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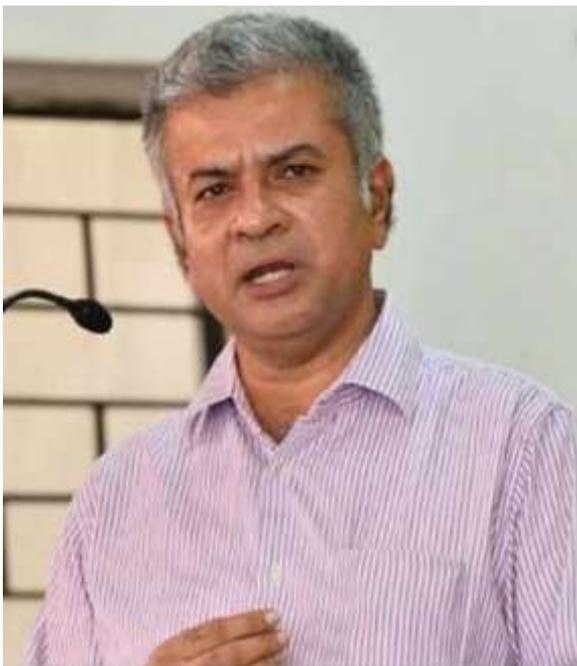
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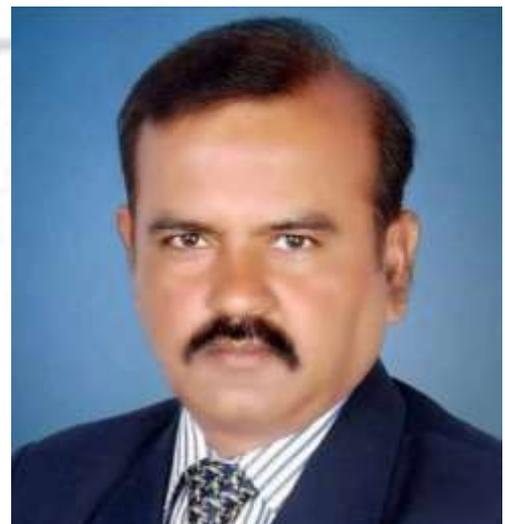
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE DIGITAL WELLBEING LAWS IN INDIA: NEED FOR BHARTIYA DIGITAL KALYAN SANHITA

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Abstract:

The rapid digitalization of India has brought unprecedented opportunities and challenges, mainly in the context of digital wellbeing. In spite of the existence of a number of laws and regulations, the current legal framework of India is fragmented and reactive, failing to handle the nuanced and dynamic nature of digital challenges. This literature review critically evaluates the current legal landscape, identifies loopholes, and examines global best practices to propose a comprehensive digital wellbeing legislation in India.

The proposed Bharatiya Digital Kalyan Sanhita aims to strike a balance between innovation and ethical responsibility, ensuring digital equity, transparency, and wellbeing as fundamental constitutional rights for children. The framework is anchored on five pillars: user autonomy, algorithmic responsibility, mental health safeguards, digital equity, technology development and deployment transparency. The paper argues that a specialized legislation, complemented by judicial oversight, ethical technological innovation, and mass-scale digital literacy drives, is necessary to safeguard the mental, emotional, and social wellbeing of Indian citizens in a digitalized world.

Keywords: Digital, Technology, Framework, Children, and Wellbeing.

I. Introduction

The continuing digital revolution of India, fuelled by increasing internet penetration, affordable smartphones, and official initiatives like the "Digital India" campaign, has already changed the working habits of Indian society to a large degree. In its wake has followed an increasing interest in digital wellbeing, a term that refers to the impact of digital technologies on people's mental, emotional, and physical health.

While the internet holds the promise of democratizing information, enhancing communication, and spurring innovation, it has also spawned a range of severe problems such as cyberbullying, screen addiction, online exploitation, invasion of data privacy, and decreased mental well-being.

India, with more than 1.4 billion people and a very young population, is in a unique position. On the one hand, the digital landscape is fuelled by its younger population; on the other hand, they are also most at risk of its ill effects. Given this, the development of comprehensive digital wellbeing legislation is of the most extreme importance.

