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DIGITAL LENDING APPS AND BORROWER PROTECTION IN INDIA: A CRITICAL LEGAL STUDY OF PRIVACY, PREDATORY PRACTICES AND REGULATORY ACCOUNTABILITY

BAGHMAR RUPESH SUBHASH (Ph.D Scholor)
Sabarmati University, Ahmedabad
DR VIVEK TARSEMSINGH SIDHU
Department Of Law, Sabarmati University, Ahmedabad

Abstract
The transformation of banking from physical branches to digital platforms has not stopped with electronic payments. One of its most significant contemporary developments is the emergence of digital lending, through which individuals can apply for and receive credit using mobile applications and online platforms. Digital lending has made credit faster, more accessible and technologically convenient. At the same time, it has created a new category of legal vulnerability. A borrower who urgently requires a small loan may obtain money within minutes, but may simultaneously expose personal information, digital identity, financial behaviour and device-related data to an ecosystem that the borrower may not fully understand.
This paper critically examines the legal regulation of digital lending applications in India with particular reference to borrower protection, data privacy, transparency, unfair lending practices, recovery methods and regulatory accountability. It analyses the emerging relationship among banks, Non-Banking Financial Companies (NBFCs), Lending Service Providers (LSPs), Digital Lending Apps (DLAs) and borrowers. The paper argues that digital lending cannot be evaluated merely from the perspective of financial innovation. Credit delivered through technology remains a legal relationship involving consent, contractual fairness, privacy, dignity and accountability. The research examines the Reserve Bank of India's regulatory framework on digital lending together with the Information Technology Act, 2000, Consumer Protection Act, 2019 and Digital Personal Data Protection Act, 2023 and its implementation framework. It concludes that the future of digital credit in India must be based upon the principle of **responsible digital lending**, where speed of credit is balanced with transparency, privacy, human dignity and effective remedies.
Keywords: Digital Lending, Electronic Banking, Digital Lending Apps, Borrower Protection, Data Privacy, Consumer Protection, FinTech, NBFC, Cyber Law, RBI, India.

1. Introduction

There was a time when borrowing money from a financial institution required a person to physically enter a bank, complete documents, provide security or financial information, meet banking officials and wait for the loan application to be examined. Digital technology has radically altered this process. Today, a person sitting at home can download an application, provide information through a smartphone, complete digital verification and potentially receive credit without ever physically meeting the lender.

This transformation is one of the most important extensions of electronic banking in India.

Digital lending undoubtedly has a positive dimension. It can reduce transaction costs, improve access to credit and bring borrowers who were previously underserved by conventional financial institutions within the formal credit ecosystem. Technology can also facilitate faster assessment and more efficient loan servicing.

But the legal system must look beyond convenience.

Behind the attractive promise of "instant loan", "easy credit" or "paperless approval" lies a more difficult question: **what happens to the rights of the borrower when lending becomes automated, data-driven and app-based?**

A person applying for a small emergency loan is not necessarily in an equal bargaining position with a sophisticated digital financial institution. The borrower may accept extensive terms and conditions without understanding them. Personal data may become central to credit assessment. The borrower may not clearly understand whether the application represents a bank, an NBFC, a Lending Service Provider or an unauthorised entity.

The Reserve Bank of India has itself acknowledged concerns surrounding digital lending, including customer protection, data privacy, interest rates, recovery practices and mis-selling.

Therefore, digital lending presents a new challenge to banking jurisprudence: **how can law preserve financial innovation without allowing technological convenience to weaken borrower protection?**

2. Concept of Digital Lending

Digital lending refers broadly to a credit process in which significant stages of lending are facilitated through digital technologies.

The RBI framework distinguishes important participants in this ecosystem, including Regulated Entities, Lending Service Providers and Digital Lending Apps. A Digital Lending App may be a mobile or web-based application facilitating digital lending services, while a Lending Service Provider may perform functions such as customer acquisition, underwriting support, pricing support, servicing, monitoring or recovery on behalf of a regulated entity.

