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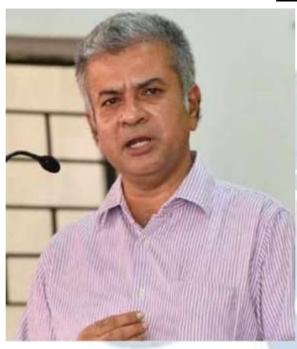
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

DIGITAL DIVIDE AND THE RIGHT TO INTERNET: A SOCIO-LEGAL PERSPECTIVE ON THE DIGITAL INDIA INITIATIVE

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ABSTRACT

The emergence of the digital era has significantly altered the modes of access to information, governance, and social engagement, increasingly rendering them reliant on internet connectivity. Nonetheless, within a nation as multifaceted and inequitable as India, this evolution has laid bare a pronounced digital divide that disproportionately impacts rural demographics, women, and marginalized groups. This paper explores the socio-legal elements of the digital divide in India, with a specific focus on the constitutional and human rights issues surrounding internet access. Rooted in a detailed evaluation of the Digital India Initiative, the analysis considers if internet access might be regarded as a fundamental right under the Indian Constitution, particularly in the framework of key judicial precedents including Faheema Shirin v. State of Kerala and Anuradha Bhasin v. Union of India. The paper further engages in comparative analysis with international legal progressions, including United Nations resolutions and national frameworks in other jurisdictions that acknowledge internet access as a fundamental human right. Employing a socio-legal perspective, the study delineates essential policy deficiencies, implementation obstacles, and legal ambiguities that obstruct equitable digital inclusion. Ultimately, it proposes pragmatic reforms aimed at acknowledging and actualizing the right to internet access as vital for the fulfillment of constitutional guarantees of equality, justice, and participatory governance within a digital democracy.

INTRODUCTION

The phenomenon of the digital divide constitutes one of the most pressing challenges in the modern information era, characterized as the disparity between demographics and regions that possess access to contemporary information and communications technology (ICT) and those that experience limited or no access. Globally, this split shows up as clear inequalities: as of 2022, it's estimated that 2.7 billion individuals—representing one-third of the world

population—are still without internet connectivity, and 53% of the general population lacks high-speed broadband access.[1] The geographical distribution of this divide raises significant concerns, with internet penetration rates at 89% in Europe juxtaposed against a mere 40% in Africa. Amidst the Indian backdrop, despite notable technological improvements, the digital divide endures, exacerbating socio-economic disparities linked to class, caste, and gender, as women show a 41% lower likelihood of mobile internet use than men.[2] This disparity poses a substantial threat to social inclusion, economic opportunities, and educational progress in an increasingly digitized landscape.

The notion of the Right to Internet has emerged as a pivotal discourse within this framework. In India, this right has garnered constitutional acknowledgment through judicial interpretation. The Apex Court, in the case of *Anuradha Bhasin vs. Union of India*, affirmed that internet freedom is safeguarded under Articles 19(1)(a) and 19(1)(g) of the Constitution, which ensure the freedom of expression and the right to engage in any profession. Kerala distinguished itself as the inaugural Indian state to recognize internet access as a fundamental right in 2019, aligning with United Nations recommendations that compel member states to establish infrastructure for universal internet accessibility.

The Digital India Initiative, inaugurated in 2015 by Prime Minister Narendra Modi, epitomizes the government's strategic response to these challenges. This all-encompassing program envisions the transformation of India into a digitally empowered society and knowledge economy by augmenting digital infrastructure, fostering digital literacy, and providing services through electronic means.

This research endeavours to investigate whether access to the internet constitutes a legal right within the Indian jurisdiction and assesses the efficacy of the Digital India mission in addressing digital inequality. Through a socio-legal analysis that quantifies qualitative data, this study explores the intersection of technological access, legal frameworks, and social empowerment to evaluate the initiative's effectiveness in bridging the digital divide.

