

# Critical Analysis of Initiatives Taken by Government for Digital Data Protection in India

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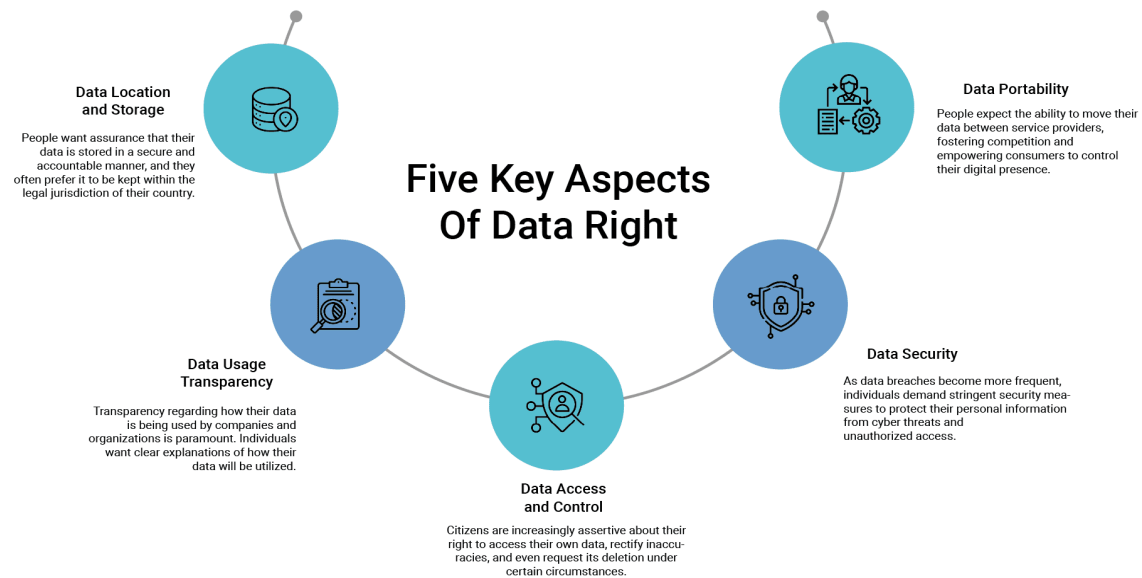
## ABSTRACT

In light of growing concerns about data privacy and misuse in the digital age, this article critically examines India's rapid technological innovation and digital transformation, highlighting the intertwined goals of digital inclusion and data protection with the Digital Data Protection (DPDP) Act, which was enacted in August 2023. It lay emphasis on how crucial it is to safeguard personal data through Government programs like PMGDISHA and Digital India. The formation of regulatory agencies to protect individuals from digital arrest and to protect their privacy, includes right to protect his/her data too because right to privacy is a fundamental right which is given under article-21,19 of the Indian constitution.

**KEYWORDS:** Data Protection, Human Right, Digital Transformation, Digital India, Privacy.

## INTRODUCTION

Technological developments have brought about a significant digital transformation in modern-day India. This change affects many facets of life, such as social inclusion, governance, economic growth, and personal empowerment. With its rapidly expanding population of digital users and in terms of data privacy, the government is at a revolving point. Finding a balance between efficiency and the need for enhancement. It is critical that we comprehend the significance of data privacy and the associated ethical obligations as technology continues to develop and influence our lives. A key component of India's vision for inclusive growth is digital inclusion, which guarantees fair access to digital technologies for social and economic advancement. The main goals of government programs are to empower underserved communities, advance literacy, and increase digital infrastructure. An important issue facing India and the world at large is the increase in cybercrimes. As our reliance on digital technologies grows, cybercriminals take advantage of weaknesses to steal data and make money. To combat these threats, cooperation between governments, law enforcement, and cybersecurity specialists is essential. Strengthening cybersecurity infrastructures.



