

Digital Inequality and the Realization of Fundamental Rights in the Era of Digital Governance in India

Ghisiyawan Prasad Jigyasu¹ and Dr. Riyasat Ali²

¹Research Scholar, Department of Political Science

²Associate Professor, Department of Political Science
Sunrise University, Alwar, Rajasthan

Abstract: *Digital governance has become an important instrument for delivering public services, promoting transparency, and strengthening administrative efficiency in India. Initiatives such as Digital India, Aadhaar-enabled services, online education, digital banking, and electronic welfare delivery have expanded access to government institutions and public resources. However, unequal access to digital devices, affordable internet connectivity, digital literacy, and accessible online platforms creates significant barriers to the effective realization of fundamental rights.*

Keywords: Digital inequality, fundamental rights, digital governance, Digital India, constitutional rights, digital literacy, social justice, data privacy, digital inclusion.

I. INTRODUCTION

Digital governance refers to the use of information and communication technologies by government institutions to deliver public services, disseminate information, improve transparency, and facilitate citizen participation. In India, digital governance has expanded through online identity verification, electronic public distribution systems, digital payment mechanisms, online court services, digital education platforms, and internet-based grievance redressal systems. These developments have the potential to make governance more accessible, efficient, and accountable. However, the increasing dependence of public administration on digital platforms also raises concerns about unequal access to essential services and the protection of constitutional rights.

The Indian Constitution establishes equality, liberty, dignity, and justice as fundamental principles of democratic governance. Articles 14, 19, and 21 protect equality before the law, specified freedoms, and life and personal liberty, respectively. Article 21A provides for free and compulsory education for children aged six to fourteen years, while Articles 15 and 16 address discrimination and equality of opportunity in specified contexts. The realization of these guarantees increasingly intersects with digital access because education, employment opportunities, welfare benefits, public information, and legal remedies are frequently mediated through technology. Consequently, digital exclusion may prevent individuals from effectively exercising rights that are formally guaranteed by law.

Digital inequality extends beyond the simple distinction between internet users and non-users. It includes differences in device ownership, network quality, affordability, digital literacy, language accessibility, disability-friendly design, and the ability to evaluate online information. Van Dijk (2020) explains digital inequality in terms of differences in access, resources, skills, and patterns of technology use. This perspective is particularly relevant to India, where the expansion of digital infrastructure does not automatically ensure equal opportunities to benefit from online services. The Telecom Regulatory Authority of India reported approximately 969.60 million internet subscribers in June 2024, illustrating the extensive reach of digital connectivity while also highlighting the need to examine the quality and distribution of access rather than subscriber totals alone (Telecom Regulatory Authority of India [TRAI], 2024).

The central argument of this paper is that digital governance can promote fundamental rights only when technological development is accompanied by substantive equality, affordable connectivity, accessible interfaces, privacy protection, and effective grievance redressal. A rights-based digital governance model should therefore treat digital inclusion as an essential component of democratic participation and social justice rather than merely a technological objective.

CONCEPTUAL FRAMEWORK AND RESEARCH METHODOLOGY

Digital inequality refers to unequal opportunities to access, understand, and benefit from digital technologies. It has three interconnected dimensions: access inequality, skills inequality, and outcome inequality. Access inequality concerns the availability and affordability of devices and internet connections. Skills inequality relates to differences in digital literacy, language proficiency, and the ability to navigate online systems securely. Outcome inequality arises when individuals with similar access obtain different benefits because of differences in education, income, social position, disability, or institutional support. These dimensions help explain why the expansion of digital infrastructure alone cannot guarantee equal participation in governance.

Fundamental rights, meanwhile, are constitutionally protected entitlements that limit state power and safeguard individual liberty, equality, and dignity. Their practical realization requires more than formal recognition. Citizens must also be able to access relevant information, understand administrative requirements, communicate with public authorities, and challenge unlawful decisions. When essential services become exclusively digital without adequate assistance or alternatives, citizens lacking digital resources may experience indirect barriers to exercising their rights.

This paper adopts a doctrinal and analytical research methodology. It examines constitutional provisions, judicial decisions, government initiatives, official telecommunications data, and selected academic literature on digital inequality and governance. The analysis focuses on the relationship between digital exclusion and the rights to equality, freedom of expression, education, privacy, and access to justice. It is a qualitative, secondary-source study and does not claim to provide original survey findings or statistical estimates of the causal effect of digital inequality on rights realization.