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[1] Landry Signe, "Fixing the global digital divide and digital access gap", available at https://www.brookings.edu/articles/fixing-the-global-digital-divide-and-digital-access-gap/ (last visited on May 05, 2025).
[2] Amit Kumar, "Overcoming digital divide key to achieving Digital India goal", available at https://www.downtoearth.org.in/science-technology/overcoming-digital-divide-key-to-achieving-digital-india-goal-94758 (last visited on May 06, 2025).

UNDERSTANDING THE DIGITAL DIVIDE IN INDIA

India's digital divide is a multifaceted challenge that manifests across urban-rural, income-based, linguistic, and ability-based lines, perpetuating systemic inequalities.

Types of Digital Divide

Urban-Rural Disparities: Regional imbalances in digital access remain stark. Southern states like Kerala demonstrate relative equity, with 39% of the poorest rural households having internet access compared to 67% of urban households. In contrast, Assam exhibits extreme inequality: 80% of urban affluent households have internet, while 94% of rural poor households lack connectivity[3]. Kerala also leads in rural computer ownership, while Himachal Pradesh tops in internet accessibility across both rural and urban areas.[4]

Income-Based Inequality: Ownership of digital devices correlates strongly with economic status. While India's smartphone market is projected to grow by 6% in 2025, driven by premiumization trends and budget 5G devices,[5] affordability remains a barrier for low-income groups. Only 20% of Indians aged 5+ possess basic digital literacy, hindering effective internet use even when access exists.[6]

Linguistic Barriers: E-governance initiatives in rural India face challenges due to language diversity. Digital platforms often lack localization, excluding non-English and non-Hindi speakers.[7]

Gender and Literacy Gaps: Although rural women's literacy rates have improved significantly (from 71.7% to 77.7% over a decade), digital literacy remains low, exacerbating gender-based exclusion.

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[3] BYJU'S, "Digital Divide in India" (2022), available at https://byjus.com/govt-exams/digital-divide-india/ (last visited May 06, 2025).

[4] Ibid.

[5] Indian Retailer, "India's Smartphone Market Set to Soar in 2025" (2024), available at https://www.indianretailer.com/article/retail-business/consumer-trends/indias-smartphone-market-set-soar-2025 (last visited May 06, 2025).

[6] BYJU'S, "Digital Divide In India" (2022), available at https://byjus.com/govt-exams/digital-divide-india/ (last visited May 06, 2025).

[7]International Journal of E-Computer Science and Engineering, "Challenges of E-Governance Implementation in Rural India" (2022), available at https://www.int-jecse.net/article/Challenges+of+E-Governance+Implementation+in+Rural+India%253A+An+Empirical+Study_5408/ (last visited May 07, 2025).

Statistical Overview

- **Internet Penetration**: 55.3% (806 million users) as of 2025, with 44.7% remaining offline.[8]

- **Smartphone Adoption**: Production surged by 2,000% between 2014–2024, driven by PLI schemes.[9]

- **Literacy Rates**: Projected to reach 80–85% by 2025[10], yet digital literacy lags at 20% nationally.

Real-Life Challenges

Online Education During COVID-19: The pandemic exposed critical gaps. Over 50% of students faced network instability, and 21% reported mental health issues due to isolation and academic pressure.[11] While platforms like Zoom became ubiquitous, only 50% of households had reliable internet access, disproportionately affecting rural and low-income students.

Rural E-Governance Access: Persistent infrastructure deficits-such as erratic electricity and low broadband penetration-hinder digital service delivery. Only 10% of rural Odisha households have internet, compared to 55% in Delhi[1]. Additionally, 60% of rural residents lack training to navigate digital portals, limiting their ability to access welfare schemes.[12]

Impacts on Marginalized Groups

Marginalized communities, including rural populations, low-income households, and linguistic minorities, face exclusion from essential services like education, healthcare, and financial inclusion. For instance, during COVID-19, students in states like Andhra Pradesh (literacy rate: 66.4%) struggled to transition to online learning due to compounded literacy and connectivity barriers. Similarly, rural citizens often rely on intermediaries to access e-governance services,

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[8] Data Reportal, "Digital 2025: India" (2025), available at https://datareportal.com/reports/digital-2025-india (last visited May 07, 2025).

