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Regulatory Frameworks and Digital Trust: Applying Institutional Theory to India's Data Protection Act

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Abstract

With the launch of the Digital India Mission, the Indian state-Citizen relationship has not only been re-structured from the Weberian model of a paper-based bureaucracy but has been re-designed as a modern digital state as well. At the heart of this shift are the creation of Digital Public Infrastructure (DPI) such as Aadhaar for biometric identity and the Unified Payments Interface (UPI) for financial transactions that have simplified the delivery of services and minimised corruption. The transition to a ‘digital bureaucracy'—one in which digital systems influence decision-making processes more and more—has, however, required a strong regulatory response to new risks to data privacy, cyber security and surveillance. The Digital Personal Data Protection (DPDP) Act of 2024 is assessed here in light of the Institutional Theory to gain insight into its role as a pivotal formal institutional juncture, focused on creating "digital trust".This theoretical perspective is useful in identifying that the effectiveness of the DPDP Act is sometimes undermined by ‘path dependency’ and informal institutional obstacles. The Act gives the formal accountability framework, but it is undermined by a deep reluctance to change amongst bureaucracy who might worry about losing discretion or the light of automated procedures. Moreover, there is a huge digital literacy deficit with over 90% of the population lacking the technical skills to navigate complex consent processes, or understanding their rights concerning data privacy. The paper focuses on the need to reconfigure the legal and behavioral frameworks surrounding the data of citizens, not simply to make a legal or technological tweak. The study concludes that if India is able to align the DPDP Act with its internal cultural reforms such as the transformation of the civil service from a ‘rule-based' to a ‘role-based' approach, it will move towards a more transparent, accountable and ethically sound governance structure.

keywords: Institutional theory, Digital Personal Data Protection Act (DPDP Act), Digital Trust, E-governance and Public Administration Reform, Digital Divide, Cybersecurity, India.

Introduction

Thus, since 2015, the Digital India Mission has transformed the Weberian bureaucratic state into a modern, digital state and reimagined the state's relationship with its citizens. At the heart of this shift lies the creation of Digital Public Infrastructure (DPI) such as Aadhaar for biometric identification, and Unified Payments Interface (UPI) for financial transactions, which has streamlined the delivery of services and has cut down on corruption and corruption-related issues. This transformation, however, has been accompanied by the rise of a “digital bureaucracy” in which digital systems play an active role in shaping decision-making and citizen-state relations, which has resulted in the emergence of new risks concerning data privacy, cybersecurity and algorithmic bias, and has required a strong regulatory response. The Digital Personal Data Protection Act (DPDP Act) of 2024 is a pivotal formal institutional development towards ensuring a secure landscape for data collection, storage, and sharing.

The effectiveness of this regulatory system can only be assessed with the lens of Institutional Theory, which analyzes the impact of formal and informal rules, norms and structures on governance outcomes. Formal institutions are legal structures such as the DPDP Act, the IT Act of 2000; informal institutions are norms and mentalities of administrative actors; in a Digital India context. India's administrative system, in the past, was designed as a "command and control" system with citizens as the "praja" (subjects) and the government as the "raja" (king), leading to a unidirectional flow of directives, which typically lacked a citizen-centric approach. Only if the DPDP Act is able to break these outdated norms and build 'digital trust' (citizens' trust in the state's protection of sensitive data such as their biometric and demographic data) will the Act be effective.

If we consider the Institutional Theory, some of the restrictions in the implementation of data protection laws are also attributable to "path dependency" and institutional inertia. The DPDP Act offers a structured accountability framework but it is limited by pervasive informal obstacles, including a lack of a sense of urgency among those tasked with implementing the law, who might be concerned about reducing the latitude for discretion or transparency in the automated processes. Moreover, there is a huge "digital literacy gap", defined as the lack of technical knowledge among the majority (over 90%) of the population to be aware of their rights regarding data privacy or to understand and follow complex digital consent

mechanisms. The gap can foster a digital divide in which the poor and marginalised groups, with limited access to infrastructure and skills, can be excluded from the digital state.

