liberation Army of China is an attempt to showcase its military strength towards India and at the same timely push back Indian troops further back into their own territory while intruding to capture the strategic heights of Galwan Valley in Ladakh.

Economic Sanctions against China

Owing to repeated border incursions followed by public outrage after the killing of Indian soldiers, the Indian government has carried out a series of counter measures in order to decouple from the Chinese economy. This includes reducing the dependency upon Chinese goods and attempt to replace it with Made in India products. Prime Minister initiatives, like the Atamanirbhar Abhiyaan, is a step forward to boost domestic production and manufacturing capabilities to reduce overdependence on China.[7]

Though India cannot afford to decouple itself completely from Chinese Economy immediately, however it intends to do so in the longer term. As the short term and immediate measure, the Indian Government has decided to impose a ban on 220 Chinese digital mobile applications. The ban was carried out in three different phases. In the first phase, 59 applications were banned.[8] In the second phase, 118 applications were banned.[9] In the third phase 43 application were banned.[10]Allthese applications were banned under Section 69A of the Indian Information Technology Act 2008, along with the relevant provisions of Information Technology (Procedure and Safeguards for Blocking of Access of Information by Public) Rules 2009.Following the ban these applications have been banned and removed from the Indian Markets and removed from the Apple Inc., App Store and Google's Play Store Market. Similarly the decision to implement the application ban was carried out after exhaustive recommendation were made by the Indian Cyber Crime Coordination Centre, Ministry of Home Affairs.[11]

China is going to incur substantial loss because of this decision. The Chinese State Media Agency, The Global Times, stated that the combined app ban is estimated to be a loss of 6 Billion dollars to the Chinese Enterprises.[12]While the Ministry of Electronic and Information Technology justifying the Indian Government decision on app ban stated that the "app ban was carried out as the banned app were engaged in stealing and surreptitiously transmitting user data in an unauthorised manner to server which have locations outside India. The compilation of these data, its mining and profiling by element hostile to national security and defence of India, which ultimately impinges upon the sovereignty and integrity of India, is a matter of deep and immediate concern, which requires emergency measures".[13]

India currently has a population of nearly 1.2 Billion people and over680 million unique mobile internet users. China aspires to be a global data superpower by replacing United States. The Chinese cannot achieve this goal without including such a voluminous database of Indian mobile internet users. The app ban declared by the Indian government is a significant step, which strikes as a setback to the Chinese aspiration of becoming a global data superpower. In addition, the Union Minister for Electronics and Information Technology, Ravi Shankar Prasad has said, "The app ban is a digital strike against China and has been undertaken in order to protect India's safety, security, defence, sovereignty and integrity of India and to protect data and privacy of people in India."[14]

The digital subscriber's base acts to its key advantage for application developer firms. Along with providing and generating revenue to the application developers, the firm also get access to the data and personal information of individuals using the application. They often generate the revenue through the application downloads, in app digital advertisements, digital subscriptions, sponsorships, in app purchases and other online transactions. According to Sensor Tower, Chinese short video platform Byte Dance's Tik Tok application reportedly saw over 611 million downloads in India. This accounted for 30.3 percent of its global downloads.[15] Similarly the popular Chinese file sharing app Shareit had about over 500 million active users in India, while the Chinese E-commerce giant Alibaba's UC Browser controlled 14.5percent stake in India's Digital Browsing market with a net subscribers base reaching at 130 million users.[16]

Similarly prominent Chinese application that was banned included Byte Dance's TikTok, Alibaba Group's UC Browser, Ali Express, Ali Pay, Ali Workbench, We Chat, PubG Mobile, PubG Mobile Lite, Share It, Cam Scanner, Baidu Maps, Cyber Hunter, Warpath, Helo, Club Factory, UC News, Government We Chat, Message Look, Smart Lock, Sino News, Baidu Translate and others. These applications enjoyed significant popularity in India and had a huge subscriber'sbase.[17]

Ban Impact

Given the fact that India has 680 million active mobile internet users, the recent app ban against Chinese enterprises has acted as a major economic setback to China. The banning of Chinese digital application will put pressure on china as digital trade can be adversely affected. Banning of digital application is an economic move made by India against China, which would hit its digital revenue system. The app ban is projected to result in a loss of 6 billion dollars to the Chinese, as the present revenue generated from the Indian users account nearly 200 million dollars per year. For instance, the popular Chinese gaming app PUBG Mobile is set to lose up to 100 million dollars in revenue annually. The primary source of revenue for PUBG mobile was its in-app purchases.

Similarly, short video making platform TikTok would lose up to 15 million dollars annually. In addition, the app ban has opened up a vast array of opportunity and possibilities for the Indian application developers, which would be step forward in achieving self-reliance in the digital sector and help secure the Indian cyber space.[18]

The Chinese government has not welcomed the ban made by the Indian government and has registered it's protest citing the violations of the rules of the World Trade Organization. The Chinese Embassy in India states, "India's selective and discriminatory measures target Chinese app on vague and farfetched ground run contrary to national security and are violation of WTO laws". The Embassy further mentions that the current app ban was contrary to general to the foreign trade practices, especially economic and is not conclusive to the customer.[19]

Enforcing App Ban; India's Legal Framework

The regulation of information and technology has increasingly become complex as a result of growing integration of economies and buried boundaries of global market. Therefore legal framework to govern the advanced forms and means of communication like various applications and the data it creates, stores and processes forms the key to the protection of nation-states today. Similarly, India has devised a systematic framework that not only govern but also addresses the threats and challenges posed in the digital sphere. Following legal and institutional framework occupies critical role:

Section 69A

Section 69A of the Information Technology Act 2008 provides the government the authority to take legal action against online content and websites that threaten countries' sovereignty and defence of the nation. Section 69A gives government the authority to block any content from public access. This content can be in the form of a website or any digital application. Section 69A further states that if any online content threatens the integrity and sovereignty of the nation or affects its relationship with friendly foreign countries, it can enforce a ban against such content under this section after following due procedure. These procedures are further mentioned under the Information Technology (Procedure and Safeguards for Blocking Access of Information by Public) Rules 2009.[20]

The government is entitled following powers under Section 69A:

- To issue directive to remove objectionable content on social media.
- To issues directive to block content in order to protect the sovereignty, integrity and security of the state.

