9TH INTERNATIONAL STUDENT CONFERENCE ON LOCAL SAFETY AND SECURITY

University of Maribor

Faculty of
Criminal Justice and Security

PARUL UNIVERSITY

Erasmus+

Slovenian Research and Innovation Agency

SUSTAINABLE DEVELOPMENT AND REDUCING INEQUALITY IN ACCESS TO CYBER SPACE RELATED TO INDIA

BHADARKA NITISH KISHOR

BRIEF INTRODUCTION

India's expanding digital ecosystem plays a vital role in advancing **sustainable development**, yet inequalities in access to cyberspace continue to persist. From a legal perspective, digital inclusion is grounded in constitutional guarantees such as **Article 14 of the Constitution of India** and **Article 19(1)(a) of the Constitution of India**, which support equal access to information and communication technologies. The recognition of privacy as a fundamental right in **Justice K.S. Puttaswamy v. Union of India** has further shaped India's digital rights framework.

Despite legislative progress, including the **Digital Personal Data Protection Act, 2023**, challenges such as the rural–urban divide, gender disparities, and lack of digital literacy continue to restrict equitable access. These inequalities hinder inclusive participation in the digital economy and impact the achievement of Sustainable Development Goals.

A rights-based and policy-driven approach is essential to bridge these gaps, ensuring that India's digital transformation remains inclusive, equitable, and aligned with constitutional values.

RESEARCH QUESTIONS

1. How can legal and policy reforms in India reduce inequalities in access to cyberspace to promote sustainable and inclusive development?
2. To what extent does the digital divide in India reflect underlying structural inequalities such as rural–urban disparities, gender gaps, and socio-economic exclusion?
3. Does the existing Indian legal framework adequately recognize and protect equitable access to cyberspace as a fundamental or statutory right?
4. What are the key implementation gaps in India's digital policies and regulatory mechanisms that hinder equitable access to cyberspace?
5. How can India's digital governance framework be aligned with Sustainable Development Goals, particularly SDGs 9 (Industry & Infrastructure), 10 (Reduced Inequalities), and 16 (Justice & Institutions), to ensure inclusive digital growth?

Hypothesis

H1 :The persistence of the digital divide in India is not solely technological but is deeply rooted in inadequate legal recognition of digital access, weak regulatory enforcement, and existing structural inequalities (rural–urban, gender, and socio-economic).

H2 : A rights-based digital legal framework, complemented by targeted and inclusive policy interventions, can effectively reduce inequalities in access to cyberspace and advance sustainable and inclusive development in India.

Digital Divide in India

India's digital divide is not just about connectivity—it reflects deeper inequalities in access, opportunity, and inclusion.

Significant disparity in access to internet and digital infrastructure

Divide exists across:

Geography (Rural vs Urban)	Gender	Socio-economic groups

Statutory & Policy Framework – Gaps in Digital Access

India's statutory regime, including the Information Technology Act, 2000 and the Digital Personal Data Protection Act, 2023, primarily focuses on regulation, cybersecurity, and data privacy. However, these laws do not address **equitable access to cyberspace**. There is no statutory guarantee ensuring **universal, affordable, or non-discriminatory internet access**, reflecting a significant legislative gap in achieving digital inclusion.

Policy Framework: Progressive but Non-Binding
Government initiatives such as Digital India aim to enhance connectivity, digital governance, and inclusion. While these policies demonstrate strong intent toward bridging the digital divide, they remain **non-enforceable in nature**. The absence of legal backing limits their effectiveness, resulting in **weak enforceability despite progressive objectives**.

DIGITAL ACCESS, EQUALITY & RIGHTS

Linking SDG 9, SDG 10 & SDG 16 for Inclusive and Sustainable Development

Digital inclusion lies at the convergence of infrastructure (SDG 9), equitable access (SDG 10), and rights-based governance (SDG 16).

