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.o –** 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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