This literature review explores the existing legal framework in India on digital wellbeing, assesses important legislative action, detects loopholes, and considers international best practices and policy recommendations. It provides a comprehensive analysis of how digital wellbeing has emerged as a field of legal engagement and an ethical concern, particularly in the context of vulnerable groups such as children, youth, and marginalized communities.¹

II. Conceptualizing Digital Wellbeing

Digital wellbeing is a concept that is yet in its initial phase but is evolving rapidly. Overall, it is depicted as the capacity of human beings to lead meaningful, safe, and healthy lives in a digital environment. Unlike traditional public health paradigms, digital wellbeing takes an all-encompassing approach that includes cognitive, psychological, emotional, and social aspects. At the international level, studies by bodies like the World Health Organization (WHO) and UNICEF have identified digital wellbeing as a component of holistic development. In India, the concept of digital wellbeing remains sporadic and is typically pre-empted by conceptions of digital literacy, cybersecurity, or internet safety. Scholarship on the topic by Indian researchers has barely begun systematic engagement on the topic. Scholars like Padmini Ray Murray and Usha Raman have articulated the problems with techno-determinism the idea that technology is always positive and the need for a more critical engagement with digital devices and their socio-political implications.²

¹ Cyril Shroff Tiwari Arjun Goswami, Arun Prabhu, Arpita Sengupta, Mahim Sharma, Anoushka Soni, Sabreen Hussain, Soumya, *Children and Consent under the Data Protection Act: A Study in Evolution*, India Corporate Law (Aug. 22, 2023), <https://corporate.cyrilamarchandblogs.com/2023/08/children-and-consent-under-the-data-protection-act-a-study-in-evolution/>.

² *Processing Personal Data of Children: Navigating DPDP Act, 2023*, SRL, <https://spiceroutelegal.com/data-protection/indias-new-digital-personal-data-protection-act-processing-personal-data-of-children/> (last visited May 20, 2025).

Alongside personal responsibility, digital wellbeing is also a question of structural and institutional responsibility. The design of digital platforms, manipulative design strategies, economies of attention, and surveillance capitalism all play a role in the erosion of wellbeing in digital environments. Any effective legal system, then, will need to take into account not only users' behaviour, but also the structural dynamics that organize digital interaction.³

Fig.1. Screenshot of Devices used by Children in India ⁴

Variable		Frequency (Percentage %)
Screen-device used	Mobile phone	182 (98.9)
	Television	171 (92.9)
	Computer/ laptop	89 (48.4)
	Tablet	33 (17.9)
	Video game device	27 (14.7)
Owning a device	Yes	64 (34.8)
	No	120 (65.2)
Years of usage	< 2 years	59 (32.1)
	2-4 years	53 (28.8)
	> 4 years	72 (39.1)
Duration of mobile phone usage in a day	< 1 hour	53 (28.8)
	1-3 hours	65 (35.3)
	> 3 hours	63 (34.2)
	Not used	3 (1.6)
Duration of television usage in a day	< 1 hour	74 (40.2)
	1-3 hours	64 (34.8)
	> 3 hours	33 (17.9)
	Not used	13 (7.1)
Duration of Computer/ laptop usage in a day	< 1 hour	63 (34.2)
	1-3 hours	19 (10.3)

³ *Digital India Act and Child Online Safety*, <https://igpp.in/publications/digital-india-act-and-child-online-safety.php> (last visited May 20, 2025).

⁴ REEBU JOHN et al., *Prevalence of Excess Screen Time among Secondary School Children in Rural India*, 64 J Prev Med Hyg E457 (2024), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10876028/>.

	> 3 hours	6 (3.3)
	Not used	96 (52.2)
Duration of tablet usage in a day	< 1 hour	22(12)
	1-3 hours	10 (5.4)
	> 3 hours	1 (0.5)
	Not used	151 (82.1)
Duration of video game device usage in a day	< 1 hour	17 (9.2)
	1-3 hours	6 (3.3)
	> 3 hours	2 (1.1)
	Not used	159 (86.4)
Excess screen-time		153 (83.2)

III. Legislative Structure in India:

India's legal approach to digital well-being issues has been patchy and, in some cases, reactive. The Information Technology Act, 2000 (IT Act) forms the foundation of India's digital regulation. Though it is largely concerned with cybercrime and electronic commerce, some provisions touch upon user safety, namely Sections 66E (breach of privacy), 67 (publication of obscene matter in electronic form), and 72 (publication of confidential or private information). The Digital Personal Data Protection Act of 2023 is a milestone in India's legislative quest on data privacy, a critical component of digital wellness. The Act is aimed at protecting personal data while, at the same time, promoting innovation and free flow of information. What is more notable, it enshrines the concept of a "Data Fiduciary," laying obligations on organizations that collect and process data, especially of children. Critics argue, however, that the Act does not adequately address some issues like the effect on mental health, addiction to screens, and exploitative online behaviours.⁵

Apart from that, the Indian Penal Code (IPC) and the Juvenile Justice Act 2015 also have other provisions which are indirectly related to online threats, including cyberstalking, harassment, and being exposed to objectionable content. These provisions were not created with the goal of providing greater importance to digital well-being.