The conceptual framework assumes that the relationship between digital governance and fundamental rights depends on four principal conditions: availability of infrastructure, affordability of access, citizens' digital capabilities, and institutional accountability. Where these conditions are weak, digital platforms may reproduce existing inequalities; where they are strengthened, technology can improve inclusion, participation, and access to public services.

CONSTITUTIONAL AND LEGAL FRAMEWORK FOR FUNDAMENTAL RIGHTS IN DIGITAL GOVERNANCE

The Constitution of India provides the foundation for evaluating digital governance through a rights-based approach. Article 14 guarantees equality before the law and equal protection of the laws. Although a digital service may be formally available to everyone, its design can produce unequal outcomes when it assumes access to smartphones, reliable connectivity, literacy, or particular forms of identification. Article 14 is therefore relevant when examining whether administrative systems create arbitrary or unjustified barriers to accessing public benefits and services.

Article 19(1)(a) protects freedom of speech and expression, while Article 19(1)(g) protects the right to practise a profession or carry on an occupation, trade, or business, subject to constitutional restrictions. Digital platforms have become important channels for receiving information, expressing opinions, organising collectively, and participating in economic activity. Restrictions on internet access can consequently affect the exercise of constitutionally protected freedoms. In *Anuradha Bhasin v. Union of India* (2020), the Supreme Court held that freedom of speech and expression and the freedom to practise a profession through the medium of the internet receive constitutional protection under the relevant provisions. The Court also required internet suspension orders to satisfy legal and proportionality requirements and recognised the importance of publishing such orders for judicial scrutiny.

Article 21 protects life and personal liberty, including the constitutional protection of dignity and privacy. In *Justice K. S. Puttaswamy (Retd.) v. Union of India* (2017), the Supreme Court recognised privacy as a fundamental right. This

principle has particular significance for digital identity systems, biometric authentication, data collection, automated decision-making, and the storage of sensitive personal information. Government systems should therefore collect and process personal data lawfully and proportionately, with appropriate safeguards against unauthorised disclosure and misuse.

The Digital Personal Data Protection Act, 2023, forms part of India's statutory framework for personal data protection. Its implementation and interaction with other applicable laws are important when assessing how digital governance can safeguard individual interests. Data protection, however, cannot independently solve every problem associated with digital exclusion. Citizens also require affordable connectivity, understandable interfaces, accessible complaint mechanisms, and meaningful opportunities to challenge administrative errors.

Article 21A and the constitutional commitment to education are similarly relevant because digital learning platforms increasingly support educational access. Digital resources may expand learning opportunities, but inadequate devices, unreliable connectivity, language barriers, and limited digital skills can disadvantage students from poorer households. The Supreme Court's constitutional framework, read together with applicable legislation and public policies, supports an approach in which digital systems facilitate rather than undermine the practical enjoyment of rights. The Constitution remains the supreme legal authority governing state action and the protection of fundamental rights (Supreme Court of India, n.d.).

MAJOR DIMENSIONS OF DIGITAL INEQUALITY AND THEIR IMPACT ON FUNDAMENTAL RIGHTS

Digital inequality affects the realization of fundamental rights through several interconnected social and technological barriers. These barriers are not experienced equally; their effects depend on economic circumstances, geographical location, gender, education, disability, language, and access to institutional support.

Economic and geographical inequality: The cost of smartphones, computers, mobile data, and reliable broadband can prevent low-income households from using digital public services consistently. Rural and remote communities may also experience weaker connectivity, fewer public internet facilities, and limited technical assistance. TRAI's telecommunications reports provide an important basis for examining differences in rural and urban connectivity. However, subscriber statistics alone cannot establish whether individuals can afford devices, maintain reliable access, or successfully complete digital transactions (TRAI, 2024). Where welfare applications, employment registration, or public-service complaints depend heavily on digital platforms, these barriers can undermine substantive equality under Article 14.

Gender and social inequality: Women in economically disadvantaged households may have less independent access to mobile devices, financial resources, or digital training. Social restrictions, safety concerns, and unequal educational opportunities can further reduce their participation in online spaces. Members of historically disadvantaged communities may also face overlapping barriers arising from poverty, limited infrastructure, and unequal educational opportunities. Digital governance must therefore consider not only whether a service is technically available but also whether different groups can use it independently and without discrimination.

