



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 6 AND ISSUE 1 OF 2026

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 1 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-1-of-2026/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



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“RIGHT TO DIGITAL ACCESS AS A FUNDAMENTAL RIGHT UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA”

AUTHOR – DR. RAJEEV KUMAR SINGH* & SWATI PAL**

* ASSISTANT PROFESSOR OF LAW AT AMITY LAW SCHOOL LUCKNOW, AMITY UNIVERSITY, UTTAR PRADESH, LUCKNOW CAMPUS

** STUDENT AT AMITY LAW SCHOOL LUCKNOW, AMITY UNIVERSITY, UTTAR PRADESH, LUCKNOW CAMPUS

BEST CITATION – DR. RAJEEV KUMAR SINGH & SWATI PAL, “RIGHT TO DIGITAL ACCESS AS A FUNDAMENTAL RIGHT UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA”, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 6 (1) OF 2026, PG.1074-1086, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/BUDF2903>

Abstract

The rapid growth of digital technology has transformed the way individuals access education, employment, healthcare, governance, and information. In contemporary India, internet connectivity is no longer a luxury but an essential requirement for meaningful participation in social and economic life. This paper examines whether the Right to Digital Access can be recognized as an integral part of Article 21 of the Constitution of India, which guarantees the Right to Life and Personal Liberty. The background of the study lies in the judicial expansion of Article 21, where courts have interpreted “life” to include dignity, privacy, livelihood, and other essential rights necessary for a meaningful existence. The central research problem addressed in this paper is whether denial or unreasonable restriction of digital access affects the constitutional guarantee of life and liberty. The study also explores the connection between digital access and other fundamental rights, including freedom of speech and expression, equality, education, and privacy. The research adopts a doctrinal and analytical methodology. It relies on constitutional provisions, landmark judicial decisions, scholarly writings, and government policies related to digital infrastructure. Key judgments concerning privacy and internet restrictions have been examined to understand evolving judicial trends. The findings indicate that digital access is closely linked to the realization of multiple fundamental rights. Although it has not yet been expressly declared as an independent fundamental right, judicial reasoning suggests that access to the internet forms an important part of constitutional freedoms in the digital age. The paper concludes that recognizing digital access within the framework of Article 21 would strengthen democratic participation, promote equality, and ensure that technological progress benefits all sections of society.

Keywords– Article 21, Right to Digital Access, Digital Divide, Internet Shutdown, Fundamental Rights

1. Introduction

1.1 Meaning of Article 21

Article 21 of the Constitution of India provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Though the language of

the Article appears simple, its interpretation has evolved significantly over time. The term “life” does not merely refer to physical survival. The Supreme Court has consistently held that it includes the right to live with human dignity and all those aspects of life that make it meaningful, complete, and worth living.

Similarly, “personal liberty” is not limited to freedom from physical restraint. It includes various freedoms necessary for individual development, autonomy, and participation in society. Article 21 has therefore become one of the most dynamic and expansive fundamental rights in the Constitution.

1.2 Expansion of Right to Life by Judiciary

In the early years, Article 21 was interpreted narrowly. However, a major shift occurred in *Maneka Gandhi v. Union of India*. In this case, the Supreme Court held that the procedure depriving a person of life or liberty must be just, fair, and reasonable, and not arbitrary or oppressive. The Court also ruled that Articles 14, 19, and 21 are interconnected and must be read together.

After this judgment, the scope of Article 21 expanded considerably. The judiciary began recognizing several implied rights under it, such as the right to livelihood, right to health, right to shelter, and right to education. The focus shifted from mere existence to a dignified life.

This expansion continued in *Justice K.S. Puttaswamy v. Union of India*, where a nine-judge bench of the Supreme Court declared the right to privacy as a fundamental right under Article 21. The Court emphasized that dignity, autonomy, and personal choice are central to the concept of life and liberty. This judgment is particularly important in the digital era, where personal data and online identity form a significant part of an individual’s life.

1.3 Importance of Digital Access in Modern India

In contemporary India, digital technology has become essential for everyday activities. Government services, banking, education, healthcare, employment opportunities, and even court proceedings are increasingly conducted online. Access to the internet enables citizens to exercise their freedom of speech, seek information, and participate in democratic processes.

