

Digital Governance and the Rule of Law in the 21st Century in India

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Abstract- Digital technologies have significantly transformed governance structures in the 21st century, reshaping how governments interact with citizens, deliver services, and ensure administrative accountability. In India, digital governance—commonly referred to as e-governance—has emerged as a central pillar of public administration through initiatives such as Aadhaar, Direct Benefit Transfer (DBT), DigiLocker, UMANG, and the Unified Payments Interface (UPI). These platforms have enhanced transparency, efficiency, and accessibility in governance by enabling online service delivery, digital identification, and real-time monitoring of public welfare schemes. However, alongside these benefits, the rapid expansion of digital governance has raised important legal and constitutional questions regarding the rule of law, accountability, data protection, and access to justice. This paper examines the evolving relationship between digital governance and the rule of law in contemporary India. It explores the concept of digital governance and its connection with constitutional principles such as equality before law, protection of fundamental rights, and limits on arbitrary state action. The study highlights how digital platforms can strengthen the rule of law by promoting transparency in government decision-making, improving efficiency in service delivery, and expanding access to justice through initiatives such as e-courts and virtual hearings. At the same time, it critically analyses the challenges associated with digital governance, including the digital divide, privacy and surveillance concerns, algorithmic bias, and cybersecurity risks.

The paper also reviews the legal and institutional framework governing digital governance in India, including recent legislative developments such as the Digital Personal Data Protection Act, 2023 and policy initiatives on responsible artificial intelligence. Furthermore, it discusses significant judicial decisions that have shaped the constitutional limits of digital governance and reinforced the protection of fundamental rights in the digital era. Overall, the study argues that digital governance has the potential to strengthen democratic administration and the rule of law if supported by strong legal safeguards, transparency, and accountability mechanisms. It concludes that a balanced approach—combining technological innovation with constitutional principles—is essential for ensuring that digital

governance promotes inclusive, rights-based, and accountable governance in India.

Keywords: Digital Governance, Rule of Law, E-Governance in India, Data Protection, Constitutional Law.

I. INTRODUCTION

In the 21st century, governance across the world is increasingly shaped by digital technologies that are transforming the way governments interact with citizens, design public policies, and deliver services. The rapid expansion of information and communication technologies (ICTs) has enabled states to modernize administrative systems, improve efficiency, and enhance transparency in decision-making processes. Governments are now using digital platforms not only for administrative purposes but also for improving citizen participation, ensuring accountability, and strengthening democratic governance. As societies become more digitally connected, governance models are evolving from traditional bureaucratic structures to technology-driven systems that rely on digital infrastructure and data-based decision-making (OECD, 2020; United Nations, 2022).

In India, digital governance—often referred to as e-governance—has emerged as a transformative tool for improving public administration, service delivery, transparency, and accountability. Over the past decade, the government has undertaken several initiatives aimed at integrating digital technologies into governance processes. These initiatives are part of broader policy frameworks designed to enhance efficiency, reduce corruption, and ensure that government services are accessible to citizens in a timely and convenient manner (Ministry of Electronics and Information Technology, 2023). Through the use of digital platforms, public authorities have been able to streamline administrative

procedures, maintain electronic records, and provide online access to various government services. As a result, digital governance has become a central component of contemporary public administration in India.

Several flagship initiatives illustrate how digital platforms have become integral to governance in the country. Programs such as Aadhaar, Direct Benefit Transfer (DBT), DigiLocker, UMANG, and the Unified Payments Interface demonstrate the scale and scope of digital transformation in governance. Aadhaar, for instance, provides a unique digital identity to residents and enables authentication for various government and financial services. Similarly, the Direct Benefit Transfer system ensures that welfare benefits are transferred directly to beneficiaries' bank accounts, reducing leakages and intermediaries in public welfare programs. DigiLocker allows citizens to store and access important documents digitally, while UMANG integrates multiple government services into a single platform accessible through mobile devices. The Unified Payments Interface has revolutionized digital transactions and facilitated seamless financial inclusion across the country. Collectively, these initiatives reflect how digital governance has become embedded in everyday administrative and economic activities (NITI Aayog, 2021).

While these technological developments have significantly improved governance mechanisms, they also raise important legal and constitutional questions regarding the rule of law. The rule of law is a foundational principle of democratic governance, ensuring that state power is exercised within the limits of law and that citizens' rights are protected. In the context of digital governance, this principle requires that technological systems operate within a clear legal framework, remain transparent in their functioning, and provide effective remedies for individuals affected by administrative decisions (Constitution of India, Arts. 14, 19, 21). As governments increasingly rely on digital tools for decision-making and service delivery, the need to align technological innovation with constitutional values becomes even more significant. One of the key concerns associated with digital governance is the legality and accountability of state actions carried out through technological systems.