Educational inequality and digital literacy: Digital platforms increasingly support online education, scholarship applications, examination registration, and access to educational materials. Students without suitable devices, stable internet connections, or adequate digital skills may be unable to participate effectively. This creates a risk that digital learning will reproduce existing educational disadvantages rather than eliminate them. The relationship between technology and education should consequently be assessed in terms of meaningful participation and learning opportunities, not merely the availability of online content.

Privacy, surveillance, and data security: Digital governance systems may require the collection of identity information, biometric identifiers, financial records, and other personal data. Although these systems can improve administrative efficiency, inadequate security, excessive collection, or insufficient transparency may threaten informational privacy. Automated systems may also generate errors or unfair outcomes that are difficult for ordinary citizens to understand or

challenge. Privacy safeguards, clear explanations, secure data management, and accessible grievance procedures are essential to maintaining public confidence and protecting constitutional dignity.

Freedom of expression and access to justice: Internet disruptions, inaccessible websites, language barriers, and expensive connectivity can restrict access to public information and opportunities for political participation. Digital court services and online complaint portals may improve convenience for connected citizens but create additional difficulties for individuals who cannot navigate them. An effective digital governance system must preserve lawful access to remedies, provide assistance where needed, and ensure that digital procedures do not become an unreasonable obstacle to justice.

These dimensions demonstrate that digital inequality is not merely a technological problem. It is also a question of constitutional equality, institutional responsibility, and the fair distribution of opportunities in an increasingly digital society.

GOVERNMENT POLICIES, CHALLENGES, AND MEASURES FOR DIGITAL INCLUSION

India's digital governance initiatives, particularly the Digital India programme, have sought to expand digital infrastructure, improve online service delivery, and increase citizens' access to technology. Digital identity systems, online payment services, electronic records, and digital public-service platforms can reduce administrative delays and improve transparency. Nevertheless, the effectiveness of these initiatives depends on whether citizens possess the resources and capabilities necessary to benefit from them.

A major challenge is the assumption that internet connectivity automatically produces meaningful digital participation. A household may have a mobile connection but lack a suitable device, sufficient data, privacy for completing sensitive transactions, or the skills required to use government applications. Digital literacy programmes should therefore extend beyond basic device operation to include secure password practices, fraud awareness, privacy protection, online form completion, and the ability to identify reliable information.

Another challenge concerns the accessibility of public platforms. Government websites and applications should support regional languages, screen readers, captions, keyboard navigation, and other accessibility requirements. Clear instructions and simple interfaces can help people with disabilities, older citizens, first-time internet users, and individuals with limited literacy. Local assistance centres and trained public-service personnel can further reduce exclusion by helping citizens complete applications and resolve technical difficulties.

A rights-based policy framework should include the following measures:

Affordable and reliable connectivity: Strengthen broadband and mobile infrastructure in underserved areas while improving affordability and service reliability.

Digital literacy: Provide community-based training for women, rural residents, older persons, students, and economically disadvantaged groups.

Accessible government platforms: Design multilingual, disability-inclusive, mobile-friendly services with simple procedures and clear explanations.

Privacy and accountability: Apply appropriate data-protection safeguards, minimise unnecessary data collection, strengthen cybersecurity, and establish accessible mechanisms for correcting errors.

Offline alternatives: Maintain assisted and non-digital service options where digital-only procedures could exclude citizens from essential benefits or legal remedies.

Regular evaluation: Assess digital initiatives using disaggregated information on access, service completion, affordability, accessibility, complaints, and exclusion-related outcomes.

These measures should be supported by transparent institutional responsibilities and independent evaluation. Policymakers should distinguish between the number of people connected to the internet and the number who can successfully obtain essential services. This distinction is important because connectivity measures describe infrastructure and subscriptions, whereas rights realization concerns the actual ability to exercise legal entitlements.

The legal framework should also ensure that administrative decisions based on digital verification or automated processing can be reviewed by an accountable authority. Individuals should receive understandable reasons for adverse decisions and have a practical opportunity to correct inaccurate information. Where technology contributes to the denial of an essential service, a human review mechanism can help identify errors and prevent arbitrary outcomes.

Ultimately, digital governance should follow the principle that technology is a means of advancing constitutional objectives, not an end in itself. Public authorities must balance efficiency with equality, innovation with privacy, and automation with accountability. An inclusive digital system is one that improves access for disadvantaged citizens rather than making access to public services conditional on technological privilege.

