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The Right to Internet Access under Article 21 of the Indian Constitution: Judicial Evolution and Constitutional Limits

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The Right to Internet Access under Article 21 of the Indian Constitution: Judicial Evolution and Constitutional Limits

ABSTRACT

The internet has become a major platform that allows citizens to exercise their right to education, freedom of expression, governance, and economic empowerment. In India, where the internet has become a mediator between the State and its citizens, the regulation of internet access has significant constitutional implications. This research paper will discuss the question of whether the Indian constitutional courts have yet recognised the right to internet access under Article 21 of the Indian Constitution, which provides for the right to life and liberty. By doctrinal analysis of the major judicial decisions in the cases of Justice K.S. Puttaswamy v. Union of India, Anuradha Bhasin v. Union of India, Faheema Shirin R.K. v. State of Kerala, and recent developments in the Supreme Court on internet access, this research paper will discuss the evolution of judicial thinking on the issue of internet access and its linkage with the concepts of dignity, privacy, and liberty. It is submitted that, although the Indian judiciary has not yet declared an absolute right to internet access, it has increasingly come to recognise a conditional fundamental right within the limitations of the Indian Constitution. This article also examines the proportionality framework that regulates restrictions imposed by the state, including internet shutdowns and exemptions. The article concludes that the Indian judicial system shows a developing but partial constitutional recognition of internet access and the need for more defined standards.

KEYWORDS

Freedom of expression, Article 21, Indian Constitution, Right to Life, Liberty, Judicial System.

1. INTRODUCTION

The internet has transformed from a convenience-oriented service to a vital infrastructure through which people exercise their basic rights and access vital services. In the modern Indian setting, the availability of educational services, job opportunities, government social services, banking services, and health information is increasingly dependent on the internet. As the nature of governance and participation in the social process changes to online platforms, limitations on internet access pose grave constitutional issues, especially with respect to the right to life and

liberty guaranteed under Article 21.¹

The Indian constitutional judiciary has expansively interpreted Article 21. From being a mere procedural guarantee, Article 21 has developed into a repository of substantive rights, including dignity, autonomy, and access to necessities essential to the meaningful existence of human life.² Judicial interpretation has always held that the “right to life” does not only refer to the life of an animal but also includes the right to live with dignity and the freedom to exercise rights that make life meaningful.³ The question that arises is whether the availability of the internet, which is at the heart of modern living, comes within the ambit of Article 12.

This debate has assumed significance in the wake of growing cases of internet shutdowns by the State, digital-only delivery of State services, and regulatory policies that indirectly discriminate against persons who do not have access to or literacy in the digital environment. India has one of the highest numbers of internet shutdowns in the world, to maintain public order or national security.⁴ With that, the State has also increased digital governance initiatives, with internet access becoming a practical necessity for participation in the civic and economic life of the country.

However, the Indian judiciary has not yet clearly laid down an absolute fundamental right to internet access. Nevertheless, through various series of judgments, constitutional courts have slowly come to realise the importance of the internet as an essential component of the already existing fundamental rights. The Apex Court’s recognition of the right to privacy as a fundamental right under Article 21 was a major milestone in this respect, as it recognised informational autonomy and decisional liberty in the information age.⁵

The Courts have also played an important role in this evolution process. The Kerala High Court, in the case of *Faheema Shirin R.K. vs. State of Kerala*,⁶ held that the right to access the internet is part of the right to education and the right to privacy, thus including the right to access the digital world within the scope of Article 21. The Supreme Court, although more measured in its response, has emphasised the constitutional boundaries of the state’s power to prohibit the use of the internet and held that such boundaries are set by the principles of legality, necessity, and proportionality.⁷ Recently, the recognition of disabled’s right to access the digital world has highlighted the

¹ *Constitution of India*, Art. 21.

² *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

³ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

⁴ Internet Freedom Foundation, *Internet Shutdowns In India; Tracking Trends* (2023)

⁵ *Justice K.S. Puttaswamy (Retr) v. Union of India*, (2017) 10 SCC 1.

⁶ *Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 2977.

⁷ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

constitutional importance of inclusive access to the digital world.⁸

However, despite these developments, there still exists a degree of doctrinal ambiguity. The judiciary has been oscillating between the recognition of the essential nature of internet access and the reluctance to explicitly constitutionalize the same as a freestanding right. The absence of a clear doctrinal framework to define the scope, content, and limitations of the rights of the digital world has led to inconsistent application and enforcement of the same. This has resulted in concerns regarding arbitrariness, accountability, and the adequacy of constitutional safeguards in the digital governance space.