Automated decision-making processes, data-driven governance models, and large-scale digital databases can potentially increase efficiency but also create risks of arbitrary or opaque decision-making if not properly regulated. For instance, the collection and processing of personal data through digital governance platforms raise issues related to privacy, consent, and surveillance. These concerns have gained prominence following judicial recognition of the right to privacy as a fundamental right, which requires the state to ensure that data collection and processing are conducted in a lawful, necessary, and proportionate manner (Justice K.S. Puttaswamy v. Union of India, 2017).

The other aspect of digital governance is associated with transparency and access to justice. The digital platforms could help to achieve transparency in government operation by allowing citizens to monitor applications, access government information, and submit complaints on the Internet. Online dispute resolution systems, e-courts and digital case management systems have increased access to justice especially at times of the COVID-19 pandemic when physical access to institutions was restricted (Supreme Court of India, e-Courts Project Reports). Nevertheless, the use of digital systems also implies the issue of digital exclusion and the idea of equal access to these technologies among the citizens. A substantial number of people continue to have no access to a reliable internet connection, digital devices, or digital literacy that can become obstacles to receiving government services and exercising legal rights (United Nations, 2022).

Also, the increased application of artificial intelligence and algorithmic decision-making in governance raises new issues of fairness, accountability, and transparency. Algorithms involved in the process of public administration should be thoroughly developed and monitored to avoid recreating the preexisting social prejudices and causing discriminatory effects. Citizens may also be unable to question decisions that impact their rights and interest because of the lack of transparency in the systems of algorithms. Thus, to keep the trust of citizens and secure the rule of law, it is necessary to ensure that digital governance systems are not immune to the law and procedural protection (NITI Aayog, 2021).

This paper discusses the connection between the rule of law and digital governance in 21st century India. It examines the impact of digital technologies on changing the governance forms and how these changes are intertwined with constitutional values and legal protections. The paper also mentions the opportunities and challenges that come with digital governance especially as far as transparency, accountability, data protection and access to justice are concerned. The article aims to comprehend whether the digital governance empowers the institutions of democracy or brings new complications to the legal system by examining the recent legal developments, policy initiatives, and judicial decisions. Finally, it seeks to add to the current debate on how technological innovation can be reconciled to constitutional values towards effective and rights-based governance in the man of digital age.

II. CONCEPT OF DIGITAL GOVERNANCE

Digital governance is where governments utilize information and communication technologies (ICTs) to develop policies, provide services to the people, interact with them, and govern the society in a more effective and transparent way. It is a transition to the outdated administrative models and the new technology-based governance models where digital platforms, data analysis, and online service delivery mechanisms are used. Digital governance, as opposed to the computerisation of government offices, aims at changing the dynamics between the state and citizens by enhancing the accessibility, responsiveness, and accountability in the administration (United Nations, 2022; OECD, 2020). Digital governance, in this regard, is concerned not solely with the adoption of technology, but also with institutional reforms and new forms of governance based on the priority of service delivery to citizens.

Fundamentally, digital governance is expected to establish a governance system that is citizen-based, transparent, efficient, and accountable. Governments can cut bureaucracy, efficient administrative processes, and guarantee that citizens get their services in time through digital platforms. Online portals, mobile applications and integrated service platforms have enabled people to access and utilize government schemes, make applications, monitor the status of

service delivery to them and even have the chance to file grievances without necessarily visiting the government offices. This movement has not only increased the efficiency of administration, but also led to transparency in the government operations (World Bank, 2021). Furthermore, digital governance allows gathering and processing vast amounts of data that can be utilized to develop evidence-based policies and enhance the decision-making procedures.

When applied to India, the concept of digital governance has become particularly relevant in the last 10 years as the government has been relying more and more on digital technologies to modernise the administrative processes and provide more services to people. The expansion of internet connectivity, smart phones, and digital infrastructure has presented fresh prospects of initiating large scale e-governance projects in the nation. Such initiatives are aimed not only at enhancing efficiency but also at increasing transparency, decreasing corruption, and increasing the level of trust that the population has in governance institutions (Ministry of Electronics and Information Technology, 2023). Consequently, digital governance has turned out to be an important part of governance reform within the system of Indian public administration.

One of the significant policy initiatives that represent the notion of digital governance in India is the Digital India Mission. The Digital India Mission was launched in 2015 and the objective is to turn the nation into a digitally empowered society and knowledge economy through the application of digital technologies in governance and delivery of public services. The programme targets three key areas of vision that include digital infrastructure as a fundamental utility to all citizens, on-demand governance and services, and citizen digital empowerment (Government of India, 2015). With these goals, the initiative intends to make sure that the government services are electronic, accessible to all the sectors of the society, and they are delivered in transparent and efficient ways.

