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DIGITAL GOVERNANCE AND LEGAL RIGHTS: A STUDY UNDER CONSTITUTIONAL JURISPRUDENCE

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I. ABSTRACT

Waves of technical innovation in recent decades have greatly enhanced people's quality of life. In the meantime, complaints about technological inequities have grown, including unequal economic distribution and racial discrimination. Experts have warned that emerging technology, such as Artificial Intelligence, might have disastrous consequences, predicting that it could spark World War III. Utilization of the internet has skyrocketed due to technological advancements, particularly after the COVID-19 pandemic, which compelled people to stay indoors. The epidemic has expedited the digital revolution. Due to restrictions on physical mobility worldwide during the pandemic, all major businesses, including education, migrated to the internet, paving the path for complete digitization. Recognizing the importance of the internet and advocating for universal access to it constitutes an urgent necessity. The courts have also highlighted the importance of the internet during the pandemic, and they have begun hearings via video conference, paving the path for the establishment of a new category of fundamental rights in the form of the right to access the internet. The legislature must recognize the importance of the internet and fulfill its obligations as a democratic government to reduce the digital gap and ensure that internet access is not restricted arbitrarily, since it is a fundamental human right. This article proposes an idea regarding a new basic Right to Technology that should be included in the Indian Constitution. Considering the vital relevance of technology to human dignity and equality, a new Constitutional Right seeks to encourage equitable sharing of technical advantages while also preventing harmful technological uses. The article begins with a discussion of the Fundamental Rights outlined in the Constitution. It then addresses the Impact of Technology on Fundamental Rights. This article discusses challenges that individuals deal with in India. It also investigates solutions for protecting the Right to Technology.

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II. KEYWORDS

Internet Access, Fundamental Rights, Education, Technology, Human Rights

III. INTRODUCTION

The modern world is undergoing a massive transformation, from the introduction of technology to the expansion of accessibility for the average individual. People can see them profiting from technological improvements, which have primarily enabled them to exercise their rights, particularly those classed as basic rights, but they have also rendered people susceptible to losing their fundamental rights.² The COVID-19 pandemic caused a global standstill and compelled people to stay at home, leading to a large surge in internet usage. After 2020, there was a debate on whether the Right to Internet Access is a Human Right. Prior to the COVID-19 outbreak, the UNHRC³ General Assembly⁴ Recognized Internet connection as a basic human right in 2016.⁵

The World Wide Web or Internet has become a crucial aspect of every individual's existence, and the Government of India recognizes this. Just as every coin has two faces, the internet has various benefits, but it also gives birth to various new types of offences that cannot be dealt with by traditional laws, such as the Indian Penal Code.⁶ In the year 2000, the Indian Parliament enacted a new statute known as the Information Technology Act, 2000 (Act 21 of 2000)⁷, which addresses offenses related to the Internet and Computers.⁸

In a latest ruling, the Hon'ble Apex Court of India ruled that Article 19 (a) and (g) of the Indian Constitution⁹ safeguards the Freedom to engage in Trade, Profession, Business, or Occupation via the internet, with certain adequate constraints in

² iPleaders, <https://blog.ipleaders.in> (last visited on 08/11/2025)

³ United Nations Human Rights Council

⁴ United Nations General Assembly

⁵ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 08/11/2025)

⁶ Indian Penal Code enacted on 1860

⁷ Information Technology Act, 2000 enacted on 2000 (Act No. 21 of 2000)

⁸ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 08/11/2025)

⁹ The Constitution of India came into effect on January 26, 1950

accordance with Articles 19(2) and 19(6) of the Constitution. Based on Article 21A¹⁰ and 21¹¹ Of the Indian Constitution, we may conclude that the freedom to access and use the internet is an indispensable part of an individual's Right to Education and Privacy.¹² It is an undeniable truth that having access to the internet increases education quality while also improving students' learning opportunities.¹³

The right to the internet has two aspects: good influence and harmful influence. The internet provides a quick and cost-effective way to access information, express oneself, and communicate with people all over the world. The internet presents challenges such as uncontrolled dissemination of data, pornography, and criminality.¹⁴ While delving into the fundamental right of internet access, it's important to consider its legal status. Also, is the internet a privilege owned solely by residents, or is it a right shared by all?