In this background, the current paper aims to undertake a doctrinal analysis of the Indian constitutional jurisprudence to examine the extent to which internet access can be read into Article 21 of the Indian Constitution. Also, the paper aims to investigate the important decisions of the courts that have contributed to the discourse on digital rights and investigate the constitutional standards that determine the limits of state-imposed restrictions on the same. The paper aims to present that the Indian judiciary has implicitly recognised a conditional right to internet access under Article 21, within reasonable restrictions as defined by constitutional standards. But the absence of a clear definition and standards has undermined the transformative impact of the same.

2. ARTICLE 21 AND THE TECHNOLOGICAL EXPANSION OF THE RIGHT TO LIFE AND PERSONAL LIBERTY

Article 21 of the Indian Constitution says, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Although this provision seemed to impose a procedural restriction on the State at first glance, the judicial interpretation of this provision has expanded its scope over the years. The Supreme Court has been steadily moving away from the narrow concept of life as mere existence and has been interpreting the article as encompassing the elements necessary for a life of dignity and substance.⁹

This was made clear by the Court’s repudiation of formalistic interpretations of Article 21 and its willingness to scrutinize the substantive effect of State action on the right to personal liberty. The judicial reasoning has gradually expanded the scope of the right to life to include those aspects which, without being included, would make the guarantee of personal liberty illusory. Thus, the scope of Article 21 has come to include a broad spectrum of interests that would enable a person

⁸ *Amar Jain v. Union of India*, Supreme Court of India, (2025).

⁹ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161

to make a meaningful contribution to society.

In the landmark case of *Maneka Gandhi vs. Union of India*,¹⁰ The Apex Court rejected both the literal and procedural understanding of the article. The court stated that "Any process in which a person is deprived of life or liberty must be fair, just, and reasonable," thereby incorporating substantive due process into Indian constitutional law. This decision assisted in the extension of Article 21 beyond its literal interpretation, covering a broad spectrum of rights that are necessary for human dignity. Based on this interpretation, Later rulings confirmed that rights like livelihood, health, shelter, education, and a clean environment are also vital to the right to life.

The concept of dignity being central to the right to life is one of the most important features of Article 21 jurisprudence. The Apex Court of India clearly stated in the case of *Francis Coralie Mullin v. Administrator*,¹¹ that the right to life includes living with human dignity, including the right to express oneself and the needs of life. In the present era, the presence of information and communication technology is increasingly associated with the notion of dignity.

The connection between technology and Article 21 became significant in the wake of the Apex Court's declaration of the right to privacy as a fundamental right in the case of *Justice K.S. Puttaswamy (Retd.) v. Union of India*.¹² In this historic decision, the Court held that the right to privacy is part of the right to life and liberty under Article 21 and is necessary for maintaining human dignity and autonomy. Notably, they also recognised that privacy is especially important in the digital age, where personal data, informational autonomy, and online activities are an essential part of one's identity.

When discussing how the right to internet access might be positioned inside Article 21, the Puttaswamy ruling is quite pertinent. The Court recognised that the central ideas of freedom in a technological setting are informational privacy and decision-making autonomy.¹³ These aspects of privacy is preceded by the right to internet access, which allows people to communicate, acquire information, and engage in online environments where decisions are increasingly being made on a personal and professional level. The constitutional right to informational liberty is essentially a myth in the absence of practical internet access. Thus, even though the Puttaswamy ruling didn't define the right to internet access,

¹⁰ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹¹ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

¹² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹³ *Id.*, at paras 168–170 (Chandrachud, J.).

it laid a foundation for its future recognition.

Moreover, the Apex Court also held that the basic rights need to keep pace with the changing social and technological realities. In the case of *Navtej Singh Johar vs. Union of India*,¹⁴ The court emphasised that the Constitution is a living document and must keep pace with the ever-unfolding notions of freedom and dignity. The above argument that the rights under Article 21 cannot be allowed to remain static in the pre-digital era is further reinforced by the above approach to interpretation. Right to life and liberty needs to keep pace with the changing realities of communication, education, and governance.