One of the most important pillars of the Digital India initiative is the idea of digital infrastructure as the fundamental utility of all citizens. This also incorporates high-speed internet connectivity,

electronic identity platforms, secure online storage, and access to online and mobile platforms to access public services. The government intends to reduce the digital divide by enhancing digital infrastructure, so that digital governance initiatives can be available to citizens both in urban and rural regions (NITI Aayog, 2021). Moreover, focus on governance and demand-centered services ensure that citizens have a broad access to various services like certificates, licenses, welfare schemes and financial services via the digital platforms without the needless administrative challenges.

The other significant aspect of digital governance is the involvement and participation of citizens in the governance processes. Governments can also communicate more with their citizens using digital platforms because it provides feedback, online consultations, and grievance redressal systems. The interactive version of this model of governance enhances the democratic processes as it makes the citizens have more say in the formulation of policies and administration of the government. It also encourages transparency as it allows the government information and decision-making to be more transparent to the public (United Nations E-Government Survey, 2022).

Although digital governance has many benefits, it also poses significant issues, which should be tackled to make it work. Such problems as digital literacy, unequal access to technology, cybersecurity threats, and data protection issues will continue to be major challenges in most developing countries, including India. The inclusion and accessibility of all citizens to digital governance systems should be guaranteed to ensure that vulnerable groups do not leave out of the public services. Moreover, effective legal and regulatory systems should be provided to ensure the safety of personal data and transparency, as well as to ensure the rule of law in digital governance systems (World Bank, 2021).

To sum up, digital governance is a revolutionary way of doing public administration that uses technology as an instrument of making the process more efficient, transparent, and involving citizens. Special programs like the Digital India Mission in India have been instrumental in facilitating this change in the country

by introducing digital technologies in governance systems and service delivery vehicles. Since digital governance is still a developing concept, it shall always be necessary to create a balance between technological advancement and legal protection and diverse policies to make sure that the systems of governance are responsible, transparent, and accessible to every citizen.

Rule of Law: A Constitutional Foundation

One of the essential principles of the constitutional rule is the rule of law which is one of the main characteristics of the Constitution of India. It means that all state actions should be regulated and circumscribed by the law but not by the discretion and arbitrary power. The rule of law secures the working of government authorities in a specific legal framework, treating people equally under the law, and providing possible mechanisms to hold the authorities of the state accountable in their actions in a democratic system (Dicey, 1959; Jain, 2016). In India, rule of law and its principles have been developing as stipulated in the constitution and judicial precedent and have become a key component of the government and administration.

Fundamentally, the rule of law comprises a combination of a number of interconnected principles which are: the supremacy of the law, equality before the law, lack of arbitrariness and accountability of the actions of the government. The rule of law implies that nothing or no one is above the law and that whatever power of the people is vested in the hands of people ought to be done within the confines of law. The equality before the law is not only that the members of the community are treated equally under the law but also the principle against arbitrariness states that the decisions made by the authorities of the state should be reasonable, fair, and open (Seervai, 2013). These principles taken together form a system which safeguards the rights of individuals and ensures that government authority is not abused.

These principles are clearly seen in the Indian constitutional system through a number of basic rights provisions. Articles 14, 19 and 21 of the Constitution are the center of the rule of law structure in India. Article 14 provides equality before the law and equal protection of the law which means that states cannot

act arbitrarily or discriminately. Article 19 safeguards fundamental freedoms that include freedom of speech and expression, movement, and association that are significant in the democratic participation and accountability. In Article 21, life and personal liberty is safeguarded and has been understood by judicial courts in a broad sense to cover privacy, dignity, and right to justice (Jain, 2016; Basu, 2021). All these are aimed at having governance that is limited by the constitution and that citizens are guaranteed rights that can be enforced by the state.

The rule of law has taken a new centrality with the advent of digital governance, whereby there is the need to ensure that technological systems deployed by the government are within constitutional and legal limits. Digital governance is the application of modern technologies including data analytics, biometrics identification, and automated administrative decisions in the administration. Although these technologies enhance efficiency and provision of services, they also create issues of transparency, accountability and safeguarding of fundamental rights (OECD, 2020). Consequently, the rule of law plays a critical role in controlling the process of implementation and utilization of digital technologies by the state.

The rule of law in digital governance regime dictates that the digital systems should use strictly legal framework enshrined in statutes and constitutional provisions. All government programmes based on digital technologies should have definite statutory support, procedures and protection to avoid data and power abuse. In the absence of these legal structures, digital systems may serve as the source of uncontrolled administrative power and the destruction of democratic governance (World Bank, 2021). As such, constitutional order depends on the legality of digital governance.