This distinction is legally important.

To an ordinary borrower, however, the entire ecosystem may appear simply as "the loan app." The borrower may not know which institution actually provides the loan, which company operates the technological platform, who processes the borrower's data, who determines creditworthiness and who bears ultimate responsibility if something goes wrong.

Digital lending law therefore performs an essential function of making invisible institutional relationships legally visible.

3. From Electronic Banking to Digital Lending

Electronic banking initially focused substantially upon allowing customers to access existing banking services electronically. Internet banking, ATMs, cards, mobile banking and electronic fund transfers changed the mode through which banking services were delivered.

Digital lending goes further.

Technology is not merely used to transfer money after a financial relationship has been established. Technology may become involved in creating the credit relationship itself.

A digital system can potentially participate in:

customer identification;

KYC processes;

collection of information;

assessment of creditworthiness;

loan approval;

pricing;

execution of agreements;

disbursement;

repayment;

monitoring; and

recovery.

Therefore, the legal implications are much deeper.

The traditional lending question—

"Should this person receive a loan?"

may increasingly become—

"What does the data and technological model say about whether this person should receive a loan?"

This transition creates an important field for legal research.

4. Regulatory Architecture of Digital Lending in India

Digital lending does not operate outside banking regulation merely because technology is involved.

The Reserve Bank has progressively developed regulatory measures addressing digital lending. Its 2022 Guidelines on Digital Lending emphasised that outsourcing arrangements with Lending Service Providers or Digital Lending Apps do not diminish the obligations of regulated entities.

This is a particularly significant principle.

A regulated financial institution should not be able to avoid responsibility simply because an important part of the lending process has been technologically outsourced.

The relevant legal environment includes:

the Reserve Bank of India Act, 1934;

the Banking Regulation Act, 1949;

the Information Technology Act, 2000;

the Consumer Protection Act, 2019;

the Digital Personal Data Protection Act, 2023;

the Digital Personal Data Protection Rules, 2025;

RBI regulatory directions concerning digital lending; and

general principles of contract, privacy, fairness and consumer protection.

The RBI's Working Group on Digital Lending specifically examined financial consumer protection, technology standards, regulatory approaches and the risks associated with unregulated participants.

Digital lending should consequently be understood as a specialised intersection of **banking law, consumer law, technology law and data-protection law**.

5. The Problem of Illegal and Unauthorised Loan Apps

Perhaps the most disturbing aspect of digital lending is the possibility that an ordinary borrower may be unable to distinguish between a legitimate financial application and an unauthorised platform.

An application can appear professional. It may have a logo, user interface, advertisements and apparently simple lending procedures. None of these characteristics independently establishes regulatory legitimacy.

RBI has previously cautioned the public regarding unauthorised digital lending platforms and mobile applications offering quick and hassle-free loans. It has advised borrowers to verify whether lending entities are legitimately associated with regulated banks or NBFCs and to avoid sharing KYC documents with unidentified or unverified applications.

This produces a significant consumer-protection issue.

In conventional banking, the physical identity of the institution itself offered a degree of assurance. In digital lending, visual presence can be manufactured through an application.

Digital appearance is therefore not equivalent to regulatory legitimacy.

The law must bridge this gap.

6. Data Privacy: The Hidden Price of Instant Credit

Money is not the only valuable asset exchanged in digital lending.

Data is equally valuable.

A borrower may provide identity information, contact information, financial records, bank details and other personal information during the lending process.

This creates one of the most significant legal questions in digital finance:

How much personal data should a lender be permitted to collect merely because an individual needs credit?

The question acquires greater significance because the relationship between borrower and lender frequently involves unequal bargaining power. A person requiring urgent money may accept permissions or terms without carefully understanding their consequences.

India's contemporary data-protection framework significantly strengthens the relevance of this issue. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025 as part of the implementation architecture of the Digital Personal Data Protection Act, 2023.

The core principle should be straightforward:

financial necessity must never become an excuse for unnecessary invasion of personal privacy.

