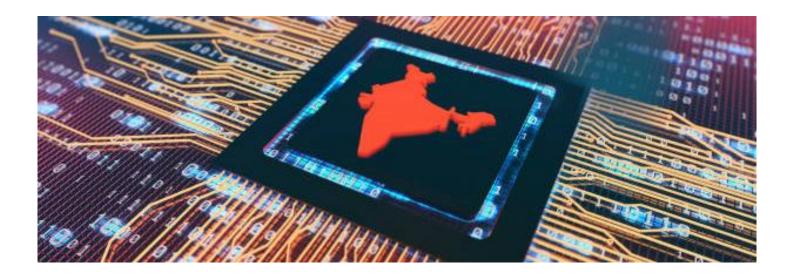# The Digital India Act: a new framework for regulating the internet in India

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The number of internet users in India is increasing by the day. As of January 2022, there were over 658 million internet users in India, which is about half of the population. This makes India the second largest online market in the world, after China.

There are a few reasons for this growth. First, smartphones are becoming more and more affordable, which means that more people can access the internet. Second, mobile broadband networks are expanding, which means that more people have access to high-speed internet. Third, the government is promoting digital literacy, which is helping people to learn how to use the internet.

However, the growth of internet usage has also led to some problems. For example, there are now more intermediaries, which are companies that provide services on the internet, such as social media platforms and e-commerce websites. These intermediaries can be used to spread misinformation and harm users. Additionally, there are new forms of user harm, such as cyberstalking, trolling, and doxing.

The proposed Digital India Act (DIA) is the proposed law that will replace the two-decade old Information Technology Act (IT Act) of 2000. It aims to address the challenges and possibilities of the internet in India, including the widespread use of the internet, the many different companies that provide internet services, and the new ways that users can be harmed online.

The existing IT Act does not provide comprehensive protections for user rights, trust, and safety. It does not adequately recognize all forms of harm and new types of cybercrime, and it does not have any institutional mechanisms for raising awareness of these issues. Additionally, it lacks adequate principles for data and privacy protection, and it does not have coordinated cybersecurity incident response mechanisms. In simpler terms, the IT Act is outdated and does not fully protect users from the risks of the digital world. It needs to be updated to reflect the latest technologies and threats.

The proposed DIA is designed to address these drawbacks of the IT Act. It includes comprehensive provisions on data protection, cybersecurity, and online content regulation. It also seeks to balance the need to protect freedom of expression with the need to protect users from harmful content.

The DIA is still in the draft stage, but it is designed such that the new law is flexible and adaptable, so that it can be updated as needed to address the latest trends and challenges in the digital world.

The proposed law will focus on the following key tenets:

- **Open internet**: The DIA will safeguard innovation and promote competition among digital players. It will also recognize the role of digital gatekeepers and their impact on the functioning of the internet.

- **Online safety and trust**: The DIA will protect users from online harm, promote online safety, and regulate high-risk AI systems. It will also empower agencies like Indian Computer Emergency Response Team (CERT-IN) for cyber resilience.

- **Accountability and Quality of Service**: Holding internet companies accountable for their services and ensuring that they provide high-quality products and services to users.

- **Adjudicatory Mechanism**: Establishing a specialized and dedicated adjudicatory mechanism for online civil and criminal offenses. This mechanism should be easily accessible, timely, and effective in resolving cyber disputes and developing a unified cyber jurisprudence. It should also be able to enforce the rule of law online.

- **Revisiting the intermediary framework**: The DIA will recognize the different types of intermediaries and introduce a nuanced regulatory approach for each. It may also limit safe harbour protection under the existing IT Act in relation to all or certain specific intermediaries.

In simpler terms, the DIA should be able to change and grow as the digital world changes. It should focus on making the internet open, safe, and reliable for everyone.

Challenges and Concerns

While the DIA has the potential to have a positive impact on the internet ecosystem in India, there are also some challenges and concerns that need to be addressed.

- One challenge is to ensure that the DIA is implemented in a way that does not stifle innovation or stifle competition. The government should be careful not to over-regulate the internet, as this could harm the growth of the digital economy.

- Another challenge is to ensure that the DIA protects the privacy and security of users' data. The government should take steps to ensure that intermediaries are held accountable for protecting users' data, and that users have meaningful control over their data.

- It is also important to ensure that the DIA is fair and transparent. The government should consult with stakeholders and seek public feedback before finalizing the legislation.

Conclusion

The Digital India Act is a significant piece of legislation that has the potential to reshape the internet ecosystem in India. It is important for businesses, individuals, and the government to work together to ensure that the DIA is implemented in a way that promotes innovation, protects users, and fosters a safe and open internet. This initiative, led by the Ministry of Electronics and Information Technology (MEITY), shows that the government is taking a proactive approach to governing and shaping India's digital future.