The right to the internet is a constitutional entitlement that has been duly acknowledged, and there are provisions in the Information Technology Act of 2000¹⁵ That guarantees that no perpetrator will escape the eyes of the law, as well as specific provisions for punishment for wrongdoing through the internet or computer resources. However, the most recent ruling of the Hon'ble Supreme Court of India makes it abundantly obvious that the ability to use the internet is not merely a legislative right, but also a form of human right. However, there are also concerns about the nature of these rights, such as whether they are natural, like the right to food, or fundamental, like the right to organize an association, etc.¹⁶

Based on the contents of the document, here are the research objective and research questions in separate points:

¹⁰ The Constitution of India, art. 21A amended by the 86th Constitutional Amendment Act, 2002

¹¹ The Constitution of India, art. 21

¹² Civil Law Journal, <https://www.civillawjournal.com> (last visited on 08/11/2025)

¹³ *ibid*

¹⁴ *ibid*

¹⁵ Information Technology Act of 2000 enacted on 2000

¹⁶ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 08/11/2025)

A. RESEARCH OBJECTIVES

- To analyze the impact of technological advancements, particularly the internet, on fundamental rights in India, with a focus on constitutional jurisprudence, privacy, equality, and freedom of expression.
- To investigate the recognition of the internet as a fundamental right in India and evaluate its legal status under constitutional provisions such as Articles 14, 19, and 21.
- To explore the challenges and opportunities in digital inclusion in India, particularly for marginalized groups, and how digital rights can be secured through constitutional frameworks.
- To assess the global perspective on the right to the internet and draw comparative analyses with countries like Estonia, Finland, Greece, and Costa Rica to understand India's role in the international digital rights conversation.

B. RESEARCH QUESTIONS

- How does technology, especially the internet, impact the exercise of fundamental rights under the Indian Constitution?
- What is the legal status of internet access in India, and how has the judiciary recognized it as a fundamental right?
- What are the barriers to achieving digital inclusion in India, and what strategies can be adopted to ensure equitable access to digital services for all citizens?
- How does India's approach to digital rights compare with that of other countries, and what can be learned from international best practices?

C. RESEARCH METHODOLOGY

This study employs a conceptual and empirical approach, drawing heavily on constitutional provisions, legislation, court decisions, and authoritative comments. The study investigates how technology advancements affect basic rights, including

the way Indian constitutional jurisprudence interprets digital access, privacy, and equality under Articles 14, 19, and 21.

Information for the study is gathered solely from secondary sources, including laws such as the Information Technology Act of 2000, the Digital Personal Data Protection Act of 2023, the *Bhartiya Nyaya Sanhita* of 2023, and pertinent constitutional provisions. Judicial rulings such as *Maneka Gandhi*, *K.S. Puttaswamy*, *Anuradha Bhasin*, *PUCL*, *Faheema Shirin*, and *Amar Jain* constitute the foundation of the jurisprudential analysis. Additional resources are obtained from credible web venues such as *Manupatra*, *iPleaders*, and UN Human Rights Commission publications.

The analysis also includes a brief overview of how nations such as Estonia, Finland, Greece, Costa Rica, and France perceive internet access as a basic Human Right. It assists in establishing India at the forefront of the Global Digital Rights Conversation and underlines International Norms. The study is undertaken utilizing interpretation, critical reasoning, and comparative assessment, with an emphasis on the evolution of digital rights in India. The study is confined to doctrinal evaluation without empirical surveys, and the results are based on the current legal framework, judicial patterns, and policy papers.