In the 2017 case of Justice **K.S. Puttasswamy (Retd.) & Anr. vs. Union of India & Ors.**<sup>1</sup>, the Supreme Court of India acknowledged the right to privacy as a fundamental right which is safeguarded under Article 21 of Part III of the Indian Constitution. The Digital Personal Data Protection Act, 2023 (DPDP Act 2023) was enacted as a result of this landmark judgement which prompted Efforts to create comprehensive Legislation on The Protection of Personal Data. On November 18, 2022, The Government First Made Its Digital Personal Data Protection Bill, 2022, Available for Public Consultation Until 2<sup>nd</sup> January, 2023. The Updated Draft of The Bill Was Then Approved, Making It the Digital Personal Data Protection Bill, 2023.

## GOVERNMENT PROGRAMS AND POLICIES-

Government-led projects are essential for advancing with an emphasis on closing the digital divide and enabling residents over technology, government-led programs are essential to India's attempts to promote digital inclusion. The Digital India Initiative the Digital India program, which was started in 2015 with the goal of making India a knowledge economy and society enabled by technology, is at the forefront of the country's digital inclusion drive. This extensive program includes a number of major projects designed to improve the delivery of digital services to the nation's population, foster digital literacy, and increase the size of the nation's digital infrastructure. By empowering residents, especially those living in rural and isolated areas, through the use of technology, Digital India seeks to close the digital gap. With programs like Bharat Net, which intends to give gramme panchayats access to broadband, Digital India seeks to facilitate last-mile delivery of public services and democratise access to digital resources. Through initiatives like the National Digital Literacy Mission and Digital Saksharta Abhiyan, the project also aims to promote digital literacy and training in digital skills, giving citizens the skills and knowledge they need to participate in the digital economy. Launched in 2017, the Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA) is a flagship program under the Digital India initiative that aims to make six crore people in rural areas digitally literate. It covers one member from every eligible household, reaching approximately 40% of rural households. In order to empower rural communities to use digital technologies for socioeconomic advancement, PMGDISHA aims to teach people the fundamentals of digital technology

<sup>1</sup> [2017] 10 SCC 1.

through a network of training facilities and awareness initiatives. The program's main goal is to train participants with the fundamental digital literacy skills they need to operate digital devices, access digital services, and conduct digital transactions.

**The Government of India started The Cyber Surakshit Bharat (Cyber Safe India)-** A program started by the Indian government with the goal of raising cybersecurity knowledge and proficiency nationwide. A safer digital ecosystem for individuals, enterprises, and government agencies is the goal of the program, which was launched under the Ministry of Electronics and Information Technology's (MeitY) auspices in partnership with the National e-Governance Division (NeGD) and industry partners. The Indian government has responded to these issues by putting in place a number of programs designed to encourage digital inclusion and close the digital divide. With an emphasis on empowering rural populations and marginalised groups, initiatives like Digital India, Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA), Cyber Surakshit Bharat Programme, and Bharat Net aim to give underprivileged communities access to digital infrastructure, training, and support. Additional Programs Promoting Access and Digital Literacy Since 2006. The Indian government has provided digital services in rural areas through programs like the Common Service Centres (CSCs), which are part of the National e-Governance Plan (NeGP). Initiatives like Digital Saksharta Abhiyan for underserved communities and partnerships with telecom for reasonably priced internet access have been enhanced by collaborations with the commercial sector and civil society. There are still issues, such as socio-cultural hurdles and infrastructure constraints. However, there are chances to improve digital inclusion and reach marginalised communities using mobile, digital payments.

**DATA PROTECTION LAWS AND REGULATIONS IN INDIA:** With the passage of important laws and regulations designed to secure people's personal information and guarantee privacy in the digital era, India's data protection framework has experienced a substantial transformation in recent years.

**1. The Information Technology Act, 2000 (IT Act)-** The foundational law covering digital signatures, electronic transactions, and cybercrimes in India is the IT Act 2000.<sup>2</sup> The IT Act 2000 established the foundation for tackling cybersecurity issues and safeguarding digital assets by granting legal recognition to electronic documents and enabling e-commerce operations. Although the IT Act of 2000 created the legal foundation for cybersecurity and digital transactions, additional legislative acts were required because it lacked comprehensive data protection protections.