7. Consent and the Vulnerable Borrower

Digital lending raises a deeper jurisprudential problem concerning consent.

Imagine a borrower urgently requiring ₹10,000 for a family emergency. The application displays several pages of terms and conditions. The borrower clicks "Agree" because the loan is urgently needed.

Technically, consent has been recorded.

But has meaningful consent actually occurred?

Contract law traditionally attaches importance to free consent. Digital commerce, however, increasingly depends upon standard-form electronic contracts that users rarely negotiate.

Therefore, the law must distinguish between:

clicking consent and **understanding consent**.

Where personal financial data, significant charges or important contractual consequences are involved, legal protection should require meaningful disclosure rather than merely technological evidence that a button was clicked.

8. Transparency of the Cost of Digital Credit

Speed can sometimes hide cost.

A borrower attracted by immediate credit may focus upon the amount received rather than the complete economic burden of borrowing.

Responsible digital lending therefore requires transparent disclosure of material loan conditions.

The borrower should be able to understand, before accepting the loan:

the identity of the actual lender;

principal amount;

interest rate;

annualised cost;

processing charges;

penalties;

repayment obligations;

consequences of default;

grievance mechanism; and

relevant data-processing practices.

Transparency should not mean merely placing this information somewhere within a lengthy digital contract.

Legal transparency requires comprehensibility.

Information technically disclosed but practically hidden through complex drafting cannot fulfil the true purpose of consumer protection.

9. Digital Recovery Practices and Human Dignity

The most sensitive stage of a lending relationship frequently begins when the borrower cannot repay on time.

The lender has a legitimate legal right to recover lawful dues. Borrowers cannot use consumer protection as a justification for deliberate non-payment.

But the right to recovery has limits.

Debt does not extinguish dignity.

This principle becomes especially important in digital lending because technology can make communication instantaneous, repetitive and psychologically intrusive.

Recovery practices must therefore remain consistent with law, fairness and human dignity.

A borrower who defaults continues to possess legal rights.

The proper jurisprudential balance is:

the lender has a right to lawful recovery; the borrower has a right to lawful treatment during recovery.

Neither right should destroy the other.

10. Consumer Protection and Digital Lending

A borrower using a digital lending platform is not merely a debtor. The borrower is also a recipient of financial services.

Consumer law therefore provides an important supplementary framework.

RBI's Working Group on Digital Lending recognised consumer-protection concerns and noted the relevance of the Consumer Protection Act, 2019 to banking and financing services, including electronic service environments.

Potential consumer issues may include:

misleading advertisements;

non-disclosure of material charges;

unfair contractual conditions;

deficient grievance redress;

misrepresentation regarding the lender;

improper recovery conduct; and

inadequate protection of consumer information.

The fundamental purpose of regulation should not be to discourage legitimate digital credit. Rather, regulation should distinguish **innovation from exploitation**.

11. Responsibility of Banks and NBFCs for Lending Service Providers

One of the most important principles in India's digital lending regulation is that outsourcing does not automatically eliminate institutional responsibility.

RBI's 2022 guidelines expressly state that arrangements entered into by Regulated Entities with Lending Service Providers or Digital Lending Apps do not diminish the obligations of the Regulated Entity.

This principle is essential.

Without it, financial institutions could theoretically obtain the commercial benefits of digital lending while shifting consumer-facing risks to technological intermediaries.

The principle may be expressed jurisprudentially as:

Regulatory responsibility must follow financial control and institutional benefit.

Where a bank or NBFC chooses a technological intermediary to perform important functions, appropriate due diligence, monitoring and accountability should accompany that decision.

Technology may outsource a function.

It should not automatically outsource legal responsibility.

12. Algorithmic Creditworthiness and Artificial Intelligence

The next major challenge is algorithmic lending.

Digital lenders may increasingly rely upon automated models to assess whether a borrower is creditworthy.

Such technology may improve speed and potentially make credit assessment more consistent. However, it creates difficult legal questions.

What data determines whether a person receives a loan?

Can the borrower understand why credit was refused?