The other significant demand by the rule of law in digital governance is the fact that the application of the state power by the use of technology must be non-arbitrary. The systems, algorithms, and digital platforms which are applied to governance must operate in a transparent and just way so that all of the decisions which are made to the citizens are grounded in lawful parameters and not in the obscure technological mechanisms. Discrimination, exclusion,

or service denial may result because of arbitrary or biased use of digital technologies, which would be against constitutional provisions of equality and fairness (United Nations, 2022). Governments therefore need to be transparent in making decisions digitally and create mechanisms of auditing and reviewing technological systems applied in governance.

Moreover, the rule of law requires citizens to be able to avail solutions to breach or failure of digital systems. Since government practices are moving more toward being online, some of the problems that people can encounter are loss of benefits, inaccuracies in computer records or breach of privacy. Under these circumstances there should be a legal mechanism so that the citizens can have the right to question the actions of the administration and seek redress. In the digital age, the role of courts, tribunals, and mechanisms of redressal of grievances is crucial in order to establish accountability and safeguard the rights of citizens (Basu, 2021). Justice accessibility, hence, is an important part of the rule of law in a technologically-based system of governance.

To sum it up, the rule of law is the constitutional principle of the governmental system of India and it is still the core that shapes the process of changes in the sphere of public administration in the digital era. Due to the rise of digital governance, it is necessary to make sure that the technological innovation will not trespass the constitutional boundaries, will not violate the basic rights, and will be transparent and accountable. The state can make the digital society more democratic by implementing both legal protection and digital systems to ensure the rights of citizens in a more digitalized society.

III. BENEFITS OF DIGITAL GOVERNANCE FOR THE RULE OF LAW

Digital governance has been an important tool in enhancing the rule of law through transparency, enhancing efficiency in the governance process, and facilitating greater access to justice and public services. The growing adoption of online resources in governing India has changed how the institutions of power operate and has increased the level of accountability in the system of administration. These

advancements show that technology can assist the constitutional values of fairness, equality, and transparency and be applied in a robust legal context (United Nations, 2022; OECD, 2020).

3.1. Transparency and Accountability

Digital governance has many advantages, but one of the most important is the advantage of transparency and accountability in the work of the government. Digital platforms diminish the discretion of the decision-making process since administrative procedures are automated, and the decisions and transactions are constantly recorded digitally. In the event of services delivered using online systems, monitoring of actions, checking of procedures, and monitoring of the usage of public resources are easier. This minimizes chances of corruption and unreasonable decision-making which are key issues within the traditional bureaucracies (World Bank, 2021).

Considering the example of online tender, procurement and public services delivery portals, transparency in governance has been largely enhanced. There are virtual platforms like the Government e-Marketplace (GeM) where government departments can buy and sell goods and services on a digital platform that captures all the transactions and provides competitive bidding. Such platforms reduce the chances of favouritism or manipulation because the procurement processes can be seen and tracked. On the same note, electronic system of submission of public services allows citizens to apply, follow-up, and get services without interacting with the authorities to enhance accountability in governance (Ministry of Electronics and Information Technology, 2023).

3.2. Efficient Service Delivery and Access to Justice

Digital governance has also improved efficiency in the service delivery and access to justice. Digitization of judicial and administrative systems enables the citizens to enjoy services more easily and speedily. E-courts, online court filing, online hearings and digital case management systems are some initiatives that have revolutionized the operations of the courts and other legal institutions (Supreme Court of India, 2021).

The systems were especially relevant in the COVID-19 pandemic when people could not access courts and government offices physically. Online case management and virtual hearings made the judicial processes proceed and allowed litigants, lawyers, and judges to attend the cases remotely. People have the ability to monitor court proceedings, make petitions online and access judicial records, which is achieved by use of online platforms. This enhances administrative efficiency as well as procedural fairness and transparency in the justice delivery system (United Nations, 2022).

3.3. Equality and Inclusion

The other significant advantage of digital governance is that it can increase equality and social inclusion. Governments can also make sure that welfare benefits can be delivered to the beneficiaries without the meddling of third parties by implementing digital identification systems and direct benefit transfer mechanisms. In India, there have been other efforts like the Aadhaar based identification system and Direct Benefit Transfer (DBT) which have contributed to a considerable enhancement in the welfare scheme delivery by minimizing leakages and ensuring that benefits are distributed to the intended people (Government of India, 2022).