**2. The Digital Personal Data Protection Act, (2023)-** DPDP, Act is a major turning point in India's data protection history. It was derived from the Digital Personal Data Protection Bill, which was launched in 2019. The Act seeks to protect people's right to privacy in the digital sphere and govern the handling of personal data. It lays up guidelines for the gathering, storing, processing, and sharing of personal information while giving people rights like the ability to access, update, and remove their personal information. In order to enforce data protection regulations, regulate data processors and controllers, and resolve disputes pertaining to data protection violations, the Act also requires the creation of a Data Protection Authority (DPA).<sup>3</sup>

**3. Proposed Digital India Act, (2023)-** This bill offers a more comprehensive legal framework for data protection, cybersecurity, and digital governance. With provisions pertaining to cybersecurity, cross-

<sup>2</sup> <https://www.indiacode.nic.in>

<sup>3</sup> <https://www.meity.gov.in>

border data transfer, and data localisation, the Act aims to fortify India's digital infrastructure and foster confidence in the digital ecosystem i.e.- online safety, data privacy, accountability of intermediaries. The proposed Digital India Act 2023 strengthens India's commitment to protecting digital assets and encouraging ethical data management practices by tackling important concerns including data sovereignty and cyber security risks and balancing innovation with user protection.<sup>4</sup>

**OBLIGATIONS AND RIGHTS UNDER THE DIGITAL INFORMATION ACT 2024 FOR THE PROTECTION OF PERSONAL DATA(DPDP)** - Any information that can be used to directly or indirectly identify a person is considered personal data under the Act. It covers the digital processing of personal data in India as well as non-digital data that is later converted to digital form. If such processing is done outside of India in order to supply products or services in India, the Act still applies. The Act outlines the rights and responsibilities of Data Principals (the individual to whom the data relates) as well as the obligations of Data Fiduciaries individuals, businesses, and governmental organisations that process data for data processing. i.e., gathering, storing, or any other operation on personal data.

Given the volume and sensitive nature of personal data, as well as larger societal and national concerns such as the possible effects on India's sovereignty and integrity, electoral democracy, state security, and public order, the government has the authority to designate specific Data Fiduciaries as Significant Data Fiduciaries (SDFs). The SDFs must designate a data auditor and carry out recurring audits on the organization's personal data security. The Data Fiduciary bears the primary duty for safeguarding personal information. Only with consent or for certain, authorised uses may a data fiduciary process a data principal's personal data. Under a legitimate contract, the data fiduciary may designate a data processor to handle the data. Along with maintaining the data's security and correctness, the data fiduciary is also in charge of deleting it upon the data principal's request or once its intended use has been fulfilled.<sup>5</sup> The Act calls for the creation of a Data Protection Board, whose duty it is to decide whether or not the Act's requirements are being broken. According to Section 28(7), the Board has the same authority as a civil court, which includes the ability to call anyone, hear testimony, and examine any documents.<sup>6</sup> The parties involved are bound by the Board's orders. The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) is the venue for affected parties to appeal the Board's judgement.

## CONCLUSION:

India can guarantee that everyone has access to a safe, inclusive, and empowered digital ecosystem. Realising the full potential of digital technology in promoting socioeconomic growth while preserving people's right to privacy and boosting confidence in the digital environment requires sustained government cooperation and commitment. Let's collaborate to create a resilient and digitally inclusive India that ensures no one is left behind and establishes a global benchmark for inclusive digital governance. The proposed law must be in line with international trends and India's inclusive technology strategy in order to guarantee fair access for its diverse population and forward the country's goal of being a self-sufficient, forward-thinking India by 2047, or Viksit Bharat 2047.

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<sup>4</sup> Proposed Digital India Act,2023

<sup>5</sup> <https://pib.gov.in/pressRelease1framePage.aspx?PRID=1947264>

<sup>6</sup> The Digital Personal Data Protection Act,2023