GENERAL STUDIES II

Internet Access as Fundamental Right: UPSC Notes 2026

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The Supreme Court's October 2026 ruling recognised the fundamental right to access and use the internet for all individuals, including children, under Articles 19(1)(a) and 21 of the Indian Constitution. Instead of blanket age-based bans, the Court emphasised child-centred online protections, privacy, proportionate regulation and stronger measures against child sexual exploitation and abuse material (CSEAM). The Civil Service Gurukul notes examine the constitutional foundation, judicial precedents, significance, governance challenges and policy solutions, with Prelims MCQs and a model UPSC Mains answer.

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UPSC PRELIMS & MAINS 2027

GS PAPER II | INDIAN P...

Complete UPSC notes covering Articles 19 and 21, the proportionality doctrine, child-centred digital governance, judicial precedents, cyber safety, Prelims MCQs and a model Mains answer.

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Why in News? In its October 2026 ruling concerning online child protection, the Supreme Court of India recognised the right to access and use the internet as a fundamental right under **Article 21 read with Article 19(1)(a)** of the Constitution. The Court clarified that this protection extends to children, while emphasising that digital safety requires proportionate safeguards rather than blanket exclusion.

Article 19(1)(a)

Freedom of Speech and Expression

Article 21

Life and Personal Liberty

GS Paper II

Constitution, Governance and Social Justice

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UPSC Syllabus Relevance

GS Paper II: Indian Constitution, fundamental rights, judiciary, government policies, vulnerable sections and governance.

GS Paper III: Cybersecurity, information technology and emerging digital risks.

GS Paper IV: Ethical issues involving children, privacy, safety and platform responsibility.

Prelims: Constitutional articles, landmark judgments, POCSO Act and digital governance terminology.

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1. Background: Why Did the Supreme Court Consider Children's Internet Rights?

Access to digital networks has become important for education, communication, access to information, creativity and participation in public life.

At the same time, children may encounter cyberbullying, exploitation, inappropriate content and privacy violations.

The Supreme Court considered these concerns in proceedings involving measures against child sexual exploitation and abuse material, commonly abbreviated as CSEAM.

The central constitutional question was whether children could be comprehensively denied online access in the name of safety.

The Court emphasised that preventing harm should not automatically mean excluding children from a medium central to contemporary life.

2. Constitutional Basis of the Right to Internet Access

Article	Constitutional Protection	Relevance
19(1)(a)	Freedom of speech and expression	Digital communication, access to ideas and expression
19(2)	Permissible reasonable restrictions	Lawful and justified regulation of expression
21	Life and personal liberty	Dignity, autonomy and meaningful digital participation
21A	Right to education for children aged 6–14	Relevant to digital educational access
14	Equality before law	Non-arbitrary and inclusive digital governance
15(3)	Special provisions for women and children	Constitutional basis for protective measures

Article 19(1)(a): Digital Expression

The internet serves as a means for receiving information, expressing opinions and participating in public discussion.

Any restrictions on constitutionally protected expression must be evaluated under the relevant constitutional framework.

Article 21: Dignity and Autonomy

Modern digital access can affect an individual's education, independence, access to public services and social participation.

The Court's recognition links internet use with meaningful exercise of rights and personal dignity.

> **Prelims caution:** The Constitution does not contain a separately numbered article expressly titled "Right to Internet". The October 2026 judgment identifies the protection under Article 21 read with Article 19(1)(a).

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3. Important Supreme Court Judgments

Case	Year	Significance
Secretary, Ministry of I&B v. Cricket Association of Bengal	1995	Right to impart and receive information under freedom of expression
Justice K.S. Puttaswamy v. Union of India	2017	Privacy recognised as a fundamental right
Anuradha Bhasin v. Union of India	2020	Constitutional protection for speech and trade carried on through the internet
Pragya Prasun v. Union of India	2025	Digital access and exclusion in relation to constitutional rights
Just Rights for Children Alliance proceedings	2026	Explicit recognition of internet access as a fundamental right, including for children

Important Distinction for UPSC

Anuradha Bhasin did not declare that the State must provide free internet access to every individual.

Its focus included constitutional protection for speech and trade through the internet and scrutiny of restrictive measures.

The October 2026 judgment made an express statement regarding the right to access and use the internet itself.

4. Key Elements of the October 2026 Supreme Court Ruling

Fundamental Right Recognition

Internet access and use are constitutionally protected, including for children.

Opposition to Blanket Bans

Indiscriminate age-based exclusion is inconsistent with the Court's approach to children's rights.

Proportionate Safeguards

Protective measures should address actual harms without unnecessary interference with rights.

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Platform Accountability

Digital intermediaries must contribute to detecting, reporting and removing unlawful exploitation material.

The Proportionality Principle

Constitutional review of rights restrictions typically examines whether a measure has a legitimate purpose, legal basis and rational connection to that purpose.