Running concurrently with this, the Court has highlighted that the right to information and communication is crucial for democratic participation. Although primarily considered under Article 19, these rights interact with Article 21 in situations where the absence of access affects dignity, autonomy, or the ability to live. The internet is the primary means by which these rights are exercised. Consequently, any restrictions on internet access are not only circumscribed by freedom of speech or trade but could also affect the conditions necessary for living with dignity under the same article.

But Article 21's reach has never been unrestricted. The Supreme Court of India acknowledged the proportionality theory as a standard for evaluating the limitations placed on citizens' basic rights in the *Modern Dental College v. State of Madhya Pradesh*.¹⁵ decision. According to the proportionality doctrine, in order to restrict a right, there must be a valid goal, a logical connection between the goal and the restriction, a need for the restriction, and balance the individual's rights against the state's interests. When there are technological limitations, the proportionality doctrine becomes important.

Thus, these two trends working together are reflected in the development of Article 21 as a theory. On the one hand, the rights to autonomy, privacy, and dignity have been added to the right to life, and these rights are increasingly being used digitally. However, the Court has ruled that these rights are subject to reasonable limitations grounded in constitutional principles. In this view, the right to internet connection does not emerge as a separate right but rather as a condition that helps in effectively exercising the fundamental right recognized under Article 21.

Therefore, the constitutional question is not about whether the internet

¹⁴ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

¹⁵ *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

is specifically addressed in the Constitution, but rather whether the judiciary's interpretation of these rights are impacted by the denial or restriction of internet access. While allowing for adequate state regulation, the broad and flexible interpretation of Article 21 provides a strong doctrinal basis for acknowledging the importance of internet access. The framework for examining how these principles have been implemented in Indian instances that directly involve internet access and digital restrictions is provided by this doctrinal background.

3. JUDICIAL EVOLUTION OF THE RIGHT TO INTERNET ACCESS IN INDIA

Indian constitutional courts have not made a clear statement declaring the existence of a fundamental right to internet access as a standalone right. Rather, the judicial recognition of the right to internet access has been a gradual process that has been linked to the effective enjoyment of the existing fundamental rights. This is a reflection of a certain judicial shift in approach, which recognizes the inevitability of the internet in contemporary society, at the same time as it resists the absolute constitutionalization of the internet. The judicial approach to the issue has been largely shaped by cases involving education, freedom of expression, public order, and internet inclusion.

The case of *Faheema Shirin R.K. v. State of Kerala*,¹⁶ was one of the earliest cases where the judicial importance of internet access was discussed. The main issue that arose out of the case was that the hostel rules imposed by a women's college were challenging; they restricted access to mobile phones and the internet to the college students. The petitioner claimed that such restrictions violated her basic rights, including the right to education and the right to privacy. The Kerala High Court agreed with the petitioner's claim and said that access to the internet is an integral part of the rights mentioned under Article 21.

In the modern digital age, the court held that the internet is the main medium through which students can access educational material, communicate, and acquire skills that are necessary for professional growth. Denial of internet access, therefore, directly affected educational opportunities and autonomy. Notably, the Court connected internet access with the dignity-based interpretation of Article 21, stating that any limitations must be reasonable and proportionate. Although this case was decided by a High Court and, therefore, does not apply to the entire country, it was an important step in the development of the doctrine because it clearly connected internet access with the fundamental rights.

¹⁶ *Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 2977.

In the case of *Anuradha Bhasin v. Union of India*,¹⁷ the involvement of the Apex Court assumed a more measured but significant constitutional tone. Under this, the challenge was prolonged ban on internet services in Jammu & Kashmir, which happened after the abrogation of “Article 370.” The petitioners argued that the indefinite ban on internet was violating their fundamental rights under “Articles 19 and 21 of the Indian Constitution.” But, the Apex Court did not held the internet access to be a fundamental right, it said that the constitutional rights include right to freedom of speech and trade via the internet.

Crucially, they also held that any limitation or ban on internet access must comply with the test of proportionality and cannot be an indefinite measure. The Court emphasised that suspension orders must be published to ensure transparency, accountability and also should be temporary, reasoned, and subject to periodic review. Although the decision mainly examined internet access from the perspective of Article 19, its implications for Article 21 are substantial. Indefinite denial of internet access, especially when it comes to accessing essential services and information, has a direct bearing on dignity and personal liberty. The Court’s emphasis on proportionality indirectly acknowledges that absolute state control over internet access is not constitutionally valid.