- To punish the concern authority on failing to comply with orders directed by the central government.
- It also grants the central government the authority to invoke section 69A in order to protect the dignity of the constitutional institutions of the nation.[21]

Information Technology Act

Information Technology Act (2008) is an addition to the existing Indian information Act of 2000. The Indian Parliament passed the IT Act in the year 2000 and the Indian Computer Emergency Response Team (CERT-IN) administers the act. The Act was originally developed to promote IT industry, promotee-commerce and prevent cyber-crime along with fostering security practices of global standard. The Act was amended in 2008 to further address the issues the original act failed to cover. The Act in total has 13 chapters and 90 sections and applicable to the whole of India. The act also applies to offences, which are committed outside the Indian Territory by any person affecting Indian computer system and Indian Cyber space.[22]

Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009:

- The information technology rules 2009 derive its authority from clause (z) of sub section (2) Of section 87 of the IT Act 2000.
- The Information Technology blocking rules 2009 is read in conjunction with sub section (2) Of section 69A of the IT Act 2000.
- It is under the Information Technology (Blocking) Rules 2009, that the government of India has banned in total of 220Chineseapplications.
- This blocking has been executed under the rule number nine of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009. Rule number nine is invoked on the grounds of emergency.[23]

Ministry of Electronics and Information Technology

The Ministry of Electronics and Information Technology was created in 2016 and is the standalone agency responsible for IT policy, strategy, and development of electronics industry. This ministry is now responsible for promoting e-governance, growth of electronic, IT industries and enhance internet governance. The Ministry is headed by the Central Minister and assisted by Deputy Minister. It is the nodal agency for India's IT and communication sector and for the development of the electronic industry. Some prominent agencies that fall under the ministry include; Cyber Appellate Tribunal (CAT) and Indian Computer Emergency Response Team (ICERT) and IN Registry. These agencies are entrusted to monitor and regulate the governance in the IT and communication industry.

Ministry of Home Affairs

The Ministry of Home Affairs is the nodal agency primarily responsible for the maintenance of internal security in India. Apart from maintaining the internal security, it also deals with centre-state relations, disaster management, intelligence gathering, border management and administration of the union territory. Under Article 355 of the Indian Constitution, it is the duty of the Union to protect its state against external aggression and internal disturbances. Similarly, it also has to ensure that the government of every state is carried out in accordance with the provisions of the constitution.[24]Since public order and police come under the state list. The Ministry of Home Affairs assists state government by providing them help with central armed forces and financial help in modernizing the state police forces.

The Ministry is headed by Senior Central Cabinet Ministry and assisted by two Deputy Minister along with Home Secretary and senior officer from Indian Administrative Services. The Ministry extends human resources, financial support, guidance and expertise to the state government to maintain security, peace and harmony without overreaching the constitutional rights of the state. The Ministry is structured into six major departments and has nineteen divisions, which cover different aspects of the organisation.

Indian Computer Emergency Response Team

Computer Emergency Response Team is a cyber-security organisation that comes under the Ministry of Electronics and Information Technology, Government of India. The agency is operational since 2004, with its primary responsibility of implementing the Information Technology Act of 2008 (Amended). It is the nodal agency to deal with computer related security incidents. Director General, who also acts in the capacity of National Cyber Security Coordinator, heads the organisation.[25]

The agency is responsible for dealing with cyber security threats like hacking, phishing, critical infrastructure attack and ransom ware attack. The agency is responsible for collecting and analysing cyber data within the country, forecast cyber threats, issues counter measures to handle these cyber threats, coordinate cyber incident response and issues advisory on upcoming new cyber incidents and cyber threats. The agency is also tasked to strengthen the security of Indian internet domain.

National Cyber Coordination Centre

The National Cyber Coordination centre, which comes under the Ministry of Home Affairs, is the nodal agency dealing with cyber security within the country. Key component of NCCC include investigating the cyber-crime and plan cyber-crime prevention strategy. The Indian Government had set up the NCCC to handle cyber threats, national security threats and work in coordination with country's top intelligence agencies such as CBI, RAW, IB, etc. This agency was created in the year 2017 and intended to deal with malicious cyber threats and act as internet traffic monitor against any incoming cyber threats, both domestic and international. National Cyber Security Coordinator heads the NCCC. At present fifteen states have agreed to set up Regional Cyber Crime Coordination Centre in order to help monitor functions related to cyber-crime and cyber security. Today NCCC is involved in compiling and analysing data and make this information available in real time, and share accordingly to various intelligence agencies and law enforcement groups.[26]

Conclusion

India's digital strike in the form of banning Chinese digital applications marks a noticeable shift in India's approach towards China and implies firm determination in its security matters. It has leveraged economic options that not only push China on back foot but also instilled a sense of becoming independent and less reliant on China, especially in the matters concerning to security. The standoff between both sides proved to be a critical factor in conveying a stern message that India is no longer tolerant to aggressive repression on its border. India has shown that China's repressive strategies can be combated through equally effective means such as leveraging its economic side to protect its border. China also seemed to have realized the cost it might incur and succumbed to India's strategy, suggesting that trade dominating the military affairs.

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