The importance of digital access became especially evident during the COVID-19 pandemic, when education shifted to online platforms and work-from-home became common. Those without reliable internet access faced serious disadvantages, highlighting the growing digital divide.

The Supreme Court in *Anuradha Bhasin v. Union of India* recognized that freedom of speech and the freedom to practice trade through the internet enjoy constitutional protection. The Court held that restrictions on internet services must be reasonable and proportionate. This decision reflects judicial awareness of the importance of digital connectivity in modern life.

1.4 Need for Constitutional Recognition

As India moves toward a digitally driven economy and governance model, access to digital infrastructure is becoming essential for realizing fundamental rights. Without digital access, individuals may face barriers in exercising their rights to education, expression, livelihood, and even access to justice.

Although the Constitution does not expressly mention the “right to digital access,” judicial developments suggest that it can be read within the broader framework of Article 21. Recognizing digital access as part of the right to life would promote equality, reduce exclusion, and strengthen democratic participation.

Constitutional recognition—whether through judicial interpretation or legislative action—would ensure that digital connectivity is treated not merely as a policy goal but as a matter of fundamental rights. In a society where technology shapes opportunities and freedoms, ensuring universal and equitable digital access has become a constitutional necessity.

2. Research Problem

2.1 Whether Access to Internet is Essential for a Dignified Life under Article 21?

Article 21 of the Constitution of India guarantees the right to life and personal liberty. Over time,

the Supreme Court has interpreted the word “life” to mean more than mere physical survival. It includes the right to live with dignity, autonomy, and access to basic necessities that enable meaningful participation in society. The concept of dignity has become central to constitutional interpretation.

In the present digital era, access to the internet plays a crucial role in everyday life. Education, employment opportunities, healthcare services, banking facilities, government schemes, and even judicial processes increasingly operate through online platforms. Citizens use the internet to access information, express opinions, communicate with others, and participate in democratic discussions. Therefore, denial of internet access may directly affect an individual’s ability to live with dignity.

The importance of internet access was recognized by the Supreme Court in *Anuradha Bhasin v. Union of India*, where the Court held that freedom of speech and expression and freedom to carry on trade through the internet are constitutionally protected. The Court emphasized that restrictions on internet services must satisfy the test of proportionality. Although the judgment did not declare internet access as an independent fundamental right, it acknowledged its significance in exercising constitutional freedoms.

Similarly, the broad interpretation of Article 21 in *Maneka Gandhi v. Union of India* established that any law affecting life or liberty must be just, fair, and reasonable. In today’s context, unreasonable denial of internet access may fail this constitutional test, especially when digital connectivity has become essential for accessing education, livelihood, and public services.

Thus, it can be argued that access to the internet has become closely connected with the right to live with dignity under Article 21.

2.2 Can Digital Access be treated as a Fundamental Right?

The Constitution does not explicitly mention digital access as a fundamental right. However, constitutional rights are not static; they evolve according to social and technological changes. The Supreme Court has repeatedly expanded the scope of Article 21 to include rights necessary for a meaningful life, such as privacy, livelihood, and education.

In *Justice K.S. Puttaswamy v. Union of India*, the Court recognized privacy as a fundamental right, acknowledging that personal liberty must adapt to the realities of the digital age. This reasoning supports the argument that digital access, which enables individuals to exercise multiple constitutional freedoms, can also be read into Article 21.

Digital access is directly linked with:

- Freedom of speech and expression (Article 19(1)(a))
- Right to education (Article 21A)
- Right to equality (Article 14)
- Right to privacy (Article 21)

If access to digital platforms becomes necessary for exercising these rights effectively, then denying such access may indirectly weaken constitutional protections.

However, recognizing digital access as a fundamental right also raises practical concerns. The State must balance individual freedom with national security, public order, and regulation of cyberspace. Therefore, any recognition must allow reasonable restrictions under constitutional principles.

In conclusion, while digital access has not yet been formally declared as a separate fundamental right, judicial trends and constitutional interpretation strongly suggest that it forms an essential part of the expanded meaning of life and liberty under Article 21. As India continues to move toward digital governance and economy, constitutional recognition of digital access may become both necessary and inevitable.