These systems have enabled inclusion of the marginalised groups such as the rural population, the economically weaker parties and the people who could not be formally identified before. The government can make the public resources more transparent and equitable through direct service beneficiaries by connecting them with the welfare schemes via digital systems. This helps in the fulfilment of the substantive equality provision of Article 14 of the Constitution through distributing the public benefits in a fair and efficient manner (World Bank, 2021).

3.4. Reduction of Arbitrary State Action

Digital governance can also minimise arbitrary state action through the standardisation of administration. Standard operating procedures, digitised rules, and algorithmic systems of making decisions can assist in making sure that decisions are not made based on personal judgement but rather based on specific criteria. Such systems, when appropriately developed and managed, can reduce the impact of human bias and

will provide a consistent enforcement of laws and policies in various areas and organisations (OECD, 2020).

It is however notable that these kinds of technological systems should be running within a well-defined legal framework and that they should be withing supervision and accountability. It needs to be transparent with easy to audit algorithms and redressal systems on grievances, which will ensure that digital decision-making does not create new discrimination and exclusion dimensions. Digital governance can reinforce the rule of law when coupled with effective legal protection since decision-making in the administration of justice is just, predictable, and transparent (United Nations, 2022).

Conclusively, digital governance has played a great role in the reinforcement of rule of law through increased transparency, better service delivery, equality and less arbitrariness in governance. Despite the existing setbacks, the adoption of digital technologies in the governance systems has also established new avenues to establish a more responsible, inclusive, and effective administrative system.

IV. DEMERITS AND CHALLENGES OF DIGITAL GOVERNANCE

Although there are various advantages of digital governance to the reinforcement of the rule of law, there are also numerous challenges that should be considered in order to enhance fairness, accountability, and inclusiveness. The swift growth of digital governance systems in India has raised the issues that are associated with digital exclusion, privacy preservation, transparency of algorithms, and cybersecurity. These issues lead to significant legal and constitutional concerns on how to guard basic rights and how well the system of governance operates within a digital space (United Nations, 2022; World Bank, 2021).

While digital governance offers several benefits for strengthening the rule of law, it also presents significant challenges that must be addressed to ensure fairness, accountability, and inclusiveness. In India, the rapid expansion of digital governance systems has

highlighted concerns relating to digital exclusion, privacy protection, algorithmic transparency, and cybersecurity. These challenges raise important legal and constitutional questions regarding the protection of fundamental rights and the effective functioning of governance in a digital environment (United Nations, 2022; World Bank, 2021).

4.1. Digital Divide and Exclusion

The digital divide is one of the biggest problems of the digital governance. A large part of the population is still not having access to the internet, digital devices, or even proper digital literacy. Rural population, less economically endowed, older members, and those with lower education levels are usually in a challenge accessing digital tools employed in providing government services. In the case the governance systems are based on using digital technologies extensively, these groups can unwillingly become excluded of the vital social services and welfare programs (OECD, 2020; NITI Aayog, 2021).

The excess dependence on the digital systems, consequently, may weaken the principle of equality before the law, as provided in Article 14 of the Constitution. When people cannot be served by technological barriers, then the goal of inclusive governance is undermined.

4.2. Data Privacy and Surveillance Concerns

Another major concern associated with digital governance is the protection of personal data and the risk of surveillance. Large-scale data collection through digital platforms, biometric identification systems, and online service portals raises concerns about misuse of personal information, profiling of citizens, and potential state surveillance. The growing reliance on data-driven governance makes privacy protection a central issue in maintaining the rule of law (Greenleaf, 2022).

The importance of privacy in digital governance was highlighted when the Supreme Court recognised privacy as a fundamental right in the landmark case of *Justice K.S. Puttaswamy v. Union of India*. The judgment emphasised that any state action involving the collection or processing of personal data must meet the tests of legality, necessity, and proportionality. This decision established that digital governance

systems must incorporate strong safeguards to protect individual privacy and prevent misuse of personal information (Basu, 2021; Jain, 2016).

4.3. *Algorithmic Bias and Lack of Transparency*

The increasing use of automated decision-making systems and algorithms in governance also raises concerns about fairness and transparency. Algorithms are often used to process applications, allocate benefits, and manage administrative decisions. However, if these systems are based on incomplete or biased data, they may replicate existing inequalities or produce unfair outcomes. Additionally, many algorithmic systems operate as “black boxes,” making it difficult for citizens to understand how decisions affecting them are made (OECD, 2020; United Nations, 2022).

The lack of transparency in automated decision-making challenges the principles of natural justice, which require fairness, reasoned decisions, and the opportunity to challenge administrative actions. Without proper oversight and accountability mechanisms, algorithm-based governance may lead to arbitrary outcomes. Therefore, governments must ensure transparency, explainability, and regular audits of algorithmic systems used in public administration (World Bank, 2021).

