



A Human Right: Everyone Connected

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ABSTRACT

This paper addresses the perplexity regarding recognizing “Internet as a basic human right”. By the word ‘internet’ we mean a source to connect to the world by means of world wide web and also other electronic services like mailing, video calling and many more and by ‘human right’ we mean a basic right of every individual so that he can sustain himself in the society or rather in the world. People may strongly oppose to recognize internet as a human right especially in a country like India where thousands of people are living below the poverty line and struggle to get two proper meals of the day. But, we fail to see that without the internet the world will be at a standstill position. The number of internet users at a particular time as seen in the Internet Wire Status at a single time is 3,697,565,745 and the numbers keep on increasing. College forms, school admissions, filing of voter Id, seeing results of various examinations and many others things which are so common is actually done with the help of the internet.

The paper further focuses imperatively on recognizing internet as a human right in India after a comparative analysis of the possible advantages and disadvantages of doing the above mentioned. This paper shall also