IV. FUNDAMENTAL RIGHTS: THE BEACON OF HUMAN EXISTENCE

A constitutional privilege is essentially any activity that a person has the freedom to undertake under the law. As a result, fundamental rights are simply the set of rights that are necessary for people to exist; they are basic for every contemporary state, hence the term. In this regard, we tend to talk about freedom of speech, which is one of the fundamental rights guaranteed by constitutions in major democracies, allowing individuals to openly and courageously express their thoughts. As an illustration, Article 19 of the Indian Constitution guarantees its residents the freedom of speech and expression, allowing us to express our ideas, opinions, and

expressions.¹⁷ Extending our subject matter back to the topic of constitutional rights and technological advances, there are a few specific contexts where technology has had a positive impact.¹⁸

The right to equality guaranteed by Article 14¹⁹ Assures that all citizens are treated equally under the law. This idea applies to digital accessibility. If online services are designed to benefit only those with acceptable computer skills or specified physical capacities, they will unavoidably discriminate against disadvantaged populations. The verdict emphasizes the importance of reforming the digital infrastructure to ensure that no one falls behind and that all people from all walks of life have equitable access to public services.²⁰

Article 15²¹ of our Constitution bans discrimination based on race, religion, caste, gender, or place of birth.²² In the context of digital services, this implies that the government must avoid creating systems that exclude those with impairments, those from economically disadvantaged backgrounds, or those living in distant places. The duty is clear: digital systems and procedures must be attentive to all community members' different needs, ensuring that no one is excluded because of disability, geographical location, or socioeconomic position.²³ Article 19²⁴ Preserves some rights to free speech and expression.²⁵ Article 19(1)(a)²⁶ The Indian Constitution provides free speech and expression, as well as the right to information, all of which are necessary for government openness and accountability.²⁷

Internet shutdowns, censorship, and online content controls all have the potential to limit freedom. The unlawful use of social media to propagate hate speech, fake news, and defamatory material complicates striking a balance between the right to

¹⁷ iPleaders, <https://blog.ipleaders.in> (last visited on 12/11/2025)

¹⁸ *ibid*

¹⁹ The Constitution of India, art. 14

²⁰ StudyIQ, <https://www.studyiq.com> (last visited on 12/11/2025)

²¹ The Constitution of India, art. 15

²² iPleaders, <https://blog.ipleaders.in> (last visited on 12/11/2025)

²³ StudyIQ, <https://www.studyiq.com> (last visited on 12/11/2025)

²⁴ The Constitution of India, art. 19

²⁵ iPleaders, <https://blog.ipleaders.in> (last visited on 12/11/2025)

²⁶ The Constitution of India, art. 19(1)(a)

²⁷ iKanoon; <https://indiankanoon.org> (last visited on 12/11/2025)

free expression and the protection of national security and public order.²⁸ As government records and services become more digitally integrated, strong encryption of information and access restrictions are essential. This ensures that citizens can use their right to information without jeopardizing security or privacy. Cybersecurity concerns may impede data accessibility and e-governance services.²⁹

Article 19(1)(g)³⁰ Guarantees the right to carry on a trade, profession, or business.³¹ Safeguarding intellectual property rights in the digital era entails dealing with concerns such as digital piracy, copyright infringement, and unlawful use of digital media. Balancing intellectual property rights protection with access to information and digital content for educational and public purposes is a serious problem.³²

Article 21³³ safeguards life and personal freedoms.³⁴ Article 21 of the Constitution provides the right to life, which the judiciary has understood as a dignified existence rather than simply survival. In today's digital age, access to crucial digital services is becoming increasingly important to one's quality of life. The decision emphasizes that if a person's digital requirements, such as accessing banking, education, healthcare, or government services, are not satisfied, their right to a decent existence is jeopardized. This lays a responsibility on the state to create digital services that respect and improve personal dignity.³⁵ In the historic case of *Justice K.S. Puttaswamy v. Union of India* (2017)³⁶, the Supreme Court of India affirmed the right to privacy as a fundamental right under Article 21.³⁷

V. PROMOTING DIGITAL INCLUSION THROUGH CONSTITUTIONAL RIGHTS

²⁸ Manupatra Articles, <https://articles.manupatra.com> (last visited on 12/11/2025)