[9] Indian Retailer, "India's Smartphone Market Set to Soar in 2025" (2024), available at https://www.indianretailer.com/article/retail-business/consumer-trends/indias-smartphone-market-set-soar-2025 (last visited May 07, 2025).

[10] Filo, "Projection About India's Literacy Rate in 2025" (2024), available at https://askfilo.com/user-question-answers-smart-solutions/6-what-is-your-projection-about-indias-literacy-rate-in-2025-3133343136323136 (last visited May 07, 2025).

[11] International Journal of Indian Psychology, "Benefits and Challenges of Online Education during COVID-19 Lockdown" (2022), available at https://ijip.in/wp-content/uploads/2022/05/18.01.017.20221002.pdf (last visited May 08, 2025).

[12] International Journal of E-Computer Science and Engineering, "Challenges of E-Governance Implementation in Rural India" (2022), available at https://www.int-jecse.net/article/Challenges+of+E-Governance+Implementation+in+Rural+India%253A+An+Empirical+Study_5408/ (last visited May 09, 2025).

increasing vulnerability to exploitation

RIGHT TO INTERNET: A SOCIO-LEGAL ANALYSIS

The discourse around the **right to internet access** has evolved considerably in recent years, driven by the increasing centrality of digital connectivity in modern life. In a democratic and rights-based legal framework such as India's, the internet is not merely a technological tool—it is a gateway to exercise fundamental freedoms, including the rights to education, speech and expression, and access to public services. Recognising the internet through a **socio-legal lens** underscores its dual nature: as a catalyst for empowerment and as a potential site of exclusion. The Indian judiciary has made **significant strides** in this direction. In *Faheema Shirin R.K. v. State of Kerala*, the Kerala High Court held that the right to access the internet forms part of the **right to education** under Article 21A and the **right to privacy** under Article 21 of the Constitution. The Court struck down hostel regulations restricting internet access for female students, stating that digital access is integral to students' right to personal liberty and educational opportunities.[13]

Another major judicial development occurred in *Anuradha Bhasin v. Union of India*, where the **Supreme Court of India** addressed the legality of internet shutdowns in Jammu and Kashmir. The Court, while not explicitly declaring the right to internet as a fundamental right, held that freedom of speech and expression under Article 19(1)(a) and the freedom to practice any profession under Article 19(1)(g) include the **right to access the internet** as an enabler of these freedoms. The Court further ruled that **restrictions on internet access must be proportionate, necessary, and subject to judicial review**.[14]

These rulings represent a significant shift toward recognising **internet access as a component of fundamental rights**. However, the absence of a clear statutory or constitutional articulation of the right creates ambiguity in enforcement, particularly in times of crisis or emergency. This ambiguity disproportionately affects those on the margins of society, for whom the internet is often the only accessible platform for education, employment, healthcare, and welfare benefits. Globally, there is increasing consensus on the status of internet access as a human right. The **United Nations Human Rights Council**, through its 2016 resolution, declared that "the same

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[13] *Faheema Shirin R.K. v. State of Kerala*, AIR 2020 Ker 35 (Ker HC).
[14] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

rights that people have offline must also be protected online," including the freedom of expression.[15] This resolution urged states to promote digital inclusion and refrain from measures that intentionally prevent or disrupt access to information online.

Some countries have gone even further by providing **statutory guarantees** of internet access. For instance, **Finland** was the first country to make broadband internet a legal right in 2010, requiring telecom providers to ensure access to all citizens.[16] Similarly, **Estonia** recognizes internet access as a social right essential to democratic participation.[17] These examples demonstrate that states can—and should—treat digital access as a core public good, subject to legal protection and policy prioritization.

