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Digital India Act, 2023

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Why is in news? Recently, The Union government formally outlined a proposed version of the Digital India Act, 2023 which is the legislative framework expected to replace the Information Technology (IT) Act, 2000

Rationale behind the new act

India today has 850 million internet users, compared to 5.5 million users in 2000. According to the central government, India is the world's largest "digitally connected democracy".

The internet is largely governed by the IT Act, 2000, which, according to the government, was created for the nascent internet ecosystem in pre-digital India.

A lack of provisions on user rights, and trust and safety, among other challenges, limit the IT Act and are why an updated version of the Act is needed.

Over the years, an evolving internet has also meant evolving, sophisticated forms of cybercrimes like doxxing, cyber stalking, and online trolling and the 23-year-old IT Act is not well-equipped to deal with these.

The internet has also evolved from being a source of information to also being a platform for disinformation and fake news.

Lack of data and privacy protection are also shortcomings of the current laws that regulate the internet and cyberspace in India, giving rise to the need for an overhaul.

Digital India Goals 2026

\$1 trillion digital economy by 2025-26

Shape the future of technologies

Global innovation and entrepreneurship system

Become a significant and trusted global player for digital products, devices, platforms, and solutions

Aims of the DIA

The Digital India Act, 2023 aims to achieve the following goals:

Evolvable digital law: Form evolvable rules that are consistent with the changing trends in technologies and can be updated according to the needs of the country's digital infrastructure.

Adjudicatory mechanism: Offer an easily accessible adjudicatory mechanism for online civil and criminal offences. This mechanism should be able to deliver timely remedies to citizens, resolve cyber disputes, and enforce the rule of law on the internet.

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Principles and rules-based approach: The DIA will provide a legislative framework keeping overarching governing principles in mind to ensure compliance.

Key components of the DIA

Open internet: According to the central government, open internet should have — choice, competition, online diversity, fair market access, ease of doing business as well as ease of compliance for startups. These characteristics prevent the concentration of power and gatekeeping.

Online safety and trust:

The Act will focus on safeguarding users against cyber threats— like revenge porn, defamation, and cyberbullying—on the internet as well as the dark web. It aims to push for digital rights like the Right to be Forgotten and the Right to Digital Inheritance, protect minors and their data from age-gating addictive technology, and moderate fake news on social media platforms.

The proposed version also asks for Know Your Customer (KYC) requirements for users of privacy-invading devices like spy camera glasses and other wearable technology.

Monetisation rules for platform-generated as well as user-generated content may also undergo an overhaul to bring it in line with the DIA.

Accountable internet: The Act aims to make internet users and activities more accountable by introducing legal mechanisms for redressal of complaints, upholding constitutional rights in cyber spaces, algorithmic transparency and periodic risk assessments, and disclosure norms for data collected by intermediaries.

Significance of the Act

The proposed Act will cover potential misuse of Artificial Intelligence, deep fakes, cybercrime, and competition issues among internet platforms.

It also prescribes a new adjudicatory mechanism for criminal and civil offences committed online, in addition to redefining ‘safe harbour’ rules that allow social media platforms to avoid liability for posts made by users.

It is now proven beyond doubt that big Internet companies like Twitter, Facebook and Google exert immense influence on the social, economic and political outcomes of a country.

In India, social media is largely unregulated. While this supports the free flow of data and freedom of speech, it has also led to the rise of online hate-mongering, abusive language and harassment

One of the welcome highlights of the new law will be prevention of concentration of market power, and gate-keeping by large tech players to enable non-discriminatory access to digital services.

Concerns with the Act

While the overall intent behind the new law is laudable, there are some areas of concern that the policymakers should take into consideration.

First, the digital divide between urban and rural areas is widening because of lack of universal access to quality internet and low levels of digital literacy.

If India wants to achieve the full potential of digitisation then focus must be on strengthening the digital infrastructure in the remotest parts of the country.

Secondly, cybercrimes reported by Indian users is the highest among G20 countries. This raises user trust issues which could dampen India's otherwise remarkable digital transformation. The Bill will obviously be addressing this issue

Way forward

While the outline of the new Digital India Act is impressive, it is important that it is legislated into the statute books quickly along with a strong data protection law. In a highly digitised world where individuals, machines, financial establishments, enterprises and government agencies are being connected on a single network, the importance of laws governing digital applications, and those that protect personal data can never be overemphasised.