

27th March, 2023

MAKING INDIA DIGITALLY LITERATE – THE RIGHT TO DIGITAL LITERACY BILL, 2022

1. INTRODUCTION

- 1.1 In today's day and age, the use of technology has entered every aspect of daily life and to every swathe of population. Especially since the Covid-19 pandemic after which the world has witnessed a surge in digital presence and dependence on the internet. From profession to businesses, education to entertainment, finance and social lifestyle, technology has penetrated in human's everyday existence in the present era – also known digital era.
- 1.2 Digital literacy refers to the ability of reasonable and effective utilization of digital technologies. Digital literacy to every user on the internet is crucial and essential for overall digital well-being.
- 1.3 The Right to Digital Literacy Bill, 2022 hereinafter referred to as "the Bill" recognises that even though children seemingly adept at using digital tools, this does not mean that they are digitally literate. The children and young adults need to be made digitally literate even though they are offline. Therefore, the Bill intends to include a digital literacy curriculum in educational institutions across India to create awareness and assist in informed decision making by users on the internet.
- 1.4 This article will include a brief background about the Bill and explains the salient features of same.

2. BACKGROUND

- 2.1 The Bill has been introduced by the hon'ble member of Rajya Sabha Mr. Derek O'Brien before the house on 9 December 2022. The Bill, brought under the category of private member's bill is up for discussion before the House.
- 2.2 The Hon'ble Member in his introductory statement to the Bill stated that the bill calls for adoption of a digital literacy curriculum in all educational institutions across India. He further said that the proposed bill will be crucial in producing responsible and young citizens who can easily participate in the digital ecosystem.

- 2.3 On the same line, the National Education Policy, 2020 also envisages "digital literacy" to be included as a part of curriculum for school and adult education. This has been implemented keeping in line with the United Nations Committee on the Right of the Child, 2014, acknowledging the importance of digital literacy and advised the member nations to include the same in their teaching curriculum.

3. OBJECTIVES OF THE BILL

- 3.1 The Bill has been brought with the objective of providing a "digital literacy curriculum in all educational institutions" in India and to "make the youth digitally literate."
- 3.2 According to the "Indian Telecom Service Performance Indicator Report, July-September, 2022" published by the Telecom Regulatory Authority of India on 3 February 2023 there are a total of 850 million internet subscribers in India. As a result, digital presence and digital ecosystem has become mainstream vehicles of education, commerce and social interactions.
- 3.3 The Bill especially assumes significance in the present day since India still does not have a data protection law. Further it was acknowledged in the Bill that creating digital literacy is one part of the solution of the overall digital ecosystem regulation in India.

4. SALIENT FEATURES OF THE BILL

- 4.1 The Bill under clause 2(f) defines "digital literacy" to mean the "knowledge, skills and attitude" that allows individuals to be "both safe and empowered" in the digital space. It encompasses balanced use of technology, awareness of digital rights, digital safety and security, and digital emotional intelligence among other things.
- 4.2 Clause 3 of the bill brings about the formulation of a Digital Literacy Curriculum to be adopted in all educational institutions. The "appropriate government", Central government (in case of national ed



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cational boards and curriculums); or the State government (in case of state educational boards) as the case may be, shall formulate a digital literacy curriculum which shall include content relating to the following –

1. Clause 2(c) -Data Privacy – *empowering user’s decision making about “who can process their data and for what purpose.”*
 2. Clause 2(d) - Data Protection– *knowledge about securing data from unauthorised access.*
 3. Clause 2(n) -Social Media Etiquette – *to respect others online, fraternity, social manners, consent.*
 4. *Digital Hygiene – to regularly update accounts or electronic devices to follow security protocols.*
 5. Clause 2(j) - Misinformation – *“incorrect or misleading information.”*
 6. Clause 2(g) - Disinformation – *“false information deliberately spread to deceive people.”*
 7. Clause 2(k) - Online financial fraud – *act of obtaining financial gains by profitdriven criminal activities in online space.*
 8. Clause 2(m)-Sextortion – *form of online abuse in which cybercriminals lure users into intimate video, pictures, and audio.)*
 9. Virtual digital assets – *information or code generated through cryptographic means with the representation of having inherent value. - §47A(a) Finance Act, 2022*
- 4.3 Further, prior to designing a curriculum on the above-mentioned topics, the appropriate government shall take note of the local context and should undergo consultations with the concerned stakeholders. Under the proposed bill, curriculum must be formulated on a grade-by-grade basis and must be revised at such prescribed intervals of time as determined by the appropriate government.
- 4.4 The Bill under clause 4, makes Centre/State government responsible for employment of such numbers of teachers with prescribed requisite qualifications for teaching the digital literacy curriculum in schools and educational institutions. Additionally, it shall also take measures like developing and implementing vocational and training programs along with timely revising the same, to address the requirement of skilled human resource for the curriculum’s implementation.