Furthermore, the centralized approach to data collection, as seen in the Indian case of Aadhaar, has garnered a lot of attention on state surveillance and data breaches. In order for digital governance to be truly effective, it needs to go beyond being a mere computer-based governance, to become an inclusive, transparent, and ethically based governance framework. The DPDP Act aims to embed these principles through clear rules on sharing of data and the need for strong cybersecurity provisions. According to Institutional Theory, however, formal laws are not enough; there must be cultural reform in the bureaucracy as well. To overcome this, initiatives such as ‘Mission Karmayogi’ have been taken, which are focused on ‘rule-based’ to ‘role-based’ approach of civil servants, introducing a professional digital culture that is outcome-oriented and trustworthy.

This research paper is an institutional analysis of the DPDP Act which is an important regulatory framework to ensure digital trust in today's India. It assesses the relationship between the formal requirements of the Act and the informal administrative norms that ease or hinder the implementation of the Act. The study uses this analysis to claim that developing a responsive digital state is not solely about technological innovation, but also a need to reconfigure legal and behavioural frameworks that regulate citizens' data. The paper thus suggests a path for administrative reforms that can help shift India towards a more open, transparent and accountable governance framework in the digital era, by utilizing the DPDP Act.

Historical Context: From Colonial Bureaucracy to Digital-Era Governance

India's traditional administrative structure is very much rooted in the Weberian bureaucracy that it inherited from the British colonial era. This system was conceived and created for ‘command and control', which is mainly to collect taxes and maintain law and order. For decades it worked according to a strict hierarchy, with the government as the "raja" (king) and citizens as "praja" (subjects) in a one-way flow of government instructions that frequently lacked any consideration for the democratic aspirations of the populace.

The dawn of the 21st century required a new concept in public administration—“Good Governance”—which holds that public administration is about steering society effectively,

efficiently and equitably. To this end, India has shifted from the New Public Management (NPM) style of governance of the past three decades that foregrounded fragmentation, competition, and market-based incentives to shifting toward Digital-Era Governance (DEG). Services reintegration, citizen services and a full-fledged digital transformation of the state are at the core of DEG's activities. The adoption of Information and Communication Technology (ICT) is the "magic wand" that can be used to transform the traditional paper-based, bureaucratic governance approach into an approach based on computerization and Artificial Intelligence (AI).

Formal Institutional Pillar: Digital Public Infrastructure (DPI)

The Identity Layer is also known as 1. Aadhaar.

This is the world's largest biometric identification system, which gives a unique 12-digit number to more than 1.35 billion people. It has transformed the way beneficiaries are identified by eliminating duplicate identities and false identities, thus offering a direct and cost-effective verification of beneficiaries. It is a digital identity platform that allows people to access many government services, such as banking to welfare.

The Payment Layer (2).

UPI has been a game-changer in the drive towards cashless transactions, allowing for fast, safe, and seamless transfers between bank accounts. UPI has partnered with 376 banks and has enabled trillions of rupees transactions, thereby making finances more inclusive, even for the most underprivileged.

Direct Benefit Transfer (DBT)

The integration of Aadhaar, bank accounts, and mobile numbers“JAM Trinity” have changed the face of welfare delivery. The Direct Benefit Transfer (DBT) scheme involves distributing the benefits directly to the beneficiaries' bank accounts to make sure "100% of the amount reaches the intended beneficiary". Since its launch, DBT has saved the government by minimising leakages, removing corrupt intermediaries and contributed a saving of more than ₹1.7 lakh crore to the government.

Reforming internal governance, switching from rule-based to role-based.Making internal governance more flexible and less rule based – and more role based.

Digital bureaucracy means a radical transformation of the internal workings of the state, shifting from hierarchical systems to systems based on performance.

1. Mission Karmayogi

The government has recently launched "Mission Karmayogi" in 2020, which acknowledges the "mindset of civil servants" is the "pivotal factor for success. The purpose of this capacity building programme is to develop a "future-ready civil service" in which functional and behavioural skills are improved. It shifts attention to a Framework of Roles, Activities and Competencies (FRACs), which helps officials to be more imaginative, innovative and proactive rather than just sticking to the rules.