It also asks whether less restrictive alternatives exist and whether the overall interference with rights is justified.

For example, protecting children from harmful content may justify age-appropriate safeguards, but not necessarily the complete denial of digital access.

Child safety and digital freedom need not be treated as opposing goals. An effective constitutional framework should protect both.

Civil Service Gurukul analytical takeaway

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5. Child Mode and Online Safety Safeguards

The Supreme Court discussed the possibility of dedicated child modes for social-media accounts.

Such modes could incorporate safeguards suited to children's age and vulnerability.

- ✓ Accounts set to private by default.
- ✓ Controls over contact from unknown adults.
- ✓ Age-appropriate content moderation.
- ✓ Limitations on unsuitable advertising.
- ✓ Reasonable parental consent and oversight.
- ✓ Digital literacy and safer online behaviour.

Judgment interpretation: Child mode was discussed as a proposed protective approach, with operational details left to the government. It should not be described as a fully implemented nationwide social-media feature as of 21 October 2026.

Why Privacy Matters

Some age-verification systems collect sensitive personal information.

A child protection framework should avoid unnecessary surveillance or excessive collection of identifying data.

6. National Hash and URL List Database

The Court directed the creation of a national mechanism to support detection and removal of child sexual exploitation and abuse material.

The system is envisaged as a repository of verified digital identifiers and URLs, not a public collection of the harmful material itself.

How Would It Work?

- ✓ Potential harmful content is identified or reported through the appropriate channels.
- ✓ Specialised tools may assist preliminary screening.
- ✓ Trained human analysts independently verify suspected material.
- ✓ Verified hashes or URLs are entered into a secured database.
- ✓ Platforms check for matching material and take required action.
- ✓ Audit, correction and grievance mechanisms protect against errors.

Why Human Verification Is Important

Incorrect identification can lead to the removal of lawful information.

Verification, recordkeeping, independent auditing and appeals are therefore essential.

Prelims Concept: Hash

A digital hash is an identifier generated from data through a defined computational process.

Perceptual hashing can help identify visually similar content even where certain technical changes have been made.

Hash identifiers can support detection without storing the prohibited material itself in the shared list.

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7. Why the Judgment Matters for India

Digital Education

Online learning can support access to educational resources, particularly where physical facilities are limited.

Equality and Inclusion

Protecting digital access is relevant for children in rural communities, economically disadvantaged households and marginalised groups.

Child Agency

Children require opportunities to learn, communicate and develop informed decision-making skills.

Constitutional Governance

The decision reinforces the principle that public-interest regulation must remain consistent with fundamental rights.

Technology Accountability

Digital platforms are expected to contribute to protecting users against serious online harms.

8. Challenges in Implementing Children's Digital Rights

Digital Divide

Unequal access to devices, affordable connectivity and digital literacy.

Online Exploitation

Risks associated with grooming, cyberbullying, harmful content and data misuse.

Privacy and Surveillance

Excessive age verification may increase sensitive data collection.

Implementation Costs

Smaller digital platforms may face substantial costs in building moderation and compliance systems.

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The Governance Dilemma

A policy framework that is too permissive could leave children exposed to serious harm.

A framework that is too restrictive could undermine education, autonomy and freedom of expression.

The challenge is to build evidence-based protections without denying legitimate digital participation.

9. Way Forward: A Rights-Based Digital Childhood Framework

- ✓ **Safety by Design:** Encourage child-appropriate privacy settings and risk-aware default configurations.
- ✓ **Digital Literacy:** Strengthen online safety education for children, teachers and parents.
- ✓ **Targeted Enforcement:** Prioritise unlawful content and exploitative conduct rather than general exclusion.
- ✓ **Privacy-Protective Verification:** Minimise collection of unnecessary personal information.
- ✓ **Institutional Coordination:** Improve cooperation between government, law enforcement and digital platforms.
- ✓ **Accessible Connectivity:** Address affordability, digital accessibility and regional disparities.
- ✓ **Independent Oversight:** Provide transparent redressal and auditing of content-moderation decisions.

10. UPSC Prelims 2027: Quick Revision Notes

Topic	Remember
Judgment	15 October 2026
Principal constitutional provisions	Articles 21 and 19(1)(a)
Bench	Justices J.B. Pardiwala and K. Vinod Chandran
Child protection approach	Proportionate safeguards rather than blanket internet bans
Child mode	Proposed age-appropriate account safeguards
CSEAM	Child Sexual Exploitation and Abuse Material
National database	Verified hash and URL identifiers
Important 2020 case	Anuradha Bhasin v. Union of India
Privacy case	Justice K.S. Puttaswamy v. Union of India
UPSC GS Paper	GS-II: Constitution, Polity and Governance

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11. UPSC Prelims Practice MCQs

Question 1

With reference to the Supreme Court's October 2026 ruling on internet access, consider the following statements:

1. Internet access and use were recognised under Article 21 read with Article 19(1)(a).
2. The protection applies only to adults.
3. The Court opposed blanket bans on children's internet access.