²⁹ *ibid*

³⁰ The Constitution of India, art. 19(1)(g)

³¹ iKanoon; <https://indiankanoon.org> (last visited on 12/11/2025)

³² Manupatra Articles, <https://articles.manupatra.com> (last visited on 12/11/2025)

³³ The Constitution of India, art. 21

³⁴ iPleaders, <https://blog.ipleaders.in> (last visited on 12/11/2025)

³⁵ StudyIQ, <https://www.studyiq.com> (last visited on 12/11/2025)

³⁶ *Justice K.S. Puttaswamy v. Union of India* (2017)

³⁷ iKanoon; <https://indiankanoon.org> (last visited on 12/11/2025)

During the worldwide shutdown and ban on being outside in 2020, all countries recognized the importance of the internet for personal and national life. Prior to 2020, several governments recognized the importance of internet access and proclaimed it a fundamental human right.³⁸ Some of these countries are listed below: In February 2000, Estonia recognized internet access as a fundamental human privilege under the Telecommunications Act.^{39, 40}

Greece amended its Constitution.⁴¹ In 2001, to include Article 5A⁴², which grants citizens the right to participate in the Information Society and requires the state to provide access to electronically transmitted information, including production, exchange, and dispersion.⁴³ In 2009, the French Constitutional Council defined internet access as a Fundamental Human Right.⁴⁴

Through an amendment in 2010, Finland recognized access to the Internet as a Fundamental Right enjoyed by all people. It is the first country to grant its citizens a legal right to internet access under the Communications Market Act^{45, 46} Costa Rico's Supreme Court proclaimed Internet access to be a fundamental human privilege in 2010. According to Article 33⁴⁷ of the Costa Rican Constitution, access to the digital world is a Fundamental Human Right.⁴⁸

Spanish residents were granted the right to use the Internet in 2009 via Act 2/11 of March 2004, which imposes an obligation on the state to offer broadband connections to all inhabitants and declares internet service to be a universal service.⁴⁹

³⁸ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 15/11/2025)

³⁹ Telecommunication Act, (Telekommunikatsiooniseadus) [2000] (Estonia)

⁴⁰ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 15/11/2025)

⁴¹ The Constitution of Greece, 1975

⁴² The Constitution of Greece, art. 5A

⁴³ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 15/11/2025)

⁴⁴ *ibid*

⁴⁵ Communications Market Act (393/2003) replaced by the Act on Electronic Communication Services (917/2014) often called Information Security Code (Finland)

⁴⁶ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 15/11/2025)

⁴⁷ Costa Rican Constitution, 1949, (Constitución Política de Costa Rica), art. 33

⁴⁸ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 15/11/2025)

⁴⁹ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 20/11/2025)

In 2016, the Canadian Telecom Regulator classified broadband surfing as an essential facility in Canada.⁵⁰

As occurrences of cybercrime rose in India throughout the latter decade of the twentieth century, the Indian government decided to enact the Information Technology Act of 2000⁵¹. Cybercrimes in India are addressed by a number of laws and regulations, including the Indian Penal Code.⁵² (IPC) and the Information Technology Act of 2000.⁵³ The Information Technology Act is India's major legislation addressing cybercrime and electronic trade. Some key portions are:

Section 43⁵⁴ Addresses computer and computer system damage, among other issues. Unauthorized access, downloading, introducing viruses, or causing damage to computer systems can result in sanctions and compensation.⁵⁵ Section 66⁵⁶ Addresses computer-related offences. Anyone who commits any of the activities described in Section 43 by deception or fraud receives a maximum penalty of three years in jail, a maximum fine of five lakh rupees, or both.⁵⁷

Section 67⁵⁸ Addresses the publication or electronic transmission of pornographic content. The subsections encompass the following.⁵⁹

- Section 67A⁶⁰ Pertains to the circulation or distribution of material containing graphic explicit behavior.⁶¹
- Section 67B⁶² Addresses child pornography and associated offenses.⁶³

