



## Access to Internet

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Recently, the Kerala High Court upheld the right to have access to the internet as a part of the **fundamental right to education** along with the **right to privacy** under **Article 21** of the Indian Constitution.

### Observations by the Court

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- The Court observed that the internet acts as a **learning tool** and nobody can impose restrictions on it, citing discipline.
- The petitioner argued that the restriction on the use of internet amounted to a violation of the fundamental right to freedom of speech and expression under **Article 19(1)(a)** of the Constitution.
- The Kerala HC in response cited the Supreme Court judgment in the **S. Rengarajan and others v/s P. Jagjivan Ram case (1989)** that the fundamental freedom under **Article 19(1)(a)** can be reasonably restricted only for the purposes mentioned in the **Article 19(2)**.

The restrictions under it must be justified on the anvil of necessity and not the quicksand of convenience or expediency.
- It is noteworthy that the **Human Rights Council of the United Nations** also regards the Right of access to the Internet as a fundamental freedom and a tool to ensure the right to education.

**Article 19(1)(a): Freedom of speech and expression**, provides every citizen with the right to express one's views, opinions, beliefs, and convictions freely by word of mouth, writing, printing, picturing or in any other manner.

**Article 19(2)** confers the right on the State to impose **reasonable restrictions** on the exercise of the freedom of speech and expression on the grounds of,

- Sovereignty and integrity of India,
- Security of the state,
- Friendly relations with foreign states,

- Public order, decency or morality,
- Contempt of court, defamation, and incitement to an offence.

**Article 21** declares that no person shall be deprived of his **life or personal liberty** except according to procedure established by law. This right is available to **both citizens and non-citizens**.

**Article 21-A** states that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State by law may determine.

**Source: TH**