3. Objectives of the Study

The present study aims to examine the growing constitutional relevance of digital access within the framework of Article 21 of the Constitution of India. In a rapidly digitizing society, it becomes necessary to analyse whether access to the internet can be considered essential for the effective enjoyment of fundamental rights. The objectives of this research are outlined as follows:

1. to Examine the Scope of Article 21

The first objective of this study is to examine the scope and meaning of Article 21, which guarantees the right to life and personal liberty. Over the years, the Supreme Court has expanded the interpretation of “life” to include dignity, livelihood, health, education, and privacy. This study seeks to understand whether the concept of life under Article 21 is broad enough to include digital access as an essential component of a dignified existence.

2. to Analyse Judicial Interpretation

The second objective is to analyse important judicial decisions that have contributed to the expansion of Article 21. The research studies landmark judgments that have shaped the understanding of personal liberty, privacy, and freedom in the digital age. Through case law analysis, the paper aims to identify whether judicial trends indicate a movement toward recognizing digital access as constitutionally significant.

3. to Study the Digital Divide in India

Another important objective of the study is to examine the digital divide in India. Despite technological growth, a large section of the population still lacks reliable internet access due to economic, geographical, and social barriers. The study seeks to analyse how this divide affects equality, education, livelihood, and democratic participation.

4. To Suggest Reforms

The final objective of this research is to propose legal and policy reforms. Based on constitutional principles and judicial developments, the study aims to suggest measures that can ensure wider digital inclusion, reduce inequality, and strengthen protection of digital rights within the constitutional framework.

4. Hypothesis of the Study

A hypothesis represents a tentative assumption or proposition which the research seeks to examine through legal analysis and interpretation. The present study proceeds on the assumption that constitutional rights must evolve in accordance with social and technological developments.

The primary hypothesis of this research is that **the Right to Digital Access forms an integral part of the Right to Life and Personal Liberty guaranteed under Article 21 of the Constitution of India.** In the modern digital age, access to the internet has become essential for education, employment, communication, access to government services, and participation in democratic processes. Therefore, denial or unreasonable restriction of digital access may directly affect an individual’s ability to live with dignity.

The study further assumes that judicial interpretation of Article 21 has consistently expanded its scope to include rights necessary for meaningful human existence. As courts have previously recognized rights such as privacy, livelihood, and education within Article 21, digital access may also be constitutionally protected as a necessary condition for exercising fundamental freedoms.

Another underlying assumption of the research is that digital exclusion creates inequality and limits the effective enjoyment of other fundamental rights, including freedom of speech and expression, equality before law, and the right to education. Hence, recognizing digital access within the constitutional

framework may help promote inclusive development and democratic participation.

This hypothesis will be examined through analysis of constitutional provisions, judicial decisions, and contemporary socio-economic realities relating to digital connectivity in India.

5. Research Methodology

The present study is based on doctrinal research and adopts an analytical approach to examine the constitutional position of the Right to Digital Access under Article 21 of the Constitution of India. The methodology focuses on studying existing legal materials and interpreting them in light of contemporary digital developments.

5.1 Doctrinal Research

This research primarily follows the doctrinal method, which involves the study of constitutional provisions, statutes, and judicial decisions. It examines Article 21 and related fundamental rights to understand their scope and development over time. The doctrinal approach helps in analysing how the judiciary has interpreted the right to life and personal liberty and whether digital access can be included within its ambit.

This method relies on authoritative legal sources rather than field surveys or interviews. It aims to interpret the law as it exists and evaluate its application in the present digital context.

5.2 Analytical Method

The study also uses an analytical method to critically examine constitutional principles and judicial reasoning. It does not merely describe the law but evaluates whether the existing legal framework is sufficient to address issues of digital access and digital inequality. The analytical approach helps in identifying gaps, challenges, and the need for reforms.

5.3 Case Law Analysis

A significant part of the research involves analysing landmark judgments of the Supreme Court and High Courts. Important cases relating to Article 21, privacy, and internet restrictions are examined to understand judicial trends. Case law analysis provides insight into how courts are adapting constitutional principles to technological realities.

5.4 Secondary Data Sources

The study relies on secondary sources such as textbooks, legal journals, research articles, government reports, policy documents, and scholarly writings. These materials provide background information, expert opinions, and statistical data relating to digital access and the digital divide in India.

Through this combination of doctrinal study, analytical reasoning, case law examination, and secondary sources, the research seeks to present a comprehensive understanding of the constitutional relevance of digital access.