From a **socio-legal perspective**, the digital divide thus represents not just a technological lag but a denial of **substantive equality and distributive justice**. Without legal recognition and structural safeguards, the internet can reinforce existing hierarchies of class, caste, gender, and geography. Law, in this context, must act as an instrument of empowerment—ensuring not only the right to be online but also the capacity to **meaningfully participate** in the digital ecosystem.

Therefore, moving beyond judicial dicta, there is a pressing need for **legislative recognition of internet access as a legal right** in India. This must be complemented by actionable policy measures that address affordability, accessibility, and digital literacy—particularly for vulnerable populations. Only then can India's constitutional promise of equality and dignity be meaningfully extended into the digital realm.

THE DIGITAL INDIA INITIATIVE: VISION VS GROUND REALITY

The Digital India Initiative, inaugurated on July 1, 2015, by the Indian Government, represents a significant program designed to mitigate the digital divide and establish India as a digitally empowered society and knowledge-driven economy. Its vision is predicated on three essential pillars: the provision of digital infrastructure as a utility accessible to every citizen,[18] the

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[15] Human Rights Council, Res 32/13, UN Doc A/HRC/RES/32/13 (1 July 2016).
[16] Ministry of Transport and Communications, Finland, "Broadband 2015" (2010), available at https://www.lvm.fi. (last visited May 09, 2025).
[17] Estonian Ministry of Economic Affairs and Communications, "Estonia: A Digital Society" (2021), available at https://www.mkm.ee. (last visited May 09, 2025).
[18] Ministry of Electronics & Information Technology, "Our Pillars - Digital India," available at https://www.digitalindia.gov.in/our-pillars/ (last visited May 09, 2025).

facilitation of governance and services on demand, and the digital empowerment of the populace. The initiative's overarching goal is to render technology accessible, affordable, and advantageous for all demographics, thereby promoting inclusive growth and enhancing the overall quality of life throughout the nation.

Key Pillars and Achievements

The mission is actualized through nine strategic pillars, which encompass Broadband Highways, Universal Access to Mobile Connectivity, Public Internet Access Programs, e-Governance, e-Kranti (the electronic delivery of services), Information for All, Electronics Manufacturing, IT for Jobs, and Early Harvest Programs.[19] Noteworthy accomplishments under these pillars include:

Digital Infrastructure: The BharatNet initiative has successfully connected over 1.p lakh gram panchayats with broadband, with an objective of extending connectivity to 2.5 lakh villages via an expansive optical fiber network.[20] Public Wi-Fi hotspots established under the PM-WANI scheme have democratized internet accessibility, particularly in rural and semi-urban regions.

Digital Literacy: Initiatives such as the Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA) have successfully imparted basic digital skills to over 60 million rural citizens, while platforms like SWAYAM provide online courses aimed at closing educational disparities.[21]

e-Governance: The JAM Trinity (Jan Dhan-Aadhaar-Mobile) has facilitated the seamless provision of financial services, subsidies, and benefits directly to recipients, thereby diminishing leakage and corruption. Initiatives such as e-Kranti and Common Services Centres (CSCs) have effectively brought government services to the doorstep of rural citizens,

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[19] Ministry of Electronics & Information Technology, "Our Pillars - Digital India," available at https://www.digitalindia.gov.in/our-pillars/ (last visited May 09, 2025).

[20] Jaankaar Bharat, "A Comprehensive Guide to the Digital India Initiative," (Jan. 9, 2025), available at https://jaankaarbharat.com/blog/a-comprehensive-guide-to-the-digital-india-initiative-cm5oyfdaj000bw1stdne46hbl (last visited May 10, 2025).