4.5 Central government, as per the Bill, is under obligation to periodically appropriate requisite funds to the State governments for proper implementation of the curriculum.

4.6 The Bill under clause 6, also proposes implementation of an Impact Assessment mechanism to be carried out in every five years to assess *“the efficiency of the curriculum.”* Clause 2(i) defines “impact assessment”, which for the purpose of the Bill means an evaluation to understand the level of penetration with the current curriculum in the lives of children and youth enabling them to use the internet safely.

5. CONCLUSION

5.1 At present most of internet users are from urban educated classes. Implying that there are still a large chunk of untapped population comprising of rural areas wherein the digital ecosystem is gradually penetrating. With the increase in numbers of users on the internet, digital literacy becomes a crucial medium for interacting globally.

5.2 The proposed 2022 Bill is a crucial step for India to make it a digitally inclusive society, wherein informed users can make calculated decision making.

5.3 However, there are several other hurdles like cost of infrastructure needed for Information and Communication Technology, low-quality infrastructure, lack of online content in vernacular languages and lack of understanding of decision makers which create difficulties in mainstreaming digital literacy in India. Therefore, the Bill is not the panacea; but rather must be viewed as one part of the solution to the overall issues relating to the digital space in India.

Bill No. LXII of 2022

THE RIGHT TO DIGITAL LITERACY BILL, 2022

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BILL

to provide for a Digital Literacy Curriculum in all educational institutions to make the youth digitally literate and for matter connected therewith or incidental thereto.

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called Right to Digital Literacy Act, 2022.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in relation to a State, Government of that particular State and in all other cases, the Central Government;

10 (b) "Curriculum" means the Digital Literacy Curriculum formulated under section 3;

(c) "data privacy" means empowering individuals to make their own decisions about who can process their data and for what purpose;

(d) "data protection" means keeping data safe from unauthorized access;

(e) "digital" means regularly updating and cleaning electronic devices, using passwords that follow security protocols, organizing the files stored on the device, optimizing setting etc; 5

(f) "digital literacy" means the knowledge, skills and attitudes that allow individuals to be both safe and empowered in an increasingly digital world;

(g) "disinformation" means false information deliberately spread to deceive people; 10

(h) "educational institutions" means all schools and colleges in the territory of India;

(i) "impact assessment" means a holistic evaluation to understand the extent to which the Curriculum has penetrated into the lives of children and young adults and has enabled them to use the internet safely; 15

(j) "misinformation" means incorrect or misleading information;

(k) "Online Financial Fraud" means the act of obtaining financial gain through profit-driven criminal activity, including identity fraud, ransomware attacks, email and internet fraud, and attempts to steal financial account, credit card, or other payment card information; 20

(l) "prescribed" means prescribed by rules made under this Act;

(m) "sextortion" means a form of online abuse, wherein the cybercriminal makes use of various channels like instant messaging applications, short messaging service, online dating applications, social media platforms, porn sites etc., to lure the users into intimate video or audio chats and makes them pose nude or obtains revealing pictures from them; 25

(n) "social media etiquette" means treating others with respect online, personal information, images, or videos of anyone not to be shared without consent etc.; and

(o) "virtual digital asset" shall have the same meaning as defined under sub-section (c) of section 3 of the Finance Act, 2022. 30 6 of 2022.

Digital
Literacy
Curriculum.

3. (1) The appropriate Government shall, within six months from the date of commencement of this Act formulate a Digital Literacy Curriculum by notification in the Official Gazette for carrying out the purposes of this Act.

