



# IAS PARLIAMENT

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## Digital India Bill

### Why in news?

The act which is a successor to the Information Technology (IT) Act, 2000, will impact a host of entities on the Internet, including social media, e-commerce, and artificial intelligence-based platforms.

### What is the IT Act, 2000?

- It is the primary law in India for *matters related to cybercrime and e-commerce*, giving *legal sanction to e-commerce and transactions*, enabling e-governance, and preventing cybercrime.
- Under the law, for any crime involving a computer or network located in India, foreign nationals can also be charged.
- The act gives legal recognition to digital signatures.

Section 66A of the [IT Act](#).

### What is the new law for the Internet?

- The IT Act needs an update since it was framed for an Internet era that looked very different from the Internet of today.
- **Objectives** - To ensure an open and safe Internet in the country, to ensure users' rights and reduce risks for them online, accelerate the growth of technology innovation.
- The Bill is a key pillar of an overarching framework of technology regulations the Centre is building, including:
  1. Draft Digital Personal Data Protection Bill, 2022
  2. Indian Telecommunication Bill, 2022
  3. Policy for non-personal data governance

### What is safe harbour?

- **Safe harbour** - As given under *Section 79 of the IT Act, 2000*, it is the *legal immunity* that online intermediaries enjoy against content posted by users on their platforms.
- **Due diligence** - This is available as long as these platforms abide by certain due diligence requirements, such as censoring content when asked by the government or courts.
- **Origin** - The concept originally came from *Section 230 of the United States'*

*Communications Decency Act*, which has been termed one of the foundational laws behind the modern Internet.

- **Web 2.0** - It is one of the main reasons behind the meteoric rise of Internet giants such as Facebook that have defined the Web 2.0 era where users can post content on the internet.

### Why revisit the norm?

- **Complex intermediaries** - The idea behind revisiting the concept of the safe harbour is that the intermediaries have become more complex.
- Hence, there is a need to classify different types of intermediaries and form relevant regulations for each of them.
- **IT Rules of 2021** - The government has reined in the safe harbour by introducing additional due diligence requirements.
- Such requirements include, appointing India-based employees to cooperate with the government and address users' queries.

### What else will the Digital India Bill deal with?

- **Cybercrimes** - The proposed law will also regulate a range of crimes include cyberbullying, doxxing, and identity theft.
- **Misinformation** - The weaponisation of misinformation under the garb of free speech will not be entertained and will be regulated under the Bill.
- **Adjudicatory mechanism** - An effective mechanism that is easily accessible, deliver timely remedies, resolve cyber disputes, and create cyber jurisprudence will also be explored under the Digital India Bill.

### What is the way forward?

- Countries around the world are reconsidering their respective safe harbour norms, including in the US where the concept originated.
- Regulation of hate speech and disinformation on the Internet is a must and intermediaries, including digital news media and social media platforms, have an accountable role to play.
- Modern regulations to tackle issues related to misinformation, problematic content and the side effects of the new form of the Internet are a must.
- However, they should still retain first principles of safe harbour without whittling down their core.

### References

1. [The Hindu | The impact of the proposed Digital India Act, 2023](#)
2. [The Indian Express | Govt rethinking 'safe harbour' in Digital India Bill](#)



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