SDG 10 – REDUCED INEQUALITIES

10 REDUCED INEQUALITIES

- Focus: Equal access across gender, geography, class
- Your state example: Rural (45) vs Urban (110), Women (33%)
- Highlights digital divide as inequality multiplier

Even if infrastructure exists, inequality limits access.

SDG 16 – PEACE, JUSTICE & STRONG INSTITUTIONS

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

Access must be just, inclusive, and rights-based.

- Focus: Digital rights, privacy, access to information
- Includes:
  - Right to internet (judicial recognition in India)
  - Cyber law governance
- Ensures fair and safe use of cyberspace

KEY TAKEAWAY
Strong institutions and legal frameworks ensure that digital access is safe, fair, and accountable for all.

SDG 9 – INDUSTRY, INNOVATION & INFRASTRUCTURE

9 INDUSTRY, INNOVATION AND INFRASTRUCTURE

- Focus: Digital infrastructure (internet, broadband, devices)
- In India: Expansion via Digital India initiatives
- Issue: Rural–urban divide (low connectivity in rural areas)

Without SDG 9, digital access cannot exist.

KEY TAKEAWAY
Robust infrastructure is the foundation for innovation, connectivity, and inclusive growth.

INTERNET SHUTDOWN: ADMINISTRATIVE MEASURES

Internet shutdowns represent one of the most visible tensions between constitutional guarantees and administrative practice in India. These shutdowns are legally authorized under the Temporary Suspension of Telecom Services Rules, 2017, which permit the government to suspend telecom services in situations involving public order or national security. While the existence of such a law reflects the state's legitimate interest in maintaining stability, its frequent and prolonged use raises serious concerns.

Shutdowns disrupt not only communication but also access to education, healthcare, governance services, and digital markets, thereby disproportionetely affecting already vulnerable populations. The Supreme Court has emphasized that such restrictions must satisfy the tests of necessity and proportionality, meaning they should be temporary, justified, and the least restrictive option available. In practice, however, repeated shutdowns suggest a pattern where executive convenience may override constitutional freedoms. Consequently, internet shutdowns exemplify how a legally sanctioned tool can deepen digital inequality and weaken the effective realization of fundamental rights.

PHONE TAPPING, SURVEILLANCE, AND THE PRIVACY DILEMMA

The issue of phone tapping and digital surveillance further complicates India's digital rights landscape by introducing a tension between state security and individual privacy. The Supreme Court in PUCL v. UOI and Justice K.S. Puttaswamy v. Union of India recognized the right to privacy as a fundamental right under the Constitution, thereby placing constitutional limits on state surveillance. At the same time, laws such as the Indian Telegraph Act, 1885 authorize the interception of communications under specific conditions, such as national security or public emergency.

While these legal provisions establish a framework for surveillance, concerns arise due to limited transparency, weak oversight, and the potential for misuse. Surveillance practices may have a chilling effect on free speech, discouraging individuals from expressing dissenting views or engaging in democratic discourse. Moreover, the impact is often uneven, with journalists, activists, and marginalized groups being more vulnerable to monitoring. This creates a structural imbalance where the exercise of digital rights becomes contingent on one's social and political position.

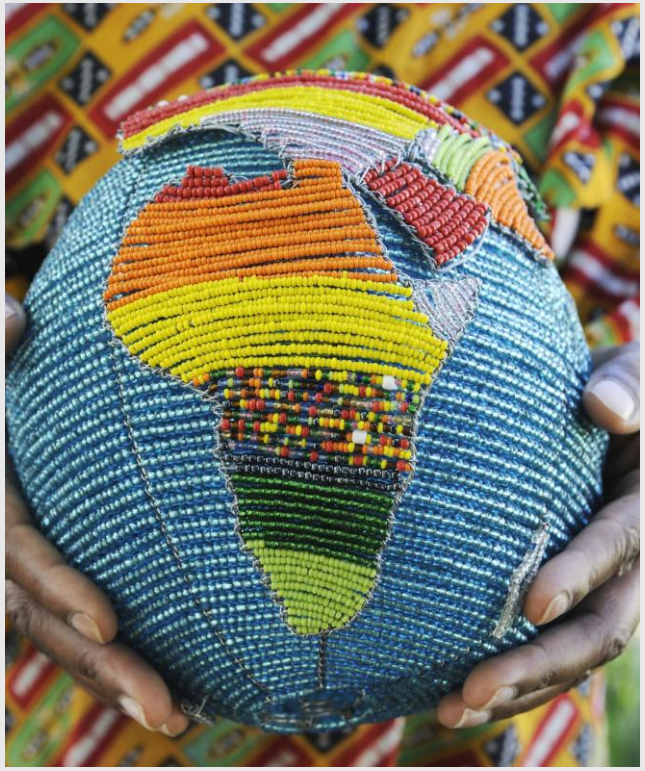
THE BIG PICTURE: Infrastructure (SDG 9) enables access, Equality (SDG 10) ensures no one is left behind, and Rights & Justice (SDG 16) safeguard freedoms in the digital age.