Later cases before the High Court have further expanded this paradigm. In cases like *Gaurav Sureshbhai Vyas v. State of Gujarat*, the Court has affirmed the need for internet access in the context of COVID-19, specifically in relation to accessing healthcare information and government services.¹⁸ While the Court has not directly held that internet access is a fundamental right, it has affirmed that the denial of internet access in emergencies may have significant implications for the right to life.

Another area of development has been the engagement of the judiciary with digital inclusion and accessibility. In the case of *Amar Jain v. Union of India*,¹⁹ the Apex Court of India dealt with the difficulties that persons with disabilities face in accessing digital public services, especially online KYC procedures. They said that “exclusionary digital systems should provide access to persons with disabilities, and if not, then they are violative of the rights of dignity and equality.” Notably, they also observed that “access to internet or digital platforms is essential for the enjoyment of fundamental rights in a digital governance framework.”

The Court did not state an explicit right to internet access in this case, but it held that the right to digital access is a part of Article 21, especially

¹⁷ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

¹⁸ *Gaurav Sureshbhai Vyas v. State of Gujarat*, 2020 SCC OnLine Guj 2326.

¹⁹ *Amar Jain v. Union of India*, Supreme Court of India, Order dated 30 April 2025.

when State prescribes online means of accessing necessary services. This is a major move away from negative obligations, such as restricting shutdowns, to positive obligations on the State's part to make digital infrastructure accessible. The word "meaningful access" used in this case shows that the obligation of the State is not only to make internet access available but also accessible.

In these cases, a clear trend is apparent. The courts have acknowledged the constitutional importance of internet access, where its loss affects education, speech, livelihood, and access to basic services. But this acknowledgement has been filtered through pre-existing rights rather than being stated as a new right. This is a way of expanding constitutional protection without upsetting the existing boundaries.

However, this indirect recognition has also led to some doctrinal ambiguities. The lack of a clear statement on the status of internet access under Article 21 has led to some irregular judicial decisions and a lack of enforcement. Although the High Courts have been more forthcoming in making a clear statement on the importance of internet access, the Supreme Court has taken a more incremental approach, focusing on safeguards, proportionality, and procedural justice rather than substantive rights.

This judicial development is also a symptom of a larger tension in constitutional law. On the one hand, the judiciary recognises the importance of the internet in today's world and its indispensability. They are also hesitant to extend fundamental rights in a way that could lead to the State having very onerous positive obligations. As a result, the right to internet access in India is a conditional and derivative right, which is recognised through its effect on well-established fundamental rights, rather than through a constitutional guarantee.

The development illustrated in this section shows that the judiciary has moved beyond the issue of internet access being merely a matter of policy. Rather, they have increasingly subjected the limitation on internet access to constitutional analysis based on dignity, liberty, and proportionality. This provides the context for examining the constitutional parameters of state regulation of internet access and the challenges that flow from the lack of a specific right.

4. LIMITS, PROPORTIONALITY, AND THE SCOPE OF STATE POWER

The acknowledgement of internet access as a constitutionally significant aspect under Article 21 does not necessarily mean an unlimited or absolute right. The Indian constitutional tradition has always held that fundamental rights are liable to reasonable restrictions in the pursuit of

legitimate state concerns. For internet access, this is likely to be a complex issue due to the interplay of competing national security, public order, and administrative efficiency concerns. Thus, the constitutional debate has not only been about the recognition of such rights but also about the limits of the state in restricting this right.

The legal basis for restrictions imposed by the state on internet is largely based on statutory as well as delegated legislation, specifically the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, made under the Telegraph Act, 1885.²⁰ These rules give power to the state so that it can restrict internet access during public emergencies or public safety. The wide scope of these rules has led to serious constitutional concerns about arbitrariness, a lack of transparency, and the disproportionate regulation of fundamental rights.

The judicial pronouncement in *Anuradha Bhasin v. Union of India* is the most authoritative judicial response to the scope of state power in this regard.²¹ Although the Court did not hold internet access to be a fundamental right under Article 21, it nonetheless constitutionalised suspension orders by applying the doctrine of proportionality. The Court held that any restriction on internet access must comply with the principles of legality, necessity, and proportionality, and cannot be continued indefinitely. This is a major shift from the previous judicial approach of giving great weight to security concerns raised by the executive.