6. Literature Review

A proper understanding of the Right to Digital Access under Article 21 requires examining the views of constitutional experts, Law Commission reports, scholarly writings, and government digital policies. These sources help in analysing how the concept of life and liberty has evolved and how it applies to the digital age.

6.1 Views of Constitutional Experts

Many constitutional scholars have emphasized that Article 21 is a living and dynamic provision. Experts have argued that the meaning of “life” must adapt to social and technological changes. According to leading constitutional commentators, the right to live with dignity includes access to basic facilities necessary for meaningful participation in society.

Some scholars believe that in the digital era, access to the internet has become as important as access to electricity or roads. They argue that when government services,

education, and employment opportunities shift online, digital access becomes essential for exercising constitutional rights. At the same time, certain experts caution that recognizing digital access as a fundamental right must be balanced with reasonable restrictions and regulatory concerns.

6.2 Law Commission Reports

Although the Law Commission of India has not specifically declared digital access as a fundamental right, various reports have addressed issues related to privacy, data protection, and misuse of technology. These reports highlight the need for legal safeguards in the digital environment. They emphasize that technological growth must be accompanied by protection of individual rights and freedoms.

The discussions in these reports indirectly support the idea that digital participation is closely linked with constitutional protections, particularly privacy and liberty.

6.3 Scholarly Articles

Several academic articles have examined the relationship between digital access and fundamental rights. Scholars have discussed the impact of internet shutdowns, digital inequality, and the growing dependence on online platforms for governance and public services.

Many researchers argue that denial of digital access may lead to exclusion from education, financial services, and democratic participation. Academic debates also focus on whether courts should formally recognize digital access as part of Article 21 or whether legislative action is required.

6.4 Government Digital Policies

Government initiatives reflect the increasing importance of digital connectivity in India. Policies such as the **Digital India** programme aim to improve digital infrastructure, expand broadband connectivity, and promote digital literacy. These policies demonstrate that the

State itself recognizes digital access as essential for development and governance.

At the same time, regulatory measures relating to cyber security, data protection, and internet shutdowns show the State's effort to balance digital expansion with security concerns.

Overall, the literature indicates a growing recognition that digital access is closely connected with constitutional rights, dignity, and equality. However, there remains an on-going debate regarding the extent to which it should be formally recognized as a fundamental right under Article 21.

7. Constitutional Framework

The question of recognizing the Right to Digital Access must be examined within the framework of the Constitution of India. Fundamental Rights provided under Part III of the Constitution form the foundation of individual liberty, equality, and democratic participation. Among these rights, Articles 21, 19(1)(a), and 14 are especially relevant in understanding the constitutional position of digital access.

7.1 Article 21 – Right to Life and Personal Liberty

Article 21 states that no person shall be deprived of life or personal liberty except according to procedure established by law. Over time, the Supreme Court has interpreted this provision in a broad and progressive manner. The word "life" has been understood to mean not merely physical survival but the right to live with dignity and access the basic conditions necessary for meaningful existence.

The judiciary has expanded Article 21 to include rights such as livelihood, health, shelter, education, and privacy. In the present digital age, many essential activities—such as accessing government services, attending educational classes, conducting business, and even participating in court proceedings—require internet connectivity. Therefore, digital access may be viewed as closely connected with the right to live with dignity.

If the absence of digital access prevents individuals from exercising their rights effectively, it raises important constitutional concerns under Article 21.

7.2 Article 19(1) (a) – Freedom of Speech and Expression

Article 19(1) (a) guarantees freedom of speech and expression. In modern times, the internet has become one of the main platforms for expressing opinions, sharing information, and participating in public discussions. Social media, online journalism, blogs, and digital forums are now essential tools for democratic engagement.

If individuals do not have access to digital platforms, their ability to express themselves freely may be restricted in practical terms. Although reasonable restrictions can be imposed under Article 19(2), such restrictions must be lawful, necessary, and proportionate.

Thus, digital access plays a significant role in ensuring that the freedom of speech and expression is meaningful and effective in the present era.

7.3 Article 14 – Right to Equality

Article 14 guarantees equality before the law and equal protection of the laws. Equality is not limited to formal equality; it also requires that the State prevent unfair discrimination and reduce structural disadvantages.

The digital divide creates inequality between those who have access to digital resources and those who do not. Individuals without internet access may face disadvantages in education, employment opportunities, financial services, and government benefits. This inequality can affect their ability to compete and participate equally in society.