4.4. *Cybersecurity Risks*

Cybersecurity is another major challenge associated with digital governance. As governance systems increasingly rely on digital platforms, they become vulnerable to cyberattacks, data breaches, and technical failures. Such incidents can disrupt essential public services, compromise sensitive information, and undermine public trust in digital governance systems. In severe cases, cyber incidents may also affect critical infrastructure and national security (Greenleaf, 2022).

Cybersecurity threats raise important questions about the responsibility of the state to protect citizens’ data and ensure the reliability of digital systems. Governments must adopt strong cybersecurity frameworks, invest in technological infrastructure, and establish clear accountability mechanisms to address these risks effectively (United Nations, 2022).

V. LEGAL AND INSTITUTIONAL FRAMEWORK IN INDIA

To address the challenges of digital governance and ensure that technological advancements operate within the framework of the rule of law, India has developed a legal and institutional structure through various laws and policies. One of the earliest and most significant laws in this regard is the Information Technology Act, 2000, which provides legal recognition to electronic records, digital signatures, and online transactions. The Act also establishes mechanisms for addressing cybercrime and regulating digital activities (Basu, 2021).

More recently, the Digital Personal Data Protection Act, 2023 has been enacted to regulate the collection, storage, and processing of personal data. This legislation aims to protect individuals’ privacy while allowing the responsible use of data for governance and innovation. It introduces obligations for data fiduciaries, rights for individuals, and regulatory oversight to ensure responsible data management (Government of India, 2023).

In addition to statutory measures, the judiciary has played a crucial role in shaping digital governance through the recognition of privacy, proportionality, and accountability principles. Judicial decisions emphasise that technological governance must remain consistent with constitutional rights and democratic values. Together, these legal and institutional measures seek to ensure that digital governance develops in a manner that respects fundamental rights and strengthens the rule of law in India (Jain, 2016; United Nations, 2022).

VI. RECENT DEVELOPMENTS (2023–2024): STRENGTHENING DIGITAL GOVERNANCE

Recent years have witnessed significant developments in the legal and institutional framework governing digital governance in India. Between 2023 and 2024, the government and judiciary have taken important steps to strengthen data protection, regulate emerging technologies such as artificial intelligence, and expand digital access to justice. These developments aim to ensure that technological advancement aligns with

constitutional principles and the rule of law while protecting citizens' rights in the digital era.

6.1. Digital Personal Data Protection Act, 2023 (DPDP Act)

The enactment of the Digital Personal Data Protection Act, 2023 marks a significant milestone in India's digital governance framework. The Act provides a statutory basis for the collection, processing, storage, and sharing of personal data by both the State and private entities. As digital platforms increasingly handle vast amounts of personal information, the need for a comprehensive legal framework to regulate data use has become essential. The DPDP Act seeks to establish such a framework while ensuring that individuals' privacy rights are protected.

The Act introduces several key rule-of-law principles designed to regulate digital data practices. One of its central features is consent-based data processing, which requires organisations to obtain clear consent from individuals before collecting or using their personal data. The legislation also emphasises purpose limitation and data minimisation, meaning that personal data should only be collected for specific purposes and not retained unnecessarily. In addition, the Act recognises the rights of data principals, including the right to access personal data, request corrections, and seek grievance redressal in cases of misuse or unauthorised processing.

Another important aspect of the DPDP Act is the imposition of obligations on data fiduciaries to ensure data security, transparency, and accountability. Organisations handling personal data must adopt safeguards to prevent data breaches and misuse of information. The Act also establishes a Data Protection Board of India to oversee compliance, address violations, and enforce penalties when necessary. From the perspective of the rule of law, the DPDP Act attempts to balance the state's interest in promoting digital governance and innovation with the individual's right to privacy, dignity, and autonomy, as recognised in the landmark *Justice K.S. Puttaswamy v. Union of India* judgment (Basu, 2021; Greenleaf, 2022).

6.2. Artificial Intelligence and Algorithmic Governance: Emerging Regulatory Context

Another major development during 2023–2024 has been the growing policy focus on artificial intelligence (AI) and algorithmic governance. Although India does not yet have a comprehensive standalone law specifically regulating AI, government advisories, policy discussions, and consultations have emphasised the need for responsible and ethical use of AI technologies. These initiatives highlight principles such as transparency, fairness, non-discrimination, human oversight, and explainability in AI-based decision-making systems used by public authorities (NITI Aayog, 2021; OECD, 2020).