[21] UPPCS Magazine, "The Digital India Mission: Achievements, Obstacles, and Future Vision," (Feb. 22, 2025), available at https://uppcsmagazine.com/the-digital-india-mission-achievements-obstacles-and-future-vision/ (last visited May 11, 2025).

encompassing banking, insurance, telemedicine, and additional services.[22]

Digital Public Infrastructure: Frameworks such as Aadhaar, UPI, and DigiLocker have emerged as foundational systems, underpinning financial inclusion, digital payment mechanisms, and secure document storage for millions of individuals.[23]

Critical Analysis: Successes and Persistent Gaps

I. Successes in Digital Delivery

Digital India has significantly expanded internet accessibility, with India now boasting the world's second-largest online market and over 700 million users9. Digital payments have surged, with platforms like UPI and BHIM making India a global leader in digital transactions. The use of digital platforms for COVID-19 management, such as CoWIN and Aarogya Setu, highlighted the potential of digital governance in crisis response.[24]

II. Persistent Gaps: Infrastructure, Literacy, and Affordability

Despite these successes, the initiative faces persistent challenges:

- **Infrastructure Deficits:** Rural and remote areas continue to suffer from inadequate broadband connectivity, unreliable electricity, and limited access to digital devices. For example, in states like Jharkhand and Tripura, poor infrastructure and geographical barriers hinder the reach of digital services.[25]

- **Digital Literacy:** Significant segments of the population, especially among women, older adults, and marginalized groups, lack the digital skills required to fully participate in the digital economy.[26] This digital literacy gap limits the effectiveness of e-governance and digital empowerment programs.

- **Affordability:** The high cost of smartphones, computers, and data plans remains a barrier for low-income households, reinforcing existing socio-economic

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[22] Ahlawat & Associates, "Digital India Initiative: Driving India Forward," (July 17, 2024), available at https://www.ahlawatassociates.com/blog/digital-india-initiative-driving-forward (last visited May 11, 2025).

[23] Yoon Jae Ro, "India's Digital Future: Inclusive Growth or Widening Divide?" Korea Institute for International Economic Policy, (Mar. 31, 2025), available at https://www.kiep.go.kr/gallery.es?mid=a20308000000&bid=0008&act=view&list_no=11770 (last visited May 11, 2025).

[24] Jaankaar Bharat, "A Comprehensive Guide to the Digital India Initiative," (Jan. 9, 2025), available at https://jaankaarbharat.com/blog/a-comprehensive-guide-to-the-digital-india-initiative-cm5oyfdaj000bw1stdne46hbl (last visited May 11, 2025).

[25] "Digital Transformation in Rural Jharkhand," International Journal of Research Culture Society, available at https://ijrcs.org/wp-content/uploads/IJRCS202409016-min.pdf (last visited May 11, 2025).

[26] Ibid.

inequalities.[27] Even with some of the world's lowest data tariffs, the upfront cost of devices and recurring expenses exclude many from digital participation.

III. Implementation Bottlenecks in Tribal and Remote Regions

Implementation challenges are particularly acute in tribal and remote regions. In states like Tripura, illiteracy, lack of awareness, resistance to change, and very low bank account penetration undermine the adoption of digital services.[28] The absence of reliable internet signals and limited private sector participation further complicate efforts to bridge the digital divide. Similarly, in rural Jharkhand, rugged terrain, dispersed populations, and underdeveloped infrastructure make it difficult to provide consistent digital connectivity and services.[29]

IV. Vision vs Ground Reality

While the Digital India Initiative has achieved notable advancements in the realms of digital infrastructure expansion, financial inclusion promotion, and service delivery enhancement, the empirical observations indicate the presence of entrenched disparities. Urban locales and affluent demographics have reaped disproportionate benefits, whereas rural, tribal, and marginalized populations continue to encounter significant obstacles concerning access, affordability, and digital literacy. The efficacy of the Digital India program is contingent upon the rectification of these enduring gaps through strategically directed investments, context-specific solutions, and ongoing endeavours to empower the most underserved segments.