Section 353⁶⁴ The Bhartiya Nyaya Sanhita (BNS) provides provisions against propagating disinformation that might disturb public order, which have been

⁵⁰ *ibid*

⁵¹ The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India)

⁵² The Indian Penal Code of 1860

⁵³ Manupatra Articles, <https://articles.manupatra.com> (last visited on 20/11/2025)

⁵⁴ The Information Technology Act 2000, sec. 43

⁵⁵ Manupatra Articles, <https://articles.manupatra.com> (last visited on 20/11/2025)

⁵⁶ The Information Technology Act, 2000, sec. 66

⁵⁷ Manupatra Articles, <https://articles.manupatra.com> (last visited on 20/11/2025)

⁵⁸ The Information Technology Act, 2000, sec. 67

⁵⁹ Manupatra Articles, <https://articles.manupatra.com> (last visited on 24/11/2025)

⁶⁰ The Information Technology Act, 2000, sec. 67A

⁶¹ Manupatra Articles, <https://articles.manupatra.com> (last visited on 24/11/2025)

⁶² The Information Technology Act, 2000, sec. 67B

⁶³ Manupatra Articles, <https://articles.manupatra.com> (last visited on 24/11/2025)

expanded to encompass internet communication as a vehicle for committing such offenses. It aids in the enforcement of the growing problem of fake news and online propaganda, which may generate social unrest, and it allows authorities to penalize individuals who spread hate speech or incite violence on social media or other online forums. Additionally, Section 294⁶⁵ The BNS specifically includes a broader range of obscene material, including electronically transmitted information like violent or revenge porn videos.⁶⁶ The Indian Government's "Digital India" efforts seek to boost the country's internet access.

This includes the following projects.⁶⁷:

- The BharatNet was launched in 2011 to connect India's villages and 0.25 million panchayats using optical fiber (100 Mbps).
- The National Digital Literacy Mission and Digital Saksharta Abhiyan were launched by the government in 2014.
- As part of its Digital India agenda, the government launched various efforts in 2015 to link the whole country.⁶⁸
- PM Gramin Digital Saksharta Abhiyan was established in 2017 to promote digital literacy in rural India, reaching 60 million households.
- The Supreme Court of India acknowledged the importance of digital literacy and decided that access to the Internet is a fundamental right, alongside the rights to privacy and education protected by Article 21⁶⁹ Of the Constitution. Analyze the RTE, or the Right to Education Act.
- The Digital Data Protection Act 2023⁷⁰ It is a significant move made by the Government of India to address Personal Data issues.⁷¹

⁶⁴ The Bhartiya Nyaya Sanhita Act, 2023, sec. 353

⁶⁵ The Bhartiya Nyaya Sanhita Act, 2023, sec. 294

⁶⁶ Manupatra Articles, <https://articles.manupatra.com> (last visited on 24/11/2025)

⁶⁷ *ibid*

⁶⁸ *ibid*

⁶⁹ The Constitution of India, art. 21

⁷⁰ The Digital Data Protection Act, 2023, No. 22, Acts of Parliament 2023 (India)

⁷¹ Manupatra Articles, <https://articles.manupatra.com> (last visited on 24/11/2025)

The Indian government intends to promote an open internet by providing choice, competition, online diversity, equitable market access, and ease of doing business for entrepreneurs. The Digital Data Protection Act would prioritize online safety and trust, defending users against cyber-attacks, campaigning for digital rights, safeguarding children and their data, and regulating false news. It also aims to hold internet users and their actions more responsible by establishing legal channels for complaint resolution, safeguarding constitutional rights in cyberspace, algorithmic transparency, and disclosure standards for data gathered by intermediaries.⁷²