II. CONCLUSION

Digital governance offers India important opportunities to improve public administration, strengthen transparency, expand access to information, and facilitate the delivery of welfare and educational services. However, these benefits cannot be distributed equitably unless digital inequality is addressed as a fundamental issue of constitutional governance. Differences in affordability, connectivity, device ownership, digital literacy, language, and accessibility can prevent citizens from obtaining the full benefits of digital transformation. Such exclusion may affect the practical realization of equality, freedom of expression, privacy, education, dignity, and access to justice.

The constitutional principles of equality, liberty, and personal dignity require government institutions to examine the actual consequences of digital systems for different sections of society. The jurisprudence on internet-based expression and privacy provides an important foundation for this assessment, while telecommunications data demonstrates the scale of India's expanding digital environment. Nevertheless, widespread connectivity should not be treated as conclusive evidence of equal access or effective rights realization.

This paper concludes that digital inclusion must become an integral component of rights-based governance. Government policies should prioritise affordable infrastructure, accessible digital platforms, community-based digital literacy, strong data-protection safeguards, transparent decision-making, and effective grievance redressal. Equally important, essential public services should retain appropriate assisted or offline alternatives wherever digital-only access would create unreasonable barriers. Future research should investigate how these measures affect different communities through empirical surveys, comparative policy analysis, and evaluations of digital public-service delivery. A genuinely inclusive digital governance framework will be achieved when every citizen, regardless of income, gender, disability, education, or geographical location, has a meaningful opportunity to exercise constitutional rights in the digital era.

REFERENCES

1. Aparna, T. (2026). Digital governance and constitutional rights in India: Reconciling administrative efficiency with privacy, equality and due process. *International Journal of Law, Politics and Governance*, 1(1), 129–137.
2. Asrani, C. (2022). Spanning the digital divide in India: Barriers to ICT adoption and usage. *Journal of Public Affairs*, 22(4), Article e2598.
3. Das, M., & Panda, S. (2021). Internet accessibility as a fundamental right. *Journal of Asiatic Society for Social Science Research*, 3(1), 1–8.
4. Grover, R. (2024). Contingent connectivity: Internet shutdowns and the infrastructural precarity of digital citizenship. *New Media & Society*, 27(1).
5. Guha, A., & Mukerji, M. (2021). Determinants of digital divide using demand-supply framework. *The Australasian Journal of Information Systems*, 25.
6. Halford, S., & Savage, M. (2010). Reconceptualizing digital social inequality. *Information, Communication & Society*, 13(7), 937–955.
7. Hasan Laskar, M. M. (2023). Examining the emergence of digital society and the digital divide in India: A comparative evaluation between urban and rural areas. *Frontiers in Sociology*, 8, Article 1145221.

8. Jawed, M., & R, G. (2026). Digital constitutionalism and platform governance: Rethinking rights and regulation in India's social media ecosystem. *Journal of Media Law*, 18(1), 412–438.
9. Prasad, R. (2022). People as data, data as oil: The digital sovereignty of the Indian state. *Information, Communication & Society*, 25(6), 801–815.
10. Rajam, V., Reddy, A. B., & Banerjee, S. (2021). Explaining caste-based digital divide in India. *Telematics and Informatics*, 65, Article 101719.
11. Sharma, P., & Dhakad, V. (2026). Access to internet as a fundamental right: Cyberspace governance and inclusive socio-economic justice in India. *International Journal of Human Rights Law Review*, 5(3).
12. Singh, N., Zhou, Y., Williams, K., Kendall, J., & Kaushik, P. D. (2013). Bridging the digital divide in rural India: Lessons from a survey in four states. *Review of Market Integration*, 5(1), 1–41.
13. Tewathia, N., Kamath, A., & Ilavarasan, P. V. (2020). Social inequalities, fundamental inequities, and recurring of the digital divide: Insights from India. *Technology in Society*, 61, Article 101251.
14. Van Deursen, A. J. A. M., & Van Dijk, J. A. G. M. (2014). The digital divide shifts to differences in usage. *New Media & Society*, 16(3), 507–526.
15. Van Dijk, J. (2012). The evolution of the digital divide: The digital divide turns to inequality of skills and usage. In J. Bus, M. Crompton, M. Hildebrandt, & G. Metakides (Eds.), *Digital enlightenment yearbook 2012* (pp. 57–75). IOS Press.