⁵ ETGovernment.com, *Children's Personal Data and Compliance with Digital Personal Data Protection Act, 2023: Not a Child's Play* - <https://government.economictimes.indiatimes.com/blog/childrens-personal-data-and-compliance-with-digital-personal-data-protection-act-2023-not-a-childs-play/107525926> (last visited May 20, 2025).

New regulations from the Ministry of Electronics and Information Technology (MeitY), the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, attempt to regulate digital content and hold platforms accountable. The rules mandate intermediaries to remove unlawful content and have redressal mechanisms. While the rules are a step in the right direction, their extent and enforcement apparatus have been called insufficient.⁶

IV. Child Safety and Digital Wellbeing:

Children and adolescents are amongst India's most digitally engaged segments and, simultaneously, its most vulnerable. The convergence of children's rights and digital health has become a particularly acute concern, with the pandemic-fuelled boom in online education adding fuel to the fire.

The Protection of Children from Sexual Offences (POCSO) Act, 2012, primarily dealing with physical abuse, has been amended to extend to online grooming, child pornography, and explicit communication. The IT Act complements this by criminalizing the spread of child sexual abuse material (CSAM).⁷

Still, India does not have an all-encompassing legal tool with specific provisions for digital wellbeing in children. There is no law to govern screen time, impose ethical Ed-Tech principles, or require age-suitable content planning. The National Education Policy (NEP) 2020 mentions digital literacy in passing and is mum on digital wellbeing as a pedagogical or policy priority.

The Home Affairs Ministry initiated the Cyber Crime Prevention against Women and Children (CCPWC) program to try and overcome some of the weaknesses through the setting up of specialized cyber cells, awareness programs, and inter-agency coordination. The implementation and coverage of such programs remain patchy, particularly in rural and underprivileged areas.⁸

⁶ *Safeguarding Children's Data under the DPDP Law*, S.S. Rana & Co., <https://ssrana.in/articles/safeguarding-childrens-data-under-dpdp-law/> (last visited May 20, 2025).

⁷ Dr Amrita Basu(MBBS,MS), *Children ,Social Media and (Digital) Privacy Laws What Parents Should Know*, Healthwealthbridge (Jan. 9, 2021), <https://healthwealthbridge.com/children-social-media-digital-privacy/>.

⁸ *Briefing: Children's Rights in the Digital Age*, CRIN, <https://home.crin.org/issues/digital-rights/childrens-right-digital-age> (last visited May 20, 2025).

V. Judiciary's Role

Indian courts have, in the past, played a significant role in interpreting legislation that is designed to protect digital rights. In the matter of Justice K.S. Puttaswamy v. Union of India (2017), the Supreme Court of India ruled that privacy was a constitutional right under Article 21. This decision has had far-reaching effects on the discourse that encompasses digital consent, surveillance, and data collection.

Later court decisions have also explored the boundaries of online harm. In Shreya Singhal v. Union of India (2015), the Supreme Court held Section 66A of the IT Act to be unconstitutional in light of the adverse impact on free expression. Although not concerning digital wellbeing per se, the case did underscore the need for legislator clarity in the definition and regulation of digital behaviour.

Public Interest Litigations (PILs) on online safety for children, data abuse by Ed-Tech platforms, and algorithmic transparency are being filed more and more, and courts are insisting on digital service providers being made accountable. The pro-activeness of the judiciary is a sign of growing awareness of digital well-being as a constitutional issue, though a uniform jurisprudential paradigm is yet to emerge.⁹

VI. Global Frameworks and India's Position

Globally, the majority of countries have made significant strides in enacting laws on digital wellbeing. The European Union's General Data Protection Regulation (GDPR) is often described as a benchmark for data protection. It contains core principles such as data minimization, purpose limitation, and consent of users something that directly impacts the reality of digital wellbeing. Importantly, it provides better protection for children's data.