The key elements of the Digital Data Protection Act 2023 are that it would replace the obsolete IT Act, focusing on online safety, trust, and responsibility while also regulating upcoming technologies like as Artificial Intelligence (AI) and blockchain. It will collaborate with relevant laws and policies, such as the Digital Personal Data Protection Act, Digital India Act Rules, National Data Governance Policy, and revisions to the Indian Penal Code for Cyber Crimes. The DIA will also impose Know Your Customer (KYC) regulations for wearable devices used in retail sales, along with criminal law punishments and penalties that are consistent with Digital India Goals for 2026.⁷³

VI. DEVELOPMENTAL CONSTRAINTS IN THE INDIAN CONTEXT

India confronts tremendous digital problems, owing to poor digital literacy and unreliable internet connections. Over 437 internet shutdowns occurred between 2012 and 2020, disrupting education, companies, welfare services, and fundamental rights. Jammu and Kashmir saw the world's longest blackout of 213 days in 2019-20. Internet penetration remains unequal; in 2018, it was 49%, with rural connectivity much lower than urban. According to the 75th National Statistical Survey, just 4.4% of the rural population owns a computer, and 14.9% have internet connectivity, compared to 14.4% and 42% in metropolitan regions, respectively. The lack of specialized data protection legislation undermines digital rights, making a

⁷² *ibid*

⁷³ *ibid*

fundamental right to the internet more vital. Furthermore, natural catastrophes such as floods, hurricanes, and earthquakes regularly destroy infrastructure, resulting in widespread connection outages.⁷⁴

Although it has since become accepted that technology and fundamental rights possess both good and bad consequences, technological improvements have brought tremendous benefits while also raising serious concerns about privacy, freedom of speech, equality, and other issues. Some of the issues include privacy, surveillance, political authority, freedom of expression, the digital gap, and equality. Furthermore, since technology works internationally, regulatory compliance is a huge barrier, with issues such as data transfers, content control, and legal jurisdiction becoming increasingly complicated.⁷⁵

A chronic digital literacy gap threatens to keep many people with disabilities (PwDs) out of important services and economic possibilities, with initiatives like PMGDISHA failing to reach this population properly. Despite the Rights of Persons with Disabilities Act of 2016⁷⁶ requiring digital accessibility, enforcement is uneven across sectors, and even the 2023 modifications have not addressed fragmented compliance in government and commercial organizations.⁷⁷

Schemes like the Accessible India Campaign seek to increase digital accessibility, notably in education, but confront limited on-the-ground implementation. Exacerbating this is the scarcity of cheap and need-based assistive solutions, preventing PwDs, such as acid attack survivors facing facial-recognition obstacles and visually impaired users from dealing with selfie or document verification from completing digital KYC processes. This shortage of accessible technologies exacerbates digital exclusion and limits PwDs' equal involvement in an increasingly digital world.⁷⁸

VII. STARE DECISIS IN LEGAL SYSTEM

⁷⁴ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 26/11/2025)

⁷⁵ iPleaders, <https://blog.ipleaders.in> (last visited on 26/11/2025)

⁷⁶ Rights of Persons with Disabilities Act, 2016, (Act 49 of 2016)

⁷⁷ DrishtiIAS, <https://www.drishtias.com> (last visited on 26/11/2025)

⁷⁸ *ibid*

In *Maneka Gandhi vs. Union of India*⁷⁹ The Supreme Court stated that procedures for regulating, restricting, or rejecting a fundamental right under Article 21 must be fair and carefully intended to uphold the basic right rather than subvert it.⁸⁰

Any state-imposed limitation on online speech, expression, or the freedom to engage in trade or profession must meet the proportionality standard established in *K.S. Puttaswamy v. Union of India*.⁸¹ This necessitates that the limitation be authorized by law, achieve a legitimate State goal, and maintain a reasonable link between the measure and its aim. The state must take just the actions required to achieve the stated goal, ensuring that the policy is precisely limited to that goal, and include reasonable safeguards to avoid abuse and preserve basic rights.⁸²

