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New Data Privacy Law: Decoding the Indian Digital Personal Data Protection Act

Gajendra Singh Chauhan*

India is rapidly emerging as a frontrunner in the global digital economy. Digitalization is a significant technological movement that addresses issues such as increasing financial inclusion, improving governance, and reducing inequities. The adoption of technology and the internet has markedly improved the quality of life for countless Indians and their interaction with governance. Several factors, such as increasing broadband penetration, technological breakthroughs, affordable data consumption prices, and the government's emphasis on developing digital infrastructure, have contributed to India's rapid digitalization. Currently, India has a digital population of approximately 760 million active internet users, referred to as Digital Nagriks (digital citizens). This number is expected to increase to 1.2 billion in the near future. India stands as the world's most connected democracy and one of the countries with the biggest per capita data users and providers. While the internet and technology can be a unifying force for welfare, they can also be a playground where user harm and misuse can occur if the norms and laws are not followed. As data is the new fuel of the digital economy and its ecosystem, it is essential that India has its own digital legislation and rulemaking for internet data. After almost five years of negotiations involving the Central Government, tech firms, and civil society, India has introduced its own legislation, referred to as the Digital Personal Data Protection Act (DPDPA) of 2023. This paper thoroughly explores different facets of the DPDPA 2023, intending to provide a discerning analysis of the difficulties, consequences, and prospective advantages it presents.

Journey So Far

The Indian Parliament, comprising the President and the two houses - Rajya Sabha (Council of States) and Lok Sabha (House of the People), cleared the much-awaited bill in August 2023 (Figure 1). As a result, India now has a landmark legislation that deals with protecting a citizen's personal information. The legislation upholds the Supreme Court's ruling from six years ago that the 'Right to Privacy' is a fundamental right and includes rules to prevent online platforms from misusing users' data. The DPDP Act introduces a unique aspect by referring to the Data Principal as 'she/her,' a departure from previous Indian laws. This sets a precedent and offers a fresh perspective.

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