<u>BRIDGING THE DIVIDE: LEGAL AND POLICY RECOMMENDATIONS</u>

Acknowledging the enduring digital divide in India, a comprehensive legal and policy framework is imperative to guarantee equitable access and substantial digital inclusion. The subsequent recommendations pertain to the legal recognition of internet access, the advancement of infrastructure, the promotion of digital literacy, the establishment of

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[27] Yoon Jae Ro, "India's Digital Future: Inclusive Growth or Widening Divide?" Korea Institute for International Economic Policy, (Mar. 31, 2025), available at https://www.kiep.go.kr/gallery.es?mid=a20308000000&bid=0008&act=view&list_no=11770 (last visited May 11, 2025).

[28] "Impact of Digitization on Tribal Society with Special Reference to Tripura," İlköğretim Online, available at https://ilkogretim-online.org/index.php/pub/article/download/5183/5022/9933 (last visited May 11, 2025).

[29] "Digital Transformation in Rural Jharkhand," International Journal of Research Culture Society, available at https://ijrcs.org/wp-content/uploads/IJRCS202409016-min.pdf (last visited May 11, 2025).

emergency safeguards, and the facilitation of public-private partnerships.

1. **Recognizing the Right to Internet as a Fundamental or Statutory Right**

   The Supreme Court of India, in *Anuradha Bhasin v. Union of India*, has affirmed that access to the internet is constitutionally protected under Articles 19(1)(a) and 19(1)(g), linking it to the rights of free speech, expression, and the practice of any profession.[30] However, the Court has also left open the question of whether a positive, enforceable right to access the internet exists, suggesting the need for explicit legislative or constitutional recognition.[31] A statutory or constitutional amendment formally recognizing the right to internet access-similar to the recognition of the right to education-would provide a robust legal foundation, ensuring that internet shutdowns or restrictions are subject to strict scrutiny and proportionality.[32]

2. **Improving Digital Infrastructure and Last-Mile Connectivity**

   Bridging the digital divide requires urgent investment in digital infrastructure, particularly in rural, tribal, and remote regions where connectivity remains inadequate. Targeted policies should prioritize the expansion of broadband networks, reliable electricity supply, and affordable access to digital devices. Partnerships with internet service providers and community organizations can help establish community Wi-Fi hotspots and ensure that connectivity reaches the last mile.

3. **Targeted Digital Literacy Programs for Marginalized Groups**

   Digital literacy must be prioritized for women, the rural poor, and persons with disabilities, who remain disproportionately excluded from the digital revolution. Programs such as DEF's GOAL and Digital Sarthak have demonstrated the effectiveness of mentorship, tailored training, and community-based digital resource centers in empowering women and persons with disabilities. Comprehensive digital literacy initiatives should include device distribution, skill-building workshops, and ongoing mentorship, with special attention to digital safety and privacy.[33]

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[30] Mondaq, "Right To Access Internet - Media & Entertainment Law - India," available at https://www.mondaq.com/india/media-entertainment-law/1372668/right-to-access-internet (last visited May 11, 2025).

[31] India Today, "Internet access a fundamental right, Supreme Court makes it official," (Jan. 10, 2020), available at https://www.indiatoday.in/news-analysis/story/internet-access-fundamental-right-supreme-court-makes-official-article-19-explained-1635662-2020-01-10 (last visited May 11, 2025).

[32] Ibid.

[33] Bar & Bench, "The need for a separate Fundamental Right to Internet in India," available at https://www.barandbench.com/apprentice-lawyer/the-need-for-a-separate-fundamental-right-to-internet-in-india (last visited May 11, 2025).

4. Legal Mandates for Uninterrupted Access During Emergencies

The COVID-19 pandemic and regional conflicts have underscored the necessity of uninterrupted internet access for education, healthcare, and essential services. Legal mandates should require that internet shutdowns or restrictions are imposed only as a last resort, subject to judicial review and strict adherence to the proportionality principle.[34] Essential services, such as hospitals and educational institutions, must be guaranteed continuous connectivity even during emergencies.[35]

5. Public-Private Partnerships for Equitable Access

The success of Digital Public Infrastructure (DPI) and the Digital India initiative demonstrates the value of robust public-private collaboration. Leveraging the expertise and resources of IT/ITES providers, startups, and NGOs can accelerate innovation, lower costs, and expand access to underserved populations. Such partnerships should focus on infrastructure development, affordable device distribution, and the creation of India-specific digital solutions for diverse sectors, including education, healthcare, and agriculture.[36]

In conclusion, bridging India's digital divide requires a rights-based legal framework, targeted infrastructure and literacy interventions, emergency safeguards, and dynamic public-private partnerships. These steps are essential to realize the constitutional promise of digital empowerment and inclusive growth for all citizens.