Within the United Kingdom, the Age-Appropriate Design Code, or the Children's Code, requires digital services likely to be used by children to put their welfare and privacy first in design and in handling data.

India's DPDP Act takes guidance from several global frameworks but not as much from digital

⁹ Isha Suri & Pallavi Bedi, *Shepherding Children in the Digital Age*, The Times of India, <https://timesofindia.indiatimes.com/blogs/voices/shepherding-children-in-the-digital-age/> (last visited May 20, 2025).

wellbeing within its declared aims. It is argued by scholars that India needs to move away from a narrow "data protection" model to a wider "digital rights" model.

The United Nations Convention on the Rights of the Child (UNCRC) and the newly released General Comment No. 25 on children's rights in the digital environment provide a rights framework that India's legal system can draw upon.¹⁰

VII. Technological Interventions and Ethical Considerations

Outside of legislation, the technology itself has the potential to be both the problem and the solution. Algorithms in ad targeting that monitor user behaviour can be used to detect harmful content or user patterns that signal screen dependency or cyberbullying. Parental control software based on artificial intelligence, real-time blocking of content, and digital literacy apps can be helpful to wellbeing, provided that they are developed ethically.¹¹

However, there is growing unease at the prospect of surveillance technology being marketed as a tool for protection. Abused and unregulated, these devices can undermine personal freedom, promote authoritarian parenting techniques, or even violate constitutional freedoms. Experts such as Nishant Shah and Sunil Abraham warn against "solutionism" the idea that technology will determine the solutions it creates.

Thus, ethical design and transparency of digital products are a must. The law will have to enforce "privacy by design," "safety by default," and make digital tools go through strict audits for their impact on mental health, particularly for teens and children.¹²

VIII. Introduction of "The Bharatiya Digital Kalyan Sanhita"

Over the past few decades, the digital revolution has remapped the social contours with speed and speed unheard of in human history. Education and governance, healthcare, business, and even one-on-one communication Indian society today is woven into a fine network of digital

¹⁰ *Child's Play in Digital India: Handling Teen Data with Kid Gloves? – Legal Developments*, <https://www.legal500.com/developments/thought-leadership/childs-play-in-digital-india-handling-teen-data-with-kid-gloves/> (last visited May 20, 2025).

¹¹ United Nations, *Child and Youth Safety Online*, United Nations, <https://www.un.org/en/global-issues/child-and-youth-safety-online> (last visited May 20, 2025).

¹² Prashant Shivdass, Shri Gayathri & Ananya K, *Indian Perspective on Protecting Children's Personal Data*, India Business Law Journal (Apr. 3, 2025), <https://law.asia/childrens-data-protection-dpdp-act/#:~:text=The%20Digital%20Personal%20Data%20Protection,processing%20personal%20data%20of%20children.>

systems.

The internet, besides democratizing knowledge and opening up economic empowerment, has brought new vulnerabilities, especially in the areas of mental well-being, data exploitation, behavioural influence, and privacy rights. This paradox empowerment versus exploitation has triggered increasing alarm regarding the notion of digital wellbeing, a broad term for the state of balance individuals and societies must find between their digital engagement and psychological, emotional, social, and physical wellbeing.

In spite of this nascent crisis, India's legislative environment has so far not confronted digital wellbeing through a single, coherent legal framework. Although a number of statutes like the Information Technology Act, 2000, and the recently passed Digital Personal Data Protection Act, 2023 (DPDP) provide piecemeal protections, none of them treat the broad array of concerns making up digital wellbeing.

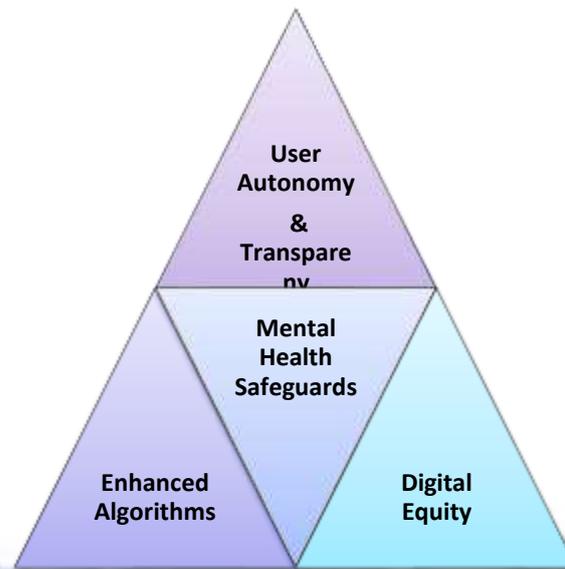
These include but are not limited to algorithmic addiction, cyberbullying, the regulation of screen time, children's digital rights, AI-generated changes in behaviour, and psychological impact of digital space on specific populations. The need for a rational and ethical legislative response is now beyond doubt.

