

## Access to Internet is a Human Right

Author: Rajat Kumar, Research Associate, Digital Empowerment Foundation

“The internet is a crucial medium not just for personal communication or news and information, but for political participation and civic engagement. The struggle for internet freedom is consequently inseparable from the struggle for freedom of every kind.”<sup>1</sup>

With digital connectivity on the rise and more and more people accessing the internet, it can be argued that internet rights are a sub-component of human rights—and it is specifically true for India. Because internet rights are important human rights, all stakeholders are thinking about how it can benefit the masses—especially the nearly 900 million rural folks in India.

The US Department of State views that internet has not only become a “public place” where people share information, network, conduct business, entertain and educate, but also delivers a wide-range of benefits. In that context, it is important to question the objectives, the principles and rules that the international community forms to manage and govern this public space.

“The internet has become the public space of the 21st century - the world's town square, classroom, marketplace, coffeehouse, and nightclub. We all shape and are shaped by what happens there..... And that presents a challenge. To maintain an internet that delivers the greatest possible benefits to the world, we need to have a serious conversation about the principles that will guide us, what rules exist and should not exist and why, what behaviors should be encouraged or discouraged and how.”<sup>2</sup>

The two quotes highlight the growing influence of the internet in everyday life and the ongoing tussle between “online actors” and “offline actors” well. In my view, there are two grounds to argue that internet rights are human rights in the 21<sup>st</sup> Century.

First, access to information will be faster and relevant with government programs like E-governance, Digital India and with mobile and internet penetration on the rise. This will, help the government to deliver public services like education through e-libraries, good governance through e-governance, cash transfer, e-health and tips on agriculture and environment to the farming community which will help them raise productive and income for better livelihoods. That is why freedom to information in a digital age is important—and the basis for which internet rights are now basic human rights. However, pace of human development in India is still picking up. While mobile internet is increasing, internet penetration is weak in India—estimated at 15 percent. Freedom House argues that “India has a comparatively low broadband adoption rate, and access

---

<sup>1</sup> Freedom on the Net Report 2014

<sup>2</sup> <http://blogs.state.gov/stories/2011/02/15/internet-rights-and-wrongs-choices-and-challenges-networked-world>

speeds are among the slowest in the Asia Pacific. Further, Inadequate infrastructure is an obstacle to access.” For example:

---

- “India had 75 million households without access to electricity in 2013. In 2013, less than half of India’s internet users were from rural areas.
  - Less than 19 percent of households and 20 percent of schools in rural India had computers in 2013, and internet access via cybercafés is declining nationwide as the number of venues shrank dramatically in the past two years.
- 

This data indicates how government programs like e-governance and Digital India may be less effective in the absence of poor infrastructure and low digital literacy. In fact programs like Digital India will not succeed without internet access, as many citizens will not get the benefits which will be a violation of their basic rights.”

Drawing from the principle—“no right is absolute” freedom of internet does not mean absolute freedom of expression or free flow of information. Increasing number of cases of espionage activities and sharing of private data of citizens by Google and Facebook with the government agencies demonstrate that communications surveillance is on the rise which means that individuals should think about individual responsibility while exercising their rights in the interest of national security and sovereignty but also protect themselves from cybercrime and fraud.<sup>3</sup>

---

Secondly, internet has become a medium for civic engagement and shape political communications. Political participation and civic engagement of the masses on societal issues puts pressure on the incumbent government to take note of development challenges in India—like access to public health and education services, environment, and women’s safety—an issue or an electoral issue that did not matter two decades ago. --issues - like the issue of the Women safety, a non-issue two decades back or at least not an electoral issue, but with the involvement of groups, both offline and online, the issue of women’s safety got politicized which resulted in amendments of women safety laws. However, this sort of political participation and civic engagement, online and offline, enables the government(s) to be more responsive and accountable. But the engagement, of citizen groups and the state, is never a smooth process and often leads to tension or friction between. .

For example, Section 66A of the IT Act criminalizes variety of speech or comments on social media for which several people were arrested in India. Two girls—Shaheen Dhada and her friend Renu—were arrested for anti-Bal Thackeray and anti-Shiv Sena remarks after Mumbai faced a shutdown for Shiv Sena Patriarch Bal Thackeray’s funeral. Further to this, Shiv Sena activists physically attacked the clinic of the girls’ uncle in Mumbai. These examples have often been debated in the wider media and online to question the government’s process and grounds for arresting citizens who exercise their right to free expression online.<sup>4</sup>

---

<sup>3</sup> <http://www.dailymail.co.uk/news/article-2337863/PRISM-Google-Facebook-DID-allow-NSA-access-data-talks-set-spying-rooms-despite-denials-Zuckerberg-Page-controversial-project.html>

<sup>4</sup> <http://indiatoday.intoday.in/story/2-mumbai-girls-in-jail-for-tweet-against-bal-thackeray/1/229846.html>

Scholars like Kanwal Bharti and writer Taslima Khan in Uttar Pradesh have been booked under Section 66A of the IT Act for their social media comments. While Bharti was detained for her Facebook comments “in support of a civil servant who allegedly demolished an illegal mosque,” Nasreen for tweeting about a meeting between a politician and a cleric who was instrument in issuing a fatwa against her.

Hence, the examples show how these Acts are used to curb free expression and free flow of information and such violations of internet rights can be classified as violation of human rights as they prevent true deepening of democracy. The Supreme Court of India is hearing many ongoing cases filed under Section 66A of the IT Act which may suggest that the training capacities of local governments and law enforcement authorities need thinking, guidelines and processes that help an official to determine invoking this critical provision of the law on a case-by-case. Furthermore, according to the Freedom on Net Report 2014:

---

“under Section 69A of the IT Act, the central government is empowered to direct any agency or intermediary to block access to information when satisfied that it is “necessary or expedient so to do” in the interest of the “sovereignty and integrity of India, defense of India, security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognizable offence relating to above” intermediaries failing to comply are punishable with fines and prison terms up to seven years.”

---

Furthermore, “Paid news”, or “advertorials,” in the mainstream media – “ranging from unclear disclosure of paid endorsements to bribery and other kickbacks for coverage. In June 2013, Indian digital media website, Medianama, reported this phenomenon had increased on digital platforms in the past three years.” (Source: Freedom on the Net Report 2014- India report). All these are cases of violation of Human rights in the online world.

In conclusion, online freedom to connect, network, share, educate and conduct business are integral aspects of the digital age which leads to the argument that no human being can fully progress or prosper in a connected/networked world without internet access. It will be befitting, in this context, to quote Former Secretary of State, Hilary Clinton who viewed, the freedom to connect – as “the fifth freedom”, drawing on Franklin D. Roosevelt’s Four Freedoms--Freedom of **Speech** and Expression, Freedom to worship God, Freedom from Want and Freedom from Fear.

---