In *Amar Jain v. Union of India* (2025)⁸³, the Supreme Court ruled that comprehensive digital access to e-governance and welfare services is an integral component of Article 21's basic right to life and liberty. Responding to petitions from people with disabilities (PwDs) who had difficulties completing digital KYC, the Court required adjustments to KYC requirements to take into consideration those with visual impairments, facial disfigurements, and other disabilities under the Rights of Persons with Disabilities Act of 2016. It directed the RBI and other regulated entities to guarantee accessibility, designate nodal persons, undertake regular accessibility audits, and incorporate visually impaired users into platform design.⁸⁴

The Court ruled that universal digital accessibility is an enforceable constitutional requirement arising from Articles 14, 15, 21, and 38⁸⁵, and is necessary for meaningful and equal participation in public life, highlighting the broader digital divide affecting people with disabilities, rural populations, senior citizens, and economically disadvantaged groups.⁸⁶

⁷⁹ *Maneka Gandhi v. Union of India* (1978) AIR 597

⁸⁰ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 01/12/2025)

⁸¹ *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1

⁸² Civil Law Journal, <https://www.civillawjournal.com> (last visited on 01/12/2025)

⁸³ *Amar Jain v. Union of India & Ors.*, W.P.(C) No. 49 of 2025

⁸⁴ DrishtiIAS, <https://www.drishtiias.com> (last visited on 05/12/2025)

⁸⁵ The Constitution of India, arts. 14, 15, 21 and 38

⁸⁶ *ibid*

In *Anuradha Bhasin v. Union of India*⁸⁷ The Supreme Court ruled that Articles 19(1)(a) and 19(1)(g) guarantee the freedom to speak and undertake commerce or professional activity over the internet, imposing a constitutional obligation on the state to preserve these rights. Any restriction must be consistent with Articles 19(2) and 19(6) and meet the proportionality test. Recognizing the internet as a key instrument for trade, particularly e-commerce and entrepreneurial activity, the Court's reasoning is consistent with UN recommendations for states to provide accessible digital infrastructure. In 2019, Kerala became the first Indian state to recognize internet access as a basic human right, reflecting a global trend.⁸⁸

In *Faheema Shirin RK v. State of Kerala* (2019), the Kerala High Court became the first in India to acknowledge the right to Internet connection as a component of the Right to Life under Article 21 and the Right to Education under Article 21A. The Court found that limiting students' internet access in dorms violated their Fundamental Rights.⁸⁹

The Supreme Court stated in *PUCL vs. Union of India*⁹⁰ Article 19(1)(a) of the Constitution ensures the right to free expression and opinion. "Freedom" in this context refers to the ability to talk, write, print, graphically depict oneself, or express oneself in any other way.⁹¹

Article 19(1)(a)⁹² The Indian Constitution provides enough protection for internet usage since it allows Indian citizens to express themselves on a worldwide scale. Article 21 of the Constitution is an empty jar with a larger capacity into which individuals must pour their substance based on their experiences. A right provided under Article III of the Constitution is the same as one declared based on Supreme Court verdicts.⁹³

⁸⁷ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637

⁸⁸ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 05/12/2025)

⁸⁹ DrishtiIAS, <https://www.drishtiias.com> (last visited on 05/12/2025)

⁹⁰ *People's Union for Civil Liberties (PUCL) v. Union of India*, (1997) 1 SCC 301

⁹¹ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 05/12/2025)

⁹² The Constitution of India, art. 19(1)(a)

⁹³ *ibid*

VIII. FINAL ANALYSIS: FRAMEWORKS FOR SECURING CONSTITUTIONAL RIGHTS IN A DIGITIZED SOCIETY

Technology is a sine qua non for the emerging generation, and without it, there is no life and no rights. Technology has deliberately improved individual standards of life and benefited them immensely, serving as a voice for the voiceless. However, full reliance on technology for human convenience and rights inevitably comes at a cost. Those with access to technology will be seen as a race of excellence, capable of dominating others. This must be monitored as a threat to humanity as a whole, and each stakeholder, government, corporations, data controllers, and, indeed, we the people are liable for preventing such future disparities among humanity by demanding accountability and enforceability for innovation and its analogs.⁹⁴