(2) From such date, as the appropriate Government may, by notification in the Official Gazette specify, the Curriculum shall be adopted in all educational institutions. 35

(3) The appropriate Government shall take all measures to ensure that the Curriculum,—

(a) is designed after a preliminary diagnostic review of the local context and due consultations with concerned stakeholders in such manner as may be prescribed;

(b) includes content relating to data protection, data privacy, social media etiquette, digital hygiene, misinformation, disinformation, online financial fraud, sextortion, virtual digital assets and any other relevant subject that the appropriate Government may decide; 40

(c) is framed on a grade-by-grade basis for all educational institutions; and

(d) is revised at such requisite intervals of time, as may be prescribed by the appropriate Government to keep pace with the changing technological landscape. 45

- 4. (1) The appropriate Government shall take measures to address the human resource requirements for implementation of the Curriculum by planning, developing, implementing and regularly updating educational and training programs in collaboration with institutions of higher education and training.** Appropriate Government to take measures as to address human resource requirement, training, etc.
- 5 **(2) The appropriate Government shall ensure the appointment of such number of teachers with such qualifications, as may be prescribed for teaching the Curriculum in educational institutions.**
- (3) The appropriate Government shall make efforts to incorporate international best practices in digital literacy in the curriculum.**
- 10 **5.** The appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments of that Government such as those dealing with Information Technology, Education, Finance, Home Affairs, Women and Child Development for carrying out the purposes of this Act. Co-ordination within appropriate Government.
- 15 **6. (1)** The appropriate Government shall design an impact assessment mechanism to evaluate the efficiency of the Curriculum. Impact assessment.
- (2)** The appropriate Government shall conduct an impact assessment as per clause (1) at five year intervals in such manner as may be prescribed:
- Provided that the first impact assessment shall be conducted after five years of the implementation of the Curriculum.
- 20 **7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act. Central Government to provide funds.
- 8. (1)** The appropriate Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act. Power to make rules.
- 25 **(2)** Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or
30 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (3)** Every rule made by the State Government under this section shall be laid, as soon
35 as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
- 9.** The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

STATEMENT OF OBJECTS AND REASONS

As of March 2022, there are a total of 82 crore internet subscribers in India according to the "Indian Telecom Services Performance Indicator Report" released by Telecom Regulatory Authority of India (TRAI). Since the Covid-19 pandemic made remote working and remote learning the norm, the world has witnessed a surge in dependence on the internet. Hence, social media platforms have become mainstream vehicles for civic participation. As a result, invasions of privacy, increasing surveillance, digital financial transactions are just some of the complex issues that face us today.

As per NITI Aayog, "Most of the internet users are in urban educated classes. This situation reflects that majority of the Indians still remain unfazed by the information technology revolution. With such a disparity in digital access and literacy, it is hard to aspire for inclusion and equity. India is expected to have the largest working age population, which requires rapid job creation. Digital literacy becomes a crucial medium of communication with global citizens".

Even though children are seemingly adept at using digital tools, this does not mean that they are digitally literate. Digital literacy encompasses awareness of digital rights, balanced use of technology, digital emotional intelligence, digital safety and security and civic digital self-expression. School going children can be extremely vulnerable to cyber bullying, phishing, online scams, malware and the like. Besides, children need to be sensitised to the perpetual nature of the internet and the perils of posting personally identifiable information online. Children and young adults need to be digitally literate even when they are offline since their schooling, societal conditioning and future job opportunities largely depend on their understanding of and participation in the digital ecosystem.

This Bill assumes greater significance since India does not have a Data Protection law yet. At the same time, it is only a first step towards our goal of a digitally literate India. Various challenges to mainstreaming digital literacy include low-quality technological infrastructure, cost of infrastructure needed for the use of Information and Communications Technology (ICT), lack of online content in local languages and that related to everyday life, lack of understanding of the decision makers, lack of evidence based information and a lack of sufficient regulation in relation to privacy and transparency. We must look at digital literacy as one part of the solution and not the panacea.

Notably, the United Nations Committee on the Rights of the Child, in 2014, advised member governments (including India) to include digital literacy in their national school curriculums. Countries like Scotland, Australia, Netherlands already have a digital literacy framework in place. Even though the National Education Policy, 2020 envisages digital literacy as a part of the curriculum framework for school and adult education, it does not define the same. This Bill seeks to incorporate a rights based approach to digital literacy and citizenship. The thrust to Digital India must be accompanied by an adequate legislative response to the opportunities and threats presented by the internet.

The bill seeks to achieve the above objectives.

DEREK O'BRIEN.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appropriate Government to take measures as regard to human resource development and training by appointing teachers for imparting education on Digital Literacy Curriculum. Clause 7 of the bill provides that the Central Government shall provide requisite funds for carrying out the purposes of the bill. The bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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to provide for a Digital Literacy Curriculum in all educational institutions to make the youth digitally literate and for matter connected therewith or incidental thereto.

(Shri Derek O'Brien, M.P.)