In the context of digital governance, AI is increasingly being used for predictive analytics, identification of beneficiaries in welfare schemes, risk assessment, and automation of administrative functions. While these technologies improve efficiency and help governments process large amounts of data quickly, they also create potential risks. Unregulated or opaque AI systems may produce biased outcomes, exclude certain groups, or lead to arbitrary decisions that undermine constitutional guarantees under Articles 14 and 21.

As a result, the emerging regulatory discourse in India emphasises that AI systems used by the state must operate within a clear legal framework and be subject to procedural safeguards. Experts and policymakers have stressed that decisions affecting citizens' rights should not be fully automated without human review and oversight. In addition, auditability and accountability mechanisms are considered essential to ensure that AI systems comply with the principles of natural justice and fairness. These discussions indicate that India is gradually moving toward a governance model that integrates technological innovation with legal accountability.

6.3. Expanding Digital Justice Ecosystem

Another important development in recent years is the expansion of the digital justice ecosystem through the continued implementation of the e-Courts Project. Courts across India have increasingly adopted virtual hearings, online case filing, and digitisation of judicial records to modernise the justice delivery system and improve efficiency (Supreme Court of India, 2023).

These initiatives are intended to reduce case pendency, enhance transparency in judicial proceedings, and provide easier access to legal information for litigants and lawyers.

The expansion of digital justice became particularly important after the COVID-19 pandemic demonstrated the effectiveness of technology in maintaining the continuity of judicial processes. By enabling remote participation in court proceedings and providing online access to case information, digital justice systems have made the legal system more accessible and responsive. However, courts have also recognised the importance of ensuring that technological adoption does not disadvantage individuals who lack access to digital resources or internet connectivity. Judicial observations have therefore emphasised the need for inclusive digital reforms that maintain the accessibility of the justice system for all citizens.

Overall, the developments between 2023 and 2024 reflect India's efforts to strengthen digital governance while safeguarding constitutional values. By introducing comprehensive data protection legislation, encouraging responsible use of artificial intelligence, and expanding digital access to justice, the country is gradually building a legal framework that supports both technological progress and the rule of law.

VII. JUDICIAL ACTIVISM ON DIGITAL GOVERNANCE AND RULE OF LAW IN INDIA

Judicial activism has played a crucial role in shaping the relationship between digital governance and the rule of law in India. As digital technologies increasingly influence governance, courts have intervened to ensure that technological innovations remain consistent with constitutional values such as privacy, freedom of expression, transparency, and accountability. Through a series of landmark decisions, the judiciary has established important principles that regulate the use of digital systems and protect citizens' rights in the digital age.

7.1. Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)

In this historic judgment, the Supreme Court unanimously recognised the right to privacy as a

fundamental right under Articles 14, 19, and 21 of the Constitution. The Court held that privacy is intrinsic to personal liberty and human dignity. In the context of digital governance, the decision emphasised that any state action involving the collection, storage, or use of personal data must satisfy the tests of legality, necessity, and proportionality (*Justice K.S. Puttaswamy (Retd.) v. Union of India*, 2017). This judgment laid the constitutional foundation for regulating digital identification systems, surveillance practices, and data-driven governance initiatives.

7.2. K.S. Puttaswamy (Aadhaar Case) v. Union of India (2018)

In the Aadhaar judgment, the Supreme Court upheld the constitutional validity of the Aadhaar scheme while striking down provisions that permitted excessive use of Aadhaar by private entities. The Court recognised the importance of digital governance tools in improving welfare delivery but stressed that such mechanisms must not lead to exclusion of beneficiaries. It also highlighted the need for safeguards such as data protection, purpose limitation, and restricted use of personal information (*K.S. Puttaswamy (Aadhaar Case) v. Union of India*, 2018). The decision reinforced the idea that digital governance must operate within the framework of the rule of law and protect individual rights.

7.3. Anuradha Bhasin v. Union of India (2020)

This case addressed the legality of internet shutdowns imposed in Jammu and Kashmir. The Supreme Court held that access to the internet is integral to the exercise of freedom of speech and expression under Article 19(1)(a). The Court ruled that indefinite internet shutdowns are unconstitutional and that restrictions must satisfy the principles of necessity and proportionality (*Anuradha Bhasin v. Union of India*, 2020). The judgment directly connected digital governance with civil liberties and limited the scope of executive power in controlling digital communication.

7.4. Faheema Shirin R.K. v. State of Kerala (2019)

In this decision, the Kerala High Court recognised access to the internet as part of the right to education and the right to privacy. The Court acknowledged that digital access has become essential in modern governance, education, and social participation. It observed that denying individuals access to digital

resources can effectively restrict their fundamental rights (*Faheema Shirin R.K. v. State of Kerala*, 2019). This judgment highlighted the importance of digital inclusion in a technology-driven governance system.