Ensuring wider digital access can help promote substantive equality by reducing these barriers. Therefore, digital inclusion is closely linked with the constitutional promise of equality under Article 14.

Conclusion

Together, Articles 21, 19(1)(a), and 14 provide a strong constitutional foundation for examining the Right to Digital Access. While the Constitution does not expressly mention digital access, its connection with dignity, freedom of expression, and equality makes it an important issue within the existing constitutional framework. As society becomes increasingly digital, these provisions must be interpreted in a manner that protects individual rights in the modern technological context.

8 Judicial Interpretations

The Indian judiciary has played a significant role in expanding the scope of fundamental rights, especially Article 21. Through progressive interpretation, courts have adapted constitutional principles to changing social and technological realities. In the context of digital access, judicial decisions have gradually recognized the importance of the internet in exercising constitutional freedoms.

8.1 Expansion of Article 21

Article 21 guarantees the right to life and personal liberty. Initially, this provision was interpreted narrowly. However, over time, the Supreme Court expanded its scope to include rights necessary for living with dignity. The Court has recognized that life means more than mere physical existence; it includes conditions that make life meaningful and worthwhile.

Through various judgments, the Court has included within Article 21 rights such as livelihood, health, shelter, education, and privacy. This expansion shows that the Constitution is not static. It evolves with society. In the digital age, when access to online platforms has become essential for education, communication, and employment, the question arises whether digital access also forms part of the right to life.

8.2 Internet as a Medium of Expression

The internet has become one of the most important platforms for communication and

expression. Social media, online news portals, blogs, and digital forums allow individuals to share opinions, receive information, and participate in democratic discussions. Therefore, access to the internet directly affects the freedom of speech and expression guaranteed under Article 19(1)(a).

Courts have recognized that expression through digital platforms is protected under the Constitution. If internet access is restricted, the practical enjoyment of freedom of speech may also be restricted. Thus, the internet is not merely a technological tool; it has become a medium through which constitutional rights are exercised.

8.3 Internet Shutdown Principles

In recent years, internet shutdowns have been imposed in different parts of the country for reasons such as public order and national security. These shutdowns raise important constitutional concerns. The judiciary has examined whether such restrictions are reasonable and proportionate.

The Supreme Court has emphasized that restrictions on internet services must satisfy the test of legality, necessity, and proportionality. Orders suspending internet services cannot be indefinite and must be subject to review. This ensures that State action does not unnecessarily interfere with fundamental rights.

8.4 Anuradha Bhasin v. Union of India

In *Anuradha Bhasin v. Union of India*, the Supreme Court considered the legality of internet shutdowns imposed in Jammu and Kashmir. The petitioners argued that the suspension of internet services violated their fundamental rights under Articles 19 and 21.

The Court held that freedom of speech and expression and the freedom to practice any profession or carry on trade through the internet are constitutionally protected. It recognized that the internet plays an important role in modern life. Although the Court did not declare access to the internet as a separate fundamental right,

it stated that any restriction must be reasonable and proportionate.

The Court also directed that internet suspension orders must be published and subject to periodic review. Indefinite suspension was held to be impermissible. This judgment is significant because it acknowledged the constitutional importance of internet access.

8.5 Faheema Shirin v. State of Kerala

In *Faheema Shirin v. State of Kerala*, the Kerala High Court dealt with the issue of a hostel rule restricting students' access to mobile phones and internet services. The Court observed that access to the internet forms part of the right to education and the right to privacy under Article 21.

The judgment recognized that in the modern world, students rely on the internet for academic purposes. Denying access without reasonable justification would affect their educational development. This case is important because it directly linked internet access with fundamental rights under Article 21.

8.6 Conclusion

Judicial interpretation shows a gradual recognition of the importance of digital access. While courts have not yet declared the right to internet access as an independent fundamental right, they have acknowledged its connection with freedom of expression, education, privacy, and dignity. These decisions indicate that constitutional principles are being adapted to meet the challenges of the digital age.

9. Current Scenario in India

India is rapidly moving toward a digitally connected society. Over the past decade, the use of smartphones and internet services has increased significantly. Government services, banking facilities, education systems, and even court proceedings have increasingly shifted to digital platforms. However, despite this progress, digital access remains unequal across different sections of society.