CONCLUSION

In the 21st century, access to the internet has become indispensable for meaningful participation in democratic processes, access to education, and efficient governance. The digital revolution has transformed the way citizens interact with the state, access public services, and exercise their fundamental rights. However, as this research has demonstrated, the digital divide in India continues to mirror and, in some cases, exacerbate existing social, economic, and regional inequalities. The inability of marginalized groups to access the internet undermines the very principles of equality and justice enshrined in the Constitution of India,

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[34] S&P Global, "India's AI ambitions: Can public-private partnerships lead the way?" (Sept. 19, 2024), available at https://www.spglobal.com/en/research-insights/special-reports/india-forward/indias-ai-ambitions-can-public-private-partnerships-lead-the-way (last visited May 11, 2025).

[35] Gateway House, "Private Innovation in Digital Public Infrastructure," (June 27, 2024), available at https://www.gatewayhouse.in/private-innovation-in-digital-public-infrastructure/ (last visited May 11, 2025).

[36] Funds for NGOs, "Digital Inclusion: Empowering Women in Rural Areas through Technological Solutions," (Sept. 26, 2024), available at https://www.fundsforngos.org/proposals/digital-inclusion-empowering-women-in-rural-areas-through-technological-solutions/ (last visited May 11, 2025).

and risks excluding millions from the benefits of digital progress.[37]

The recognition of the Right to Internet as a fundamental or statutory right is not merely a matter of legal formality but a necessary step to guarantee that every citizen can participate fully in the digital age. The Supreme Court's observations in *Anuradha Bhasin v. Union of India* have provided a constitutional foundation for this right, linking it to the freedoms of speech, expression, and occupation.[38] Nevertheless, the absence of explicit legislative recognition leaves the right vulnerable to arbitrary restrictions, particularly during emergencies or periods of unrest. Robust legal recognition-either through constitutional amendment or dedicated legislation-would ensure that internet access is protected, subject only to reasonable and proportionate limitations.[39]

Bridging the digital divide is not only a technological or economic imperative but a constitutional one. Article 14 guarantees equality before the law, while Article 21 ensures the right to life and personal liberty, which in the digital era must include the right to digital inclusion.[40] Ensuring universal, affordable, and meaningful access to the internet aligns with the Directive Principles of State Policy, which call for the promotion of social welfare and the reduction of inequalities.[41]

In conclusion, the Digital India Initiative has made significant strides, but much remains to be done to achieve true digital inclusion. A rights-based, inclusive, and participatory approach-grounded in robust legal recognition and targeted policy interventions-is essential for realizing the constitutional promise of equality, justice, and empowerment for all citizens in the digital age.[42]

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[37] S. Chatterjee, "Digital Divide in India: A Review," *Journal of Development Policy and Practice*, Vol. 6, No. 1, pp. 1-19 (2021)

[38] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

[39] Bar & Bench, "The need for a separate Fundamental Right to Internet in India," available at https://www.barandbench.com/apprentice-lawyer/the-need-for-a-separate-fundamental-right-to-internet-in-india (last visited May 11, 2025).

[40] The Constitution of India, arts. 14, 21.

[41] The Constitution of India, Directive Principles of State Policy, arts. 38, 39.

[42] S. Kumar & R. Gupta, "Digital India: Vision, Challenges and Opportunities," *International Journal of Advanced Research in Computer Science*, Vol. 10, No. 5, pp. 1-6 (2019).