

Forbes India Leader Board

Focus on India Expansion

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Digital Data Protection: Vague and Unclear

Despite a 16-and-a-half-month wait for these rules, experts have criticised them

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ON JANUARY 3, THE MINISTRY of Electronics and Information Technology (MeitY) published the long-awaited Draft Digital Personal Data Protection Rules, 2025. They were eagerly anticipated since the Digital Personal Data Protection Act, 2023, was passed in Parliament on August 11, 2023.

These draft rules seek to protect citizens' rights in accordance with the DPDP Act, while achieving the right balance between regulation and innovation, so that the benefits of India's growing innovation ecosystem are "available to all citizens and India's digital economy", according to the Press Information Bureau press release.

They provide some clarity on, among others, how data fiduciaries should comply with certain requirements, registration and obligations of consent managers, processing of personal data by the state for subsidies, personal data breaches and details of the data retention period by data fiduciaries.

One of the more important inclusions is the creation of the Data Protection Board (DPB), an adjudicatory independent body that facilitates complaints resolution and thereby enhances transparency and



accountability. "This measure can be used to ensure data privacy has a magnified approach where each case is treated independently," explains Shravishtha Ajaykumar, associate fellow, Centre for Security, Strategy and Technology, Observer Research Foundation (ORF).

Ironically, there is no mention of the word 'privacy' in the Draft Digital Personal Data Protection Rules or The Digital Personal Data Protection Act, 2023, published in The Gazette

of India. "In fact, the word 'privacy' appeared only once in the Digital Personal Data Protection Bill, 2023... which is also where it's repealing a section of the Right to Information Act," says Prateek Waghre, technology policy researcher.

Despite the 16-and-a-half-month wait, experts have criticised the rules for being "vague" and "lacking clarity". "The Digital Personal Data Protection Act, 2023, had a lot of shortcomings," explains Waghre.

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