9.1 Digital India Programme

The Government of India launched the **Digital India** Programme with the aim of transforming India into a digitally empowered society and knowledge economy. The programme focuses on improving digital infrastructure, increasing internet connectivity in rural areas, promoting digital literacy, and expanding online delivery of government services.

Under this initiative, various services such as online identity verification, digital payments, and e-governance platforms have been introduced. The programme reflects the government's recognition that digital connectivity is essential for development and public service delivery. However, the success of such initiatives depends on ensuring that all citizens have equal access to digital resources.

9.2 Rural–Urban Digital Gap

One of the major challenges in India's digital growth is the gap between rural and urban areas. Urban regions generally have better internet connectivity, higher speed broadband services, and easier access to digital devices. In contrast, many rural areas still face problems such as weak network coverage, lack of infrastructure, and limited digital literacy.

This rural–urban divide affects opportunities for education, employment, and access to government benefits. People living in remote areas may not be able to fully benefit from digital services due to poor connectivity. Bridging this gap is necessary to ensure inclusive development.

9.3 E-Governance

E-governance refers to the use of digital technology to provide government services to citizens. Many public services such as filing tax returns, applying for licenses, accessing welfare schemes, and obtaining official documents are now available online. Digital platforms aim to increase transparency, efficiency, and accessibility.

While e-governance has simplified administrative processes, it also assumes that citizens have internet access and basic digital skills. Those without digital access may face difficulties in availing government services, which raises concerns about equality and fairness.

9.4 Online Education and Judiciary

The importance of digital access became especially visible during the COVID-19 pandemic. Educational institutions shifted to online classes, and courts conducted virtual hearings. Online education helped continue learning during lockdowns, and virtual courts ensured the functioning of the justice system.

However, this shift also exposed serious inequalities. Students without smartphones, computers, or reliable internet were unable to attend online classes. Similarly, individuals in remote areas faced challenges in accessing virtual court proceedings. These situations highlighted that digital connectivity is no longer optional but essential for exercising rights related to education and access to justice.

Conclusion

The current scenario in India shows significant progress in digital development, but it also reveals persistent inequalities. Government initiatives like Digital India demonstrate the importance of digital connectivity in governance and development. At the same time, the rural–urban gap and lack of equal access indicate the need for stronger efforts to ensure digital inclusion. In this context, the question of recognizing digital access within the constitutional framework becomes increasingly relevant.

10. Issues & Challenges

While digital technology has brought many benefits, several serious challenges continue to affect equal and secure access to digital resources in India. These issues create obstacles in recognizing and implementing

digital access as a meaningful constitutional right.

10.1 Digital Divide

One of the biggest challenges is the digital divide. A large section of the population still does not have reliable access to the internet or digital devices. The divide exists between urban and rural areas, rich and poor households, and even between men and women.

People living in rural or remote areas often face poor connectivity and limited network coverage. Many low-income families cannot afford smartphones, computers, or regular data plans. This inequality creates unequal opportunities in education, employment, and access to government services. If digital access becomes essential for daily life, those who are excluded may face social and economic disadvantage.

10.2 Internet Shutdowns

Another major issue is the frequent use of internet shutdowns. In some situations, the government suspends internet services for reasons such as public order, security concerns, or prevention of misinformation. While maintaining public safety is important, prolonged or repeated shutdowns affect students, businesses, journalists, and ordinary citizens.

Internet shutdowns can interrupt online education, digital payments, and access to healthcare services. They also restrict freedom of speech and access to information. Therefore, such measures raise constitutional concerns and must be carefully balanced with fundamental rights.

10.3 Cyber Security Risks

With the increase in digital activities, cyber security threats have also increased. Cybercrimes such as online fraud, identity theft, and hacking, phishing, and data breaches pose serious risks to individuals and institutions.

When citizens rely heavily on digital platforms, protection of personal data and financial

information becomes essential. Lack of strong cyber security measures may reduce public trust in digital systems. Therefore, ensuring secure digital environments is an important challenge.

10.4 Infrastructure Problems

Digital infrastructure remains uneven in many parts of the country. Poor broadband connectivity, slow internet speed, electricity shortages, and limited access to technical support are common problems, especially in rural areas.