2. e-Office and e-Samiksha

The e-Office Mission Mode Project has been enhanced to help ministries to adopt paperless working, which will improve transparency and accelerate decision-making. In conjunction with this, e-Samiksha is an online monitoring system which works on the principle of real-time monitoring and tracking the progress of policy initiatives. It works like a "digital monitor" of the bureaucracy: top-level leadership can “rein in slackers” and eliminate ineffectual officials.

Institutional barriers arise from the persistence of formal and informal norms.Institutional barriers are due to the persistence of formal and informal norms.

The Digital India Mission, however, has an ambitious roadmap, but has a formidable institutional challenge in its path to take it to full scale.

Formal barriers: Legal and infrastructural gaps

India has improved its internet penetration but has a low score in Telecommunication Infrastructure Index (TII) due to infrastructure deficit. Digital services are not equally available because of challenges like unreliable power supply, slow internet speed, and overloaded servers in rural areas.

The administrative system still struggles with outdated and duplicative laws, procedures and practices. There are coordination gaps between departments, and lack of interoperability between different databases, which results in an uncoordinated digital environment.

2. Informal barriers: behavioural norms and mindsets

Bureaucratic Resistance: Within government departments, there is often a great resistance to change. Part of the reason for undergoing the process of automation is that officials might think that it will create a lack of discretionary power or take away jobs, which might lead to inertia when it comes to the implementation.

The "Raja-Praja" Mindset: The old feudal mindset still remains, in which people are considered as the subject of the government and the government is considered as the superior authority. This non-formal norm gets in the way of the citizen-centric approach of modern digital governance.

The Digital Literacy Gap: More than 90% of the population have very low level of digital literacy. This is compounded by the linguistic diversity, with the majority of e-governance applications being in English, which is understood by approximately 10% of the population.

Understanding how technology can help to fix wrongdoing, including cases studies of examples.

2. Supply Chain of Food Grains in Chhattisgarh

The computerization of the Paddy Procurement and Public Distribution System (PDS) in Chhattisgarh is a good example of how technology can break the vicious circle of corrupt institutional norms.

The Approach: The state adopted a three-step approach: computerization of the operations, creation of a call center and implementation of an SMS alert system for truck dispatches.

The Innovation: Where the internet was not available, motorcyclists were being employed to carry data using encrypted USB.

The Outcome: Loans worth of ₹400 crore got recovered and the system eliminated the middlemen who used to divert almost 25% of the rations.

2. SWAGAT (Gujarat)

The SWAGAT program (State Wide Attention on Grievances through Application of Technology) used video conferencing technologies to give citizens direct access to the Chief Minister. It established a strong informal disincentive for district officials to let complaints

dangle by top leadership communicating directly with complainants, leading to a 97% resolution rate.

Authoritative Regulations and Digital Trust

With the reliance on digital technology in public administration, it is more important than ever to have strong cybersecurity and data protection measures to ensure public trust. The enactment of the Digital Personal Data Protection Act (DPDP Act) in 2024 is a significant legal milestone that helps ensure a secure data-sharing environment. However, future e-governance systems need to go beyond computerization to a "rights-based governance framework" that guarantees transparency and fairness of algorithms and independent oversight.

The process of the Indian state moving from a Weberian to modern digital state is an institutional struggle against path dependency. The pillars of the Digital India Mission such as Aadhaar, UPI, etc., are being created with the formal structure, but the informal challenges of mindset and resistance can be overcome only at the end of the day. India's efforts to achieve a new governance paradigm - transparent, accountable and inclusive - can be realised by bringing together technological innovation with an entrenched administrative reform such as Mission Karmayogi.

The Digital India mission, which was launched on July 1, 2015, marks a paradigm shift in the way India has been governed, and is aimed at making India a digitally empowered society and knowledge-based economy. This bold change is not only a technological leap but a fundamental reshaping of the institutional pillars of the state, turning it away from the Weberian colonial bureaucratic style to a Digital-Era Governance model. The mission functions within a complex administrative architecture, however, in which institutional barriers can impede progress, both formal and informal institutions. To better understand this dynamics, the rules of the game, both written and unwritten, should be taken into consideration: this is where Institutional Theory comes in.