(a) 1 only
(b) 1 and 3 only
(c) 2 and 3 only
(d) 1, 2 and 3

View correct answer

Answer: (b) 1 and 3 only.

The Court expressly included children within the constitutional protection.

Question 2

The Supreme Court judgment in Anuradha Bhasin v. Union of India is most closely associated with:

(a) Freedom of speech and trade through the internet
(b) Abolition of judicial review
(c) Constitutional amendment of Article 21
(d) Uniform civil code

View correct answer

Answer: (a).

The judgment examined restrictions affecting constitutional freedoms exercised through the internet.

Question 3

Which safeguards were discussed in relation to a dedicated child mode?

1. Private-by-default accounts
2. Restrictions on unsolicited messages from unknown adults
3. Unrestricted behavioural advertising directed at children

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(a) 1 and 2 only
(b) 2 and 3 only
(c) 1 and 3 only
(d) All three

View correct answer

Answer: (a) 1 and 2 only.

Child mode was discussed as a protection-oriented design approach.

Question 4

The proposed National Hash and URL List Database is principally intended to:

(a) Store citizens' online passwords
(b) Support coordinated detection and removal of verified CSEAM
(c) Replace all internet service providers
(d) Maintain a national register of every social-media user

View correct answer

Answer: (b).

The mechanism contemplates verified digital identifiers and URLs of prohibited material.

Question 5

Which of the following best describes the proportionality principle in digital governance?

(a) Every restriction is valid if it concerns the internet
(b) Public authorities may impose restrictions without legal authority
(c) Restrictions must pursue legitimate aims while appropriately respecting rights
(d) Children have no fundamental rights online

View correct answer

Answer: (c).

Proportionality examines legitimate purposes and the extent of rights interference.

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12. UPSC Mains 2027: Model Answer

GS-II Practice Question — 15 Marks

"The recognition of internet access as a fundamental right places corresponding obligations on the State to ensure meaningful and equitable digital participation." Discuss with special reference to children's rights and online safety.

Suggested length: 250 words

Model Answer

Introduction: In October 2026, the Supreme Court recognised the right to access and use the internet under Article 21 read with Article 19(1)(a), including for children. The ruling acknowledges digital participation as increasingly important for dignity, education and expression.

Constitutional obligations: The State must respect freedom of expression, avoid arbitrary restrictions and adopt proportionate measures to secure legitimate safety objectives. Article 14 reinforces non-arbitrariness, while Article 21A highlights the importance of educational opportunity.

Barriers: Unequal connectivity, device affordability, digital illiteracy, language barriers and accessibility constraints limit meaningful participation. At the same time, online exploitation, harmful content and intrusive surveillance create additional risks.

Way forward: A rights-based framework should combine affordable digital infrastructure, school-level digital literacy, privacy-preserving design and strong enforcement against online exploitation. Child-appropriate account settings, independent oversight and effective grievance mechanisms can provide protection without blanket exclusion.

Conclusion: India must move beyond the false choice between digital access and child safety. Constitutional governance requires both meaningful inclusion and effective, proportionate protection.

Additional Mains Practice Questions

1. Examine the constitutional limits on blanket restrictions on digital platforms for minors. (10 marks)
2. Discuss the role of proportionality and privacy-by-design in child-centred digital governance. (15 marks)
3. Digital exclusion can reinforce existing social inequality. Analyse with reference to Article 21 and educational access. (15 marks)

13. Frequently Asked Questions

Q1. Is the right to internet access explicitly written in the Constitution?

No separate article expressly bears that title. The Supreme Court has recognised the right through interpretation of existing fundamental rights.

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Q2. Which articles were central to the 2026 ruling?

Article 21 read with Article 19(1)(a).

Q3. Does the ruling prevent all internet regulation for children?

No. Proportionate, lawful measures to protect children remain relevant.

Q4. What does child mode mean?

Age-appropriate platform settings designed to reduce exposure to online harms.

Q5. What is CSEAM?

Child Sexual Exploitation and Abuse Material.

Q6. Why is the topic important for UPSC?

It connects constitutional law, governance, digital inclusion, children's welfare and technology regulation.

14. Conclusion: Digital Access With Constitutional Safeguards

The October 2025 Supreme Court ruling provides an important framework for viewing internet access through the lens of fundamental rights.

For children, the objective is not unrestricted exposure to digital risks but meaningful participation supported by age-appropriate protections.

The way forward lies in combining constitutional freedoms with online safety, privacy, digital literacy and equitable access.

For UPSC aspirants, the central takeaway is that digital rights and child protection must be reconciled through proportionate and accountable governance.

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