Even where internet services are available, quality and reliability may be inadequate. Without proper infrastructure, digital inclusion cannot be achieved. Infrastructure development requires long-term planning, investment, and coordination between central and state governments.

Conclusion

Although digital access offers many opportunities, issues such as the digital divide, internet shutdowns, cyber security threats, and infrastructure limitations continue to create barriers. Addressing these challenges is necessary to ensure that digital connectivity becomes inclusive, secure, and consistent with constitutional values.

11. Findings

Based on the study of constitutional principles, government policies, and judicial developments, the following key findings emerge regarding digital access in India:

1. Digital Access Linked to Human Dignity

The research shows that digital access is closely connected to the concept of human dignity. In the present digital era, access to the internet is not merely a tool for communication; it is essential for education, employment, healthcare, banking, and participation in democratic processes.

Without digital access, individuals may face social exclusion and limited opportunities. This affects their ability to live a dignified life. Since dignity is an important part of **Article 21 of the Constitution of India**, the growing dependence on digital platforms indicates that access to digital resources has become closely related to the protection of life and personal liberty.

Thus, digital access can be understood as an important condition for ensuring equality, dignity, and meaningful participation in society.

2. Judicial Recognition is Evolving

Another important finding is that the judiciary has gradually started recognizing the importance of digital access. In **Anuradha Bhasin v. Union of India**, the Supreme Court observed that access to the internet is essential for exercising freedom of speech and trade through online platforms. The Court emphasized that restrictions on internet services must be reasonable and proportionate.

Similarly, in **Faheema Shirin v. State of Kerala**, the Kerala High Court held that access to the internet forms part of the right to education and the right to privacy under Article 21.

These decisions show that judicial recognition of digital access is developing, though it has not yet been declared as a separate fundamental right. The courts are gradually interpreting existing constitutional rights in light of technological changes.

3. Need for Legislative Clarity

The study also finds that there is no specific law in India that clearly defines digital access as a fundamental right. Most developments have come through judicial interpretation and government policies.

There is a need for clear legislative guidelines regarding:

- Regulation of internet shutdowns
- Universal digital infrastructure development
- Data protection and cyber security

- Equal digital access for marginalized communities

Clear laws would help in ensuring uniform implementation across the country and reducing misuse or arbitrary restrictions. Legislative clarity would also strengthen accountability and protect citizens' digital rights in a structured manner.

Conclusion of Findings

The findings indicate that digital access has become closely connected with dignity and fundamental rights. The judiciary has begun recognizing its importance, but complete legal clarity is still lacking. Therefore, stronger legal frameworks and policy measures are necessary to ensure that digital access becomes inclusive, secure, and constitutionally protected.

Conclusion

The study clearly shows that digital access has become an essential part of modern life in India. Today, education, employment, healthcare, banking, government services, and even judicial processes depend heavily on internet connectivity. In such a situation, digital access is no longer a luxury but a basic necessity.

Article 21 of the Constitution of India guarantees the Right to Life and Personal Liberty. Over time, the judiciary has interpreted this Article in a broad and progressive manner. The courts have included various rights within Article 21, such as the right to dignity, privacy, education, clean environment, and livelihood. These interpretations show that the Constitution is a living document that adapts to changing social realities.

In the digital era, meaningful enjoyment of these rights is not possible without internet access. A student cannot fully exercise the right to education without digital connectivity. A citizen cannot easily access government schemes without online platforms. A businessperson cannot effectively carry on trade without digital tools. Even access to

justice increasingly depends on virtual systems. Therefore, digital access directly affects the quality of life and human dignity.

Judicial decisions such as **Anuradha Bhasin v. Union of India** and **Faheema Shirin v. State of Kerala** indicate that courts have started recognizing the importance of internet access in protecting fundamental rights. Although the Right to Digital Access has not yet been explicitly declared as a separate fundamental right, its connection with freedom of speech, education, privacy, and dignity is clearly acknowledged.

Considering the present social and technological conditions, it can be strongly argued that the Right to Digital Access should be treated as an integral part of the Right to Life under Article 21. Recognizing it within Article 21 would ensure greater constitutional protection, prevent arbitrary restrictions, and promote inclusive digital development.

In conclusion, as society becomes increasingly digital, constitutional interpretation must also evolve. Protecting digital access under Article 21 would not create a new right but would strengthen the existing guarantee of life with dignity in the digital age

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