The formal institutional impediments in the administration of the Indian government are mostly from the "command and control" approach that was brought by the British. This old-fashioned system was elaborated with collecting taxes and enforcing the law and had developed structures of red tape, over-regularization and old-fashioned administrative laws.

The Information Technology Act of 2000 has given a legal foundation, but many sectoral laws have been unable to keep up with the pace of digital innovation, resulting in a fragmented environment with departments operating in silos. Moreover, the Telecommunication Infrastructure Index (TII) shows that there are definite structural challenges, including low broadband penetration and poor power quality in remote areas, that hamper the equal access to internet services. These formal constraints are aggravated by a "one size fits all" strategy that does not necessarily reflect the particular infrastructural and administrative strengths of individual states and departments.

These structural obstacles are far from the most powerful, however, as there are also informal norms that regulate the actions of both administrative actors and citizens. The culture of feudalism is very prevalent, which is an informal barrier, and the Government is considered as the “raja” (king) and citizens as “praja” (subjects) and there is a one-way traffic of instructions that contradicts the citizen centric approach of Digital India. There is a great resistance to changes within the bureaucracy. Automated workflows and digital audit trails may leave room for less discretionary action for officials, or even remove their jobs, which can create an "inertia" that delays the adoption of new technologies. This behaviour resistance is compounded by a shocking lack of digital literacy, with over 90% of the population being estimated as lacking the technical skills necessary to effectively engage with digital platforms. Other factors such as linguistic barriers also influence, because the majority of digital governance applications are in English, which is understood by only around 10% of the population.

The Indian government has focussed on measures which are aimed at changing the mindset and skillsets of civil servants in order to overcome these institutional hurdles. At the core of this is Mission Karmayogi, which was launched in 2020 and aims to move away from a ‘rule-based' administration to a ‘role-based' one. The mission seeks to develop a proactive, innovative and professional civil service workforce by aligning civil service positions with a Framework of Roles, Activities, and Competencies (FRACs). The internal digital monitors such as e-Samiksha and e-Office are also a welcome addition to this change, giving the central executive a real-time view of the implementation of policies, and giving them the power to ‘rein in slackers' and introduce transparency in government departments. These

tools enable the reintegration of services, giving way to the "New Public Management" model that is broken and replaced by a more comprehensive and efficient digital State.

The two key steps that have helped to address these challenges are the launch of flagship initiatives such as Aadhaar, UPI and the JAM Trinity, which have ushered in the era of Direct Benefit Transfer (DBT) in welfare delivery, and the introduction of new technologies and tools.The two major actions taken to overcome these challenges are the launch of new technologies and tools, and flagship initiatives such as Aadhaar, UPI and the JAM Trinity, which have revolutionized welfare delivery through Direct Benefit Transfer (DBT). The government could see the biometric identity as a "magical wand" and "correct wrongdoing" and "remove corrupted intermediaries" thereby assuring that 100% of sanctioned money is received by the desired beneficiaries. To sum up, Digital India Mission is an institutional battle against path dependency. The mission will only succeed if there is a ‘cultural transformation' in the public service, which is based on formal infrastructure, such as the BharatNet project. A combination of technological innovation with a commitment to a fundamental improvement of the administration and behaviour pattern can help India achieve a truly transparent, accountable and responsive governance.

The Digital Personal Data Protection (DPDP) Act, 2024, marks a pivotal moment in India's administrative landscape, reflecting the government's formal institutional response to the challenges of an increasingly digital state. This regulatory step is more than an update on the law; it is a foundational step toward the institutionalization of "digital trust" in a society moving from a paper-based Weberian bureaucracy to a modern government rooted in data. If the Institutional Theory is applied to this transition, the impact of these kinds of regulations relies on a complexity of formal rules (law and infrastructure) and informal norms (administrative actors and citizens). The Indian administrative system traditionally had a command and control approach, structured around a hierarchical system in which information was treated as a means of government and not a citizens' right. The "raja-praja" (king-subject) mentality meant that the government was a source of instructions and directives, and seldom listened to the aspirations of the diverse population, which was entitled to democracy. The DPDP Act aims to break this cycle of opacity, introducing a new paradigm in how government governs that values transparency, accountability, and ethical use of personal data.