The doctrine of proportionality, as held in *Modern Dental College and Research Centre v. State of Madhya Pradesh*, is that any restriction on the fundamental rights must have a legitimate aim, a rational nexus with that aim, must be the least restrictive alternative, and must strike a balance between the severity of the restriction and the importance of the aim sought to be achieved.²² In *Anuradha Bhasin*, the Supreme Court of India implicitly applied this test to internet shutdowns, thereby subjecting executive action to substantive constitutional review.

Yet, in spite of this clear doctrinal basis, the proportionality assessment in internet shutdowns has been rather inconsistent. One of the main issues is the Court's readiness to accept national security and public order as adequate reasons without requiring the State to provide a full disclosure of evidence. Although the Court required periodic review and publication of internet shutdown orders, it did not require the State to

²⁰ Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, framed under the Indian Telegraph Act, 1885.

²¹ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

²² *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

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explain why it had not opted for less restrictive measures, such as content-filtering or geographically limited shutdowns. This judicial reluctance has undermined the effectiveness of proportionality review in limiting excessive internet shutdowns.

In terms of Article 21, the issue of blanket or prolonged internet shutdowns presents a different set of concerns. In situations where access to health care, education, welfare programs, and emergency communication is facilitated through digital platforms, the shutdown of the internet has a direct bearing on the conditions required for living with dignity. In these cases, the limitation on internet access goes beyond the scope of regulation and enters the sphere of deprivation of personal liberty. Nonetheless, the judiciary has largely dealt with internet shutdowns on the basis of Article 19, leaving the Article 21 implications under-theorised.

Another aspect of state power arises in the context of indirect limitations on internet access through digital-only governance. The compulsion to log in to the internet for online authentication, digital KYC, and app-based provision of government services has, in effect, made internet access a necessity for the exercise of basic rights and entitlements. Although these policies are defended on the grounds of efficiency and fraud prevention, they give rise to constitutional concerns when they lead to the exclusion of persons without access, literacy, or accessibility support.

The judgment of the Supreme Court in the case of *Amar Jain v. Union of India* is a recognition of the problem.²³ It was held that when the State resorts only to digital methods for accessing necessary services, it has a positive obligation to ensure that such systems are accessible, inclusive, and non-discriminatory. Failure to do so would violate the dignity component of Article 21. This judgment marks a significant shift in the judicial approach to state power from one that sees state power only through the lens of negative restrictions, such as shutdowns, to one that recognises the constitutional implications of digital exclusion caused by state policy design.

However, the judiciary has been very cautious in imposing affirmative obligations on the State. The judiciary has avoided making internet access a socio-economic right that must be universally provided. This is based on institutional competence, separation of powers, and fiscal prudence. The judiciary has been very cautious in making sweeping reforms in the regulatory framework of internet access.

The cumulative impact of this jurisprudence is that a conditional

²³ *Amar Jain v. Union of India*, Supreme Court of India, Order dated 30 April 2025.

constitutional framework has emerged for internet access. The power of the State to limit or regulate internet access is not unlimited but must be circumscribed within clearly delineated constitutional limits. Limitations must be based on the authority of law, have a legitimate aim, be proportionate, and be subject to review and accountability. However, when the State requires digital access as a prerequisite for the exercise of rights, it has a corresponding obligation to avoid exclusion and ensure meaningful access.

Nevertheless, the lack of clear articulation of these values in the jurisprudence of Article 21 has led to piecemeal enforcement. The courts have dealt with specific cases of overreach without developing a consistent standard to apply across cases.

Consequently, the parameters of state power with regard to internet access are still circumscribed more by judicial prudence than constitutional clarity. Although proportionality has come to be the chief method of review, its ad hoc application has limited its ability to serve as a robust check. This deficiency highlights the need for a more developed doctrinal framework that locates internet access in Article 21 while taking into account state interests.

5. ANALYSIS AND FINDINGS

The judicial development traced in the previous sections shows that the Indian constitutional courts are gradually recognising the importance of internet access as a constitutional value, but have been cautious in not treating it as an absolute and freestanding fundamental right. This is a deliberate judicial approach that aims to maintain the flexibility of the constitution in response to the challenges of a digital age. The judicial stance can be best characterised as recognising a conditional and derivative right to internet access.