→ **Together, they create an inclusive, trusted and sustainable digital future for all.**

CONSTITUTIONAL PROMISE VERSUS OPERATIONAL RELAITY

India’s digital governance framework is rooted in the Constitution of India, particularly Articles 14 and 19, which guarantee equality before the law and freedom of speech and expression. In the contemporary era, these rights naturally extend to the digital sphere, where the internet functions as a primary medium for communication, participation, and economic activity. The Supreme Court in *Anuradha Bhasin v. Union of India* acknowledged that access to the internet is integral to the exercise of freedom of expression, thereby reinforcing the constitutional foundation of digital rights.

However, despite this strong normative framework, the lived reality reflects a significant gap. Large sections of the population—particularly in rural areas, among women, and economically weaker groups—continue to face barriers in accessing digital infrastructure and services. This results in a paradox where rights are formally guaranteed but are not equally realizable in practice. Thus, India’s digital framework can be understood as constitutionally robust yet operationally unequal, with disparities in access undermining the universality of fundamental rights.



Key Limitations in India's Digital Legal Framework

Absence of Legal Recognition
There is no explicit recognition of the **right to internet** as a fundamental or statutory right, leading to ambiguity in enforcement and protection.

Impact of Internet Shutdowns
Frequent internet shutdowns disrupt access to information, education, and economic activities, undermining digital rights and inclusion.