Unfortunately, however, century-old bureaucratic habits, known as "path dependency," continually threaten to block implementation of this formal regulatory structure. Although the DPDP Act outlines the rules of collecting, storing, and sharing data, informal institutional obstacles, such as the deep-seated opposition to change among officials who worry that they will lose their discretionary power with automated workflows and digital audit trails, significantly constrain its effectiveness. However, one of the major constraints is the bureaucratic inertia of the older civil servants, who may have a “devil may care” attitude towards the technological interventions, seeing them as disturbing rather than improving. In addition, the shift towards digital bureaucracy also poses novel challenges on the issue of surveillance and algorithmic bias, since one of the core tenets of a digital bureaucracy is the collection of centralized data by systems such as Aadhaar which raises questions about state control and data breaches. For digital trust to be embedded in the state, the state must go beyond simply digitizing to ensuring that its digital systems are based on democratic values that are rooted in human dignity, equity and justice.

One crucial piece to this trust is levelling the dramatically different urban-rural digital divide. Studies have shown that Indian position in the Telecommunication Infrastructure Index (TII) has been relatively weak due to lack of enough broadband access, power supply problems, and expensive devices that are affordable for consumers. In rural areas where over 6.5 lakh villages are still not connected with computer technology, delivery of digital public services is an unbalanced trajectory of development. This structural obstacle is exacerbated by an enormous digital literacy gap: over 90% of the population is thought to have poor technical skills needed to understand and navigate complex digital consent processes and understand their rights under the new data protection laws. Roughly 10.35% of the Indian population can understand English and most e-governance applications are in English, which further endangered this exclusion. If not taken up with the active support of the local language and local connectivity, such as BharatNet, then the DPDP Act will essentially become a formality and will not benefit the digitally excluded people.

To align these formalities with behaviour change, the government has initiated a capacity-building programme, called “Mission Karmayogi”, to move the civil service from the “rule-based” to “role-based” working model. The program is designed to equip students with the necessary skills and attributes that will make them ready for the future, to inspire officials to

be proactive, innovative and professional in their approach towards the technology. The state is trying to build a digital culture with the help of such tools as iGOT-Karmayogi and e-Samiksha, to enable real time monitoring of performance and to "reinein" inefficiencies with data analytics. These internal monitors are a paradigm shift from a fragmented "New Public Management", to a re-integrated governance paradigm and model for the "Digital Era", which brings a holistic approach to citizens' service. The effectiveness of this cultural transformation is reflected in state-level initiatives such as the SWAGAT in Gujarat which, through the use of video conferencing, allows the citizens to have direct access to the highest levels of government, making the immediate resolution of complaints an informal motivation for the district level official.

The process of becoming a responsive digital state is continuous institutional adaptation. It is best captured through the Direct Benefit Transfer (DBT) scheme which uses the JAM Trinity (Jan Dhan-Aadhaar-Mobile) to remove the need of any corrupt intermediaries and thus ensure that 100% of the sanctioned fund is delivered to the intended beneficiary. Since its launch, this system has enabled the government to save a sum of more than ₹1.7 lakh crore, a testament to the fact that technology can “correct wrongdoing” with strong formal institutions and political will. As India progresses towards the adoption of new technologies such as Artificial Intelligence (AI), blockchain, and other cutting-edge innovations in governance, the demand for robust data protection and cybersecurity measures will continue to grow. The DPDP Act can create a safe and welcoming environment for data sharing, and by understanding the cultural underpinnings of bureaucratic inertia, India can realize a more transparent, accountable, and responsive governance model to meet its citizens' democratic aspirations of a 1.4 billion-strong population.