Firstly, the most important observation is that the courts have been treating internet access as a facilitative factor for the enjoyment of already recognised fundamental rights and not as an independent right. In cases relating to education, freedom of expression, trade, privacy, and access to basic services, the denial of internet access has been examined in the context of its effect on these rights. This approach enables the courts to provide constitutional protection without resorting to a broadening of the rights paradigm. But this also leads to a piecemeal protection, where the courts are concerned only with the denial of access that can be traced to an already recognised right.

Secondly, the courts have made a difference between what the government is not required to do and what it must do. In cases where internet shutdowns happen, the courts have focused on limiting too

much government control by ensuring fair procedures, checking if actions are reasonable, and allowing for review. This corresponds to a traditional rights-protective approach, which limits state power rather than requiring positive action. On the other hand, in cases of digital exclusion due to state-created systems, such as compulsory online authentication, the judiciary has started to identify a narrow positive obligation to guarantee inclusion and accessibility.²⁴ This is a sign, although incremental, that the judiciary is conscious of the fact that digital governance may itself become a source of constitutional injury.

Thirdly, the proportionality doctrine has become the central mechanism through which the judiciary controls state power over internet access. Although the use of proportionality in *Anuradha Bhasin* is a step forward in terms of doctrine, its application has been cautious and, at times, judicially deferential. The judiciary has accepted very broad claims of public order and national security without requiring strict justification or examination of less restrictive alternatives.²⁵ This watered-down approach to proportionality undermines the effectiveness of the doctrine as a safeguard and permits executive discretion to continue largely unabated.

Fourth, the analysis shows that there is a certain reluctance on the part of the Apex Court to constitutionalize the right to internet access explicitly, owing to concerns about institutional competence and resource allocation. The positive right to internet access may potentially impose heavy infrastructural and financial burdens on the State. As such, the Apex Court has taken an indirect approach by recognising the right to internet access where its denial affects dignity and liberty, but has refrained from characterising it as a socio-economic right. This is in line with the overall trends of Indian constitutional jurisprudence, where the courts try to keep a balance between the expansion of rights and separation of powers. However, this approach also has far-reaching implications.

The lack of an explicit doctrinal framework on the scope and substance of the right to internet access has led to inconsistent decisions and lack of enforceability. Persons affected by the shutdown or digital exclusion do not have much recourse other than procedural due process. Furthermore, the reliance on executive discretion, even if reviewed post-facto by the judiciary, does not deal with the systemic problem of digital exclusion. The results of this paper indicate that the current state of Indian constitutional jurisprudence is aware of a nascent basic interest in internet access under Article 21, based on dignity, autonomy, and social participation. However, this interest is not absolute but needs to be

²⁴ *Amar Jain v. Union of India*, Supreme Court of India, Order dated 30 April 2025.

²⁵ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

justified by the State on strict constitutional principles.

Overall, the judiciary is aware of the constitutional significance of internet access but has not yet fathomed its constitutional status. This is a phase of transition in Indian constitutional law, where the judiciary is struggling to apply existing constitutional principles to the new reality of technology. The difficulty is not in recognising the constitutional significance of internet access but in creating a proper balance between the freedom of an individual and the interest of the States under Article 21.

6. CONCLUSION

This paper has investigated whether the Indian constitutional jurisprudence has established the right to internet access under the ambit of the Indian Constitution and limitations that frame such recognition. Although the Indian judiciary has not held internet access as a specific and separate fundamental right, it has gradually recognised its relevance under the Indian Constitution as a result of its association with dignity, privacy, education, expression, and access to basic services. In this context, the denial or limitation of internet access is no longer considered a matter of mere administrative or policy concern but one that is susceptible to constitutional review.

The judicial response to internet access has been one of measured and incremental steps. The results show that Indian constitutional law currently recognises a conditional and derivative constitutional right to internet access. The right is not absolute but mandates that state-imposed limitations on internet access must be constitutionally justified and that digital governance structures cannot lead to arbitrary exclusion.

The judicial development discussed in this paper illustrates the ongoing transformation in constitutional thinking. As internet infrastructure increasingly becomes the backbone of the exercise of fundamental rights, more precise doctrinal articulation will be necessary to be sure that the constitutional guarantee of life and personal liberty continues to remain efficacious in a digital age.

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