The internet is critical to both daily living and national economic growth in today's digital age. In *Anuradha Bhasin v. Union of India* Supreme Court ruled that doing commercial or professional activity over the internet is protected under Article 19, despite reasonable constraints. Internet bans not only impede economic activity, but also jeopardize people's right to a living and the freedom to work, both of which are guaranteed by Article 21.⁹⁵

Furthermore, as laid out in *Maneka Gandhi v. Union of India*⁹⁶ Any restriction on personal liberty must comply with the "Golden Triangle" of Articles 14, 19, and 21⁹⁷. The United Nations Human Rights Council and numerous countries have also recognized internet access as a fundamental human right, emphasizing its worldwide importance. Given that Articles 14 and 21 guarantee inalienable rights, internet access is essential for ensuring equality, liberty, and access to information.⁹⁸

The judiciary's directions put specific requirements on the government, including digital accessibility assessments, amended protocols, and the deployment of an inclusive layout across all critical online services. To be accessible to people with

⁹⁴ iPleaders, <https://blog.ipleaders.in> (last visited on 09/12/2025)

⁹⁵ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 09/12/2025)

⁹⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

⁹⁷ The Constitution of India, arts. 14, 19 and 21

⁹⁸ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 09/12/2025)

impairments, platforms like e-governance and digital banking must have capabilities such as screen reader assistance, voice navigation, and configurable interfaces.

This decision establishes a significant precedent for a rights-based approach that balances technology innovation with human dignity and equality. It emphasizes the importance of continual review in preventing digital exclusion. Finally, the ruling emphasizes that digital inclusion is critical to the modern right to life, pushing India to create inclusive digital ecosystems that empower all individuals, regardless of ability, geography, or socioeconomic background.⁹⁹

Safeguarding constitutional freedoms in the digital era necessitates an integrated strategy that incorporates legal, technological, and societal initiatives. Some of the tactics for protecting basic rights include, first, having a solid legal framework, robust data protection regulations, user empowerment, and, most importantly, digital literacy and education for the general public. Protecting basic rights in the digital age necessitates a coordinated effort by governments, technology corporations, civil society organizations, academics, and people. It is critical to guarantee that technical breakthroughs are used to improve human rights and well-being rather than to harm them.¹⁰⁰

- The State must take certain accountability for the Right to the Internet.
- Parliament should create adequate data protection regulations.
- Establish clear procedures for unexpected internet shutdowns.
- There must be adequate infrastructure for a technologically advanced society, whether urban or rural.¹⁰¹

The Supreme Court additionally recognizes digital access for people with disabilities as a basic right under Article 21. India must respect its duties under the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) to promote equal digital inclusion for all.¹⁰² To create an inclusive digital ecosystem, the Digital India

⁹⁹ Studyiq; <https://www.studyiq.com> (last visited on 09/12/2025)

¹⁰⁰ iPleaders, <https://blog.ipleaders.in> (last visited on 09/12/2025)

¹⁰¹ Civil Law Journal, <https://www.civillawjournal.com> (last visited on 09/12/2025)

¹⁰² DrishtiIAS, <https://www.drishtiias.com> (last visited on 09/12/2025)

initiative requires accessible infrastructure, such as screen readers, voice-command tools, AI-based sign-language translation, audio descriptions, and non-facial-recognition alternatives like audio or haptic navigation, in accordance with Web Content Accessibility Guidelines.

Integrating these capabilities into current portals will considerably improve digital access for people with disabilities (PWDs). Improving digital literacy is also critical; institutes such as The National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD) may work with big technology firms to provide personalized training in assistive technologies, while programs like Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA) should explicitly include disability-inclusive digital education. Along with digital platforms, disability-sensitive urban planning, such as accessible smart-city infrastructure and multi-format digital signs, may provide smooth navigation for people with disabilities. Lastly, creating an Inclusive Innovation Lab through public-private collaborations will encourage the development of low-cost, scalable assistive technology, therefore improving long-term accessibility and digital empowerment.¹⁰³

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