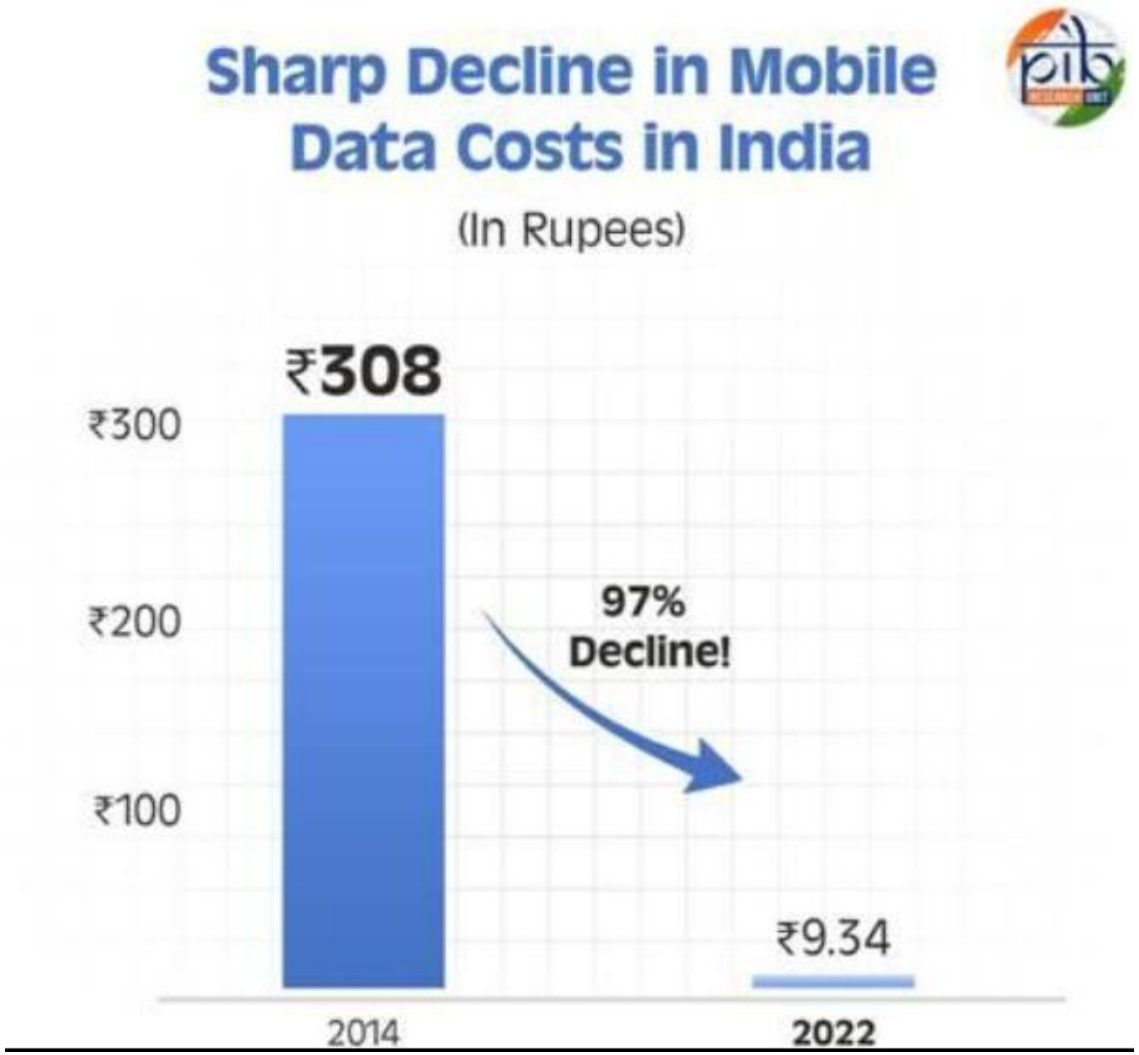
Persistent Digital Divide
Structural inequalities—rural–urban disparities, gender gaps, and socio-economic barriers—continue to restrict equitable access to cyberspace.

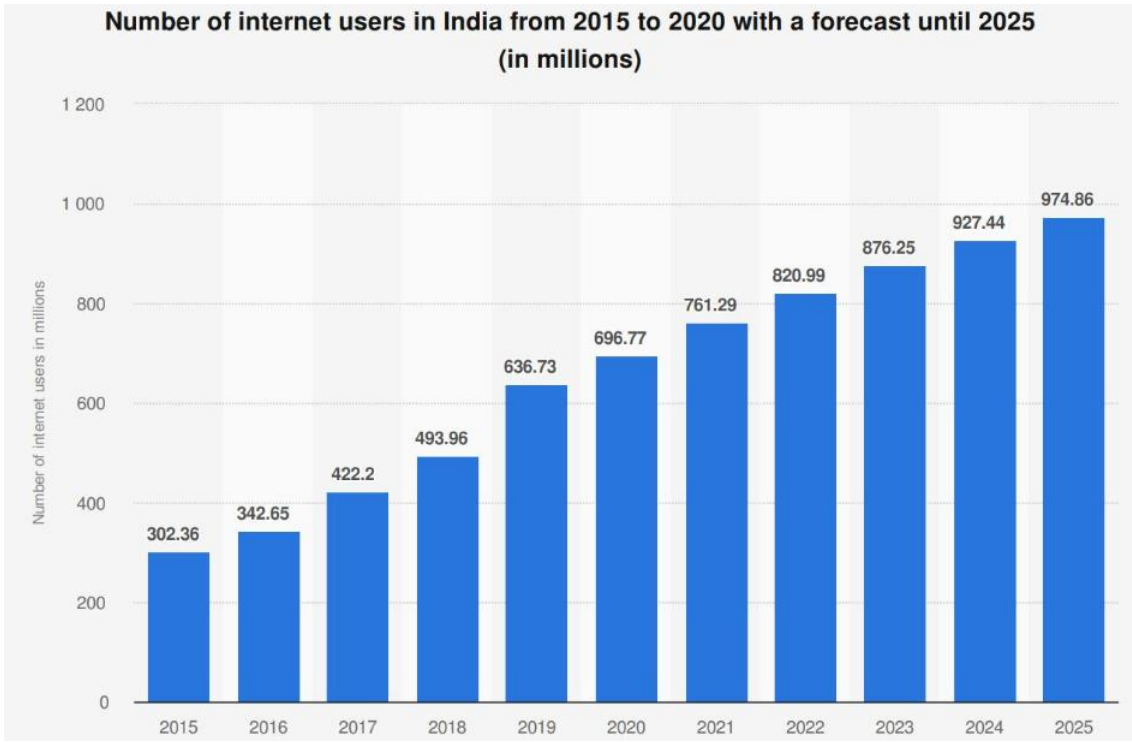
Weak Accountability Mechanisms
Existing regulatory frameworks lack robust oversight and accountability, limiting effective implementation of digital policies