Can incorrect data be challenged?

Can an automated model indirectly discriminate against vulnerable groups?

Who bears responsibility for an erroneous automated decision?

RBI has itself recognised increasing reliance on rule-based algorithms and machine-learning models and has examined regulatory principles concerning model-risk management.

The legal principle for the future should therefore be:

automation may assist financial decision-making, but it should not eliminate accountability.

Where an algorithm materially affects an individual's access to credit, appropriate transparency and human oversight become increasingly important.

13. Digital Lending and Financial Inclusion

Digital lending has enormous potential to promote financial inclusion.

A small entrepreneur, rural borrower, student, self-employed worker or individual without easy access to conventional branch-based credit may benefit from technology-enabled lending.

But inclusion should not be measured merely by the number of loans disbursed.

A loan that is easily obtained but poorly understood may create vulnerability rather than empowerment.

True financial inclusion therefore requires:

access to credit;
affordable credit;
transparent credit;
responsible credit; and
effective legal protection.

Financial inclusion without financial literacy can expose consumers to exploitation.

Financial literacy without legal remedies leaves consumers informed but unprotected.

The two must develop together.

14. Major Research Findings

The study identifies several significant conclusions.

First, digital lending represents a new stage in the evolution of electronic banking in which technology participates directly in the creation and management of credit relationships.

Second, the relationship among banks, NBFCs, LSPs and Digital Lending Apps creates complex questions of regulatory accountability.

Third, personal data has become central to modern lending and therefore borrower protection can no longer be separated from data protection.

Fourth, conventional notions of contractual consent require reconsideration where complex digital terms are accepted by financially vulnerable borrowers.

Fifth, transparency must mean understandable disclosure rather than mere formal disclosure.

Sixth, technological outsourcing should not permit regulated financial institutions to avoid responsibility for consumer protection.

Seventh, artificial intelligence and automated credit assessment will create the next major frontier of digital banking regulation.

Finally, borrower dignity must remain a central principle throughout the lending relationship, particularly during debt recovery.

15. Suggestions

India should develop digital lending regulation around the broader principle of **Responsible Digital Credit**.

Every digital lending interface should clearly display the identity of the actual regulated lender before the borrower accepts the loan.

Material loan information should be presented in simple language and, where appropriate, Indian regional languages.

Data collection should be limited to information genuinely necessary for legitimate lending purposes.

Banks and NBFCs should conduct continuous due diligence of Lending Service Providers and applications operating on their behalf.

Borrowers should have a simple mechanism to identify whether a Digital Lending App is genuinely associated with a regulated institution. RBI has already pursued a public repository approach to help consumers verify associations between Digital Lending Apps and regulated entities.

Strong accountability should apply to abusive or unlawful recovery practices.

Digital financial literacy should be integrated into consumer-protection programmes, particularly for first-time borrowers and vulnerable groups.

Algorithmic lending models should be auditable, appropriately explainable and subject to meaningful institutional oversight.

Most importantly, regulation should recognise that **a financially distressed borrower is often the person who needs legal protection most, not least.**

16. Conclusion

Digital lending represents both the promise and the danger of modern electronic banking.

Its promise lies in speed, accessibility, innovation and financial inclusion. Its danger lies in the possibility that the same technology can create invisible contracts, excessive data collection, unclear responsibility, predatory practices and new forms of consumer vulnerability.

The law should not stand against technological innovation. Nor should it allow the word "innovation" to become a justification for weakening established principles of fairness.

A borrower who obtains a loan through a smartphone does not lose the protections traditionally associated with banking and consumer law merely because the transaction is digital.

The essential values remain unchanged.

Consent must remain meaningful.

Contracts must remain fair.

Personal information must remain protected.

Recovery must remain lawful.

Institutions must remain accountable.

And above all, human dignity must remain beyond the reach of technological exploitation.

The future of electronic banking in India should therefore not merely be **digital banking**. It should be **responsible digital banking**.

When technology makes lending faster, law must ensure that justice does not become slower.

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