7.5. *Manubhai Ratilal Patel v. State of Gujarat (2013)*
The Supreme Court in this case stressed on the fact that transparency is an important component of good governance. The Court observed that transparency fosters accountability and trust amongst people in administrative institutions. This principle is applicable in the context of digital governance, where online portals, digitised records and open data projects are encouraged whereby citizens have an opportunity to check the actions of the government. *State of Gujarat*, 2013).

7.6. *Shreya Singhal v. Union of India (2015)*
The Supreme Court invalidated the provisions of section 66A of the Information Technology Act, 2000, on the basis that it was vague, and that it contravened the constitutional provision of freedom of speech and expression. The ruling highlighted that any statute governing online areas should be specific, sensible and in tandem with the constitutional protection (*Shreya Singhal v.*). *Union of India*, 2015). The case is considered to be an important step in securing of civil liberties in the online space.

7.7. *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal (2019)*
This ruling by the Supreme Court confirmed once again that being transparent and accountable are two aspects of democracy and the rule of law. The ruling appreciated the significance of information access and balanced it with the issue of privacy. This case is in favour of active sharing of information by the use of digital medium to enhance transparency in government affairs in the age of digital governance (*Central Public Information Officer, Supreme Court of India v.*). *Subhash Chandra Agarwal*, 2019).

VIII. SUGGESTIONS FOR GOOD DIGITAL GOVERNANCE

Digital governance requires a number of policy options to make sure that the rule of law is reinforced and the rights of citizens are safeguarded. To start with, governments need to provide universal access to

digital and support digital literacy to be able to encompass all tiers of the society in availing the benefits of digital services. Second, digital systems should be designed with privacy-by-design principles and minimisation of data to safeguard individual data and ensure they are not abused. Third, algorithms deployed in governance should be transparent and auditable to prevent bias and making arbitrary decisions.

Moreover, effective cybersecurity systems are required to protect online platforms against cyber attacks and data loss. Digital governance systems should also have effective grievance redressal mechanisms and human oversight to make them accountable and fair. Lastly, there is a need to continually review the legislations to ensure that the laws regulating the digital technologies are kept up to date with the current changes in technology. A combination of these measures can be used to build the balanced digital governance framework that fosters innovation and constitutional values and rule of law.

CONCLUSION

In the 21st century, especially in India, the digital governance has become an inseparable part of the governance especially due to the accelerated rate of technological development and growing use of digital technology which has changed the operations of the institutions of state. The adoption of digital technologies within the work of government in the last ten years has brought great advancements to the field of governance, administration, and transparency of services. Online services have allowed the government to simplify the administrative procedures, minimize the bureaucracy, and offer them greater access to government services. At that, digital governance has become a strong means of enhancing democratic governance and the rule of law.

Digital governance has contributed greatly in this regard as it is capable of improving transparency and accountability in the operations of the government. Records going digital, automated systems and web-based service portals minimise discretionary decision making and lead to a traceable administrative infrastructure. This enhances the confidence of the people towards the governance institutions and also

makes the government actions transparent to the people. Moreover, digital governance has enhanced efficiency in delivering government services and citizens currently enjoy access to the welfare schemes, legal solutions, and administrative services in a more convenient manner. Access to justice and procedural fairness on the legal system has been enhanced further by the growth of the digital justice programs, including e-courts and online case management.

Nevertheless, even with these advantages, digital governance is also associated with significant challenges, which should be taken into consideration. Overuse of electronic systems without proper protection can lead to disenfranchisement of populations that are vulnerable because they are unsure of how to use or read digital systems. Issues of data privacy and surveillance, bias in algorithms, and cybersecurity threats create a necessity to have a strong legal and institutional framework. Digital governance can result unintentionally in the perverse decision-making or the infringement of basic rights without specific control and accountability systems. These dangers support the need to make sure that the technological development is in line with the constitutional principles and democratic values.

The future of the Indian digital governance lies in striking a delicate balance between the regulation and innovation. Although technological tools may enhance the outcomes of governance, it should be used within a system that safeguard individual rights, promote transparency and inclusiveness. High data protection regulations, clear algorithm-based mechanisms, sound grievance redress mechanisms and constant judicial supervision play a crucial role in ensuring this balance. Finally, digital governance can and must be aimed at more than just administrative efficiency, but should be directed towards empowering citizens and strengthening the democratic institutions. Digital governance can be a revolution to promote inclusive development and responsible governance when it is applied in a responsible manner and in reference to the principles of the rule of law. It is only in such a moderate way that digital governance can actually serve as a mechanism of democratic empowerment and not an instrument of administrative control.

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