STATISTICAL PARADOX TOWARDS SDSs FULLFILLMENT

India presents a paradox in digital development. On one hand, as reflected in the NITI Aayog SDG India Index, the country has made remarkable progress—particularly with a 97% drop in data costs since 2015, enabling widespread internet access. On the other hand, this quantitative expansion has not translated into qualitative equality. Access exists, but meaningful participation remains uneven. This gap between availability and accessibility is where the question of sustainable development becomes critical.

Further slides shows the graphs on this heading.


Sharp Decline in Mobile Data Costs in India
(In Rupees)
₹308
₹300
₹200
₹100
97% Decline!
₹9.34
2014
2022


Number of internet users in India from 2015 to 2020 with a forecast until 2025
(in millions)
Number of internet users in millions
1 200
1 000
800
600
400
200
0
302.36
342.65
422.2
493.96
636.73
696.77
761.29
820.99
876.25
927.44
974.86
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

KEY FINDINGS

1. Digital access in India is recognized through constitutional interpretation, but the absence of an explicit statutory right limits its enforceability and uniform application.
2. A significant rural–urban divide persists due to gaps in infrastructure and affordability, restricting equitable access to digital services.
3. Low levels of digital literacy prevent individuals from effectively using technology and exercising their digital rights.
4. Gender-based disparities continue to limit women's access to mobile devices and internet services, reinforcing digital inequality.
5. Existing regulatory mechanisms for internet shutdowns and phone tapping lack sufficient transparency and oversight, creating risks of misuse.
6. Overall, there exists a clear gap between the constitutional promise of digital rights and their practical realization, leading to operational inequality.

KEY CHALLENGES

Enforcement Gaps	Weak implementation and monitoring of laws like Digital Personal Data Protection Act, 2023 leads to uneven protection across regions.
Digital Literacy Deficit	Limited awareness and skills restrict individuals from effectively accessing and exercising digital rights.
Gender Barriers	Socio-economic and cultural constraints reduce women's access to digital devices and internet services.
Structural Inequality	Unequal infrastructure and persistent rural–urban divide disproportionately impact marginalized communities.

RECOMMENDATION

Statutory Digital Right	Recognizing internet access as a legal right will strengthen enforceability and move beyond reliance on judicial interpretation.
Subsidies & Infrastructure	Expanding rural connectivity and ensuring affordable data access can bridge the digital divide.
Digital Literacy Mandates	Institutionalizing digital education and community training will empower users to effectively exercise their rights.
Judicial & Regulatory Oversight	Strengthening review mechanisms will ensure transparency, proportionality, and accountability in shutdowns and surveillance practices.