The case studies are most effective as local examples where technology was applied to break such institutional rot, and in this way, the interventions' practical impact is most clearly illustrated. One such experience is the introduction of computerisation in the food grain supply chain in Chhattisgarh to address the "ration diversion" issue in the system. The state could save ₹400 crore in loans and also reclaim rations by almost 25% through an end-to-end digitalised process, which involved sending SMS alerts to citizens about the details of the truck. This success illustrates how technology can be used to "correct wrongdoing" – to make administrative actions public, when this is desired by political will. Likewise, in Gujarat,

through SWAGAT, citizens could directly connect with the top leaders and media coverage through video conferencing, thereby establishing a strong informal motivation for the district officials to act quickly on the issues and solve them in 97% of the cases. These cases illustrate the ways in which digital platforms can help create Social Capital and trust between citizens and the state, as well as encourage collective action.

The government has introduced real-time monitoring systems like e-Samiksha for this transparency and has brought changes in its internal processes so that transparency can be institutionalized. The system is online and enables the Cabinet Secretary and the Prime Minister's Office to monitor the progress of policy initiatives on a prioritized colour coded dashboard. e-Samiksha, which automates the process of pushing for updates and shows the status of pending actions, is a "digital monitor" that is supposed to "rein in slackers" and eliminate "inefficient officers" by "intensive review. This represents a larger shift towards SMART Governance (Simple, Moral, Accountable, Responsive and Transparent) to make information that was previously contained in government documents available to ensure equity and the rule of law in administrative action. This is complemented by the e-Office Mission Mode Project, which has brought more than 400 Ministries/Departments into a paperless mode of operation, leading to improved productivity and less of the "red tape" that is generally associated with Weberian hierarchies.

Even with these reforms, the impact of the Digital Personal Data Protection (DPDP) Act and other governance objectives depend on addressing the 'one size fits all' challenge. The sources indicate that the administrative reforms should be situation-specific and also consider the different states and departments' readiness and infrastructure. For example, UPI and instant digital verification using Aadhaar have helped ease urban connectivity, whereas the situation is very challenging when it comes to rural connectivity in the Telecommunication Infrastructure Index (TII). The transformation from a "rule-based" to a "role-based", or "outcome-oriented", mode of bureaucracy will not suffice—it will need to be the cultural transformation of the bureaucracy as well. Mission Karmayogi is at the heart of this, with a mission to "develop a future-ready" civil service by improving behavioral competencies to make the officials "creative, constructive and innovative" in their public service delivery.

In conclusion, the path towards a responsive digital state in India is a continuous process of institutional adaptation, aiming to reconcile technological innovation with ethical protections.

The flagship scheme such as the JAM Trinity has shown the potential for huge fiscal savings of more than ₹1.7 lakh crore because of eliminating the duplication of beneficiaries, but the future of the model hinges on the state's capacity to ensure "digital trust". This needs to go beyond computerization to the adoption of a rights-based governance model that promotes algorithmic fairness, data privacy and the participation of marginalized groups. India has the opportunity to enact this dream of democracy with the help of new technologies such as Artificial Intelligence (AI) and Machine Learning (ML), which can provide more meaningful policy insights, and with further enhancements to the regulatory structures, such as the DPDP Act. The aim is to create a governing system that will not only use technology to support the state, but that will enable every individual to be an active participant in the development of the state.

Conclusion

Finally, it is a massive step in the transformation of India's digital governance model and the transformation of the social contract between the Government and the people. The Digital Personal Data Protection (DPDP) Act is a turning point in the country's administrative landscape, equipping it with the formal institutional muscle to safeguard personal data in an age of centralized data collection. The regulatory achievement is a recognition of digital trust and the elimination of the colonial approach of command and control and its replacement with a rights-based approach of transparency and ethical management of data.

But, as the Weberian state gives way to a modern digital state, as this institutional analysis points to, it is a constant battle against institutional inertia. Formal barriers must not only be modernized by administrative law, but also by making it possible to establish uniform and interoperable departmental systems without data silos. At the same time, the challenge of addressing the informal norms requires a cultural change in the bureaucracy, moving from a hierarchical approach to a proactive and professional service-oriented culture, including capacity development programs such as Mission Karmayogi. In addition, bridging the digital divide and linguistic inclusiveness is imperative so as not to allow the digital state to be an instrument of exclusion of the rural and the marginalized. In the end, the adoption of technology in the digital era for India's transformation will be a collaborative effort, where technology will not just be a tool for administration, but an enabler for every individual to be an active stakeholder in the country's growth and development.

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