In these circumstances, the introduction of a special statute, provisionally entitled “**The Bharatiya Digital Kalyan Sanhita**” is opportune and necessary. Patterned after recent efforts such as the rebranding and recodification of the Indian Penal Code into the Bharatiya Nyaya Sanhita, this act would be India's authoritative charter on digital wellness thorough in scope, forward-looking in purpose, and native in character.

Conversely, a governmental reaction can be in the form of enacting a separate Schedule or Chapter in the Information Technology Act, 2000, similar to how Schedule VI of the Constitution or different amendments in IPC take care of emerging issues of interest.

For example, one can propose a new Schedule X under the IT Act with the name "Provisions Relating to Digital Wellbeing and Rights in Cyberspace," having provisions linked to individual digital rights, safe digital architecture, ethical tech design, digital detox protocols, algorithmic transparency, and user redressal mechanisms.

Either framework an independent legislative regulation or an infused schedule in the IT Act has to be supported by five pillars:



The objective is to make digital transformation not at the expense of the nation's psychological, cultural, or developmental well-being. Accordingly, the aim of this paper is to attempt to explore the need, logic, and conceptual foundations of a special legal framework for digital well-being in India.

It analyses current legal gaps, contrasts global frameworks, and suggests a jurisprudential roadmap for the creation of Bharatiya Digital Kalyan Sanhita a 21st-century Indian solution to a 21st-century problem.

IX. Analysis and Conclusion

The current Indian legal framework concerning digital wellbeing is marked by fragmentation and a largely reactive approach, reflecting the complex and dynamic nature of the modern digital problems. Underpinning legislation, e.g., the Information Technology Act of 2000 and the Digital Personal Data Protection Act of 2023, provides useful legal assistance, especially in the areas of data privacy and cybercrime; however, these legislations fall short in addressing the overall psychological, social, and developmental implications of digital technology.

Current legal provisions largely focus on discrete harms, i.e., privacy invasion or online exploitation, and leave out more generic concerns, e.g., digital addiction, mental health concerns, algorithmic impacts, and fair access. This piecemeal approach is also compounded

by incoherent enforcement and the absence of effective mechanisms to hold technology platforms accountable for user wellbeing.

Judicial decisions have set in motion a process that affects the demarcation of digital rights in India, specifically through landmark judgments reaffirming the constitutional right to privacy and invalidating unnecessarily far-reaching restrictions on online expression. These rulings highlight the key role of the judiciary in the interpretation of law and filling legislative gaps, but an integrated jurisprudence that unequivocally articulates digital wellbeing as a distinct legal and constitutional concern is still in the pipeline.

India's regulatory framework also must strike the thin line between safeguarding fundamental freedoms and safeguarding citizens from the nefarious ills of cyberspace, an exercise that requires more advanced and advanced legislation supported by judicial interpretation and sagacious enforcement. Globally, India's digital wellbeing legislation falls short of best practices found in the European Union's GDPR and the UK's Age-Appropriate Design Code, including user-focused protections, especially for vulnerable communities like children.

These frameworks show the need for inclusive paradigms that extend beyond data protection to include ethical design, mental health, and the avoidance of exploitative algorithmic practices. For India, the integration of such principles within its distinctive social, economic, and demographic context matters. The envisaged Bharatiya Digital Kalyan Sanhita or a specialized schedule of the IT Act could be a uniting vision of legislation that balances innovation with ethical responsibility, with digital equity, transparency, and wellbeing as constitutional rights. In total, the rapid digitalization occurring in India requires the establishment of an active and committed legal system that fully addresses the multitude of digital wellbeing issues.

A successful law, like the Bharatiya Digital Kalyan Sanhita, would not only correct current legal loopholes but also uphold the country's commitment towards safeguarding the mental, emotional, and social wellbeing of its citizens in a digitized society. However, the passing of laws is not enough; an effective strategy involving judicial oversight, ethical technological innovation, and widespread digital literacy initiatives is necessary. Through the implementation of such an inclusive strategy, India can transform digital technology from a risk factor to a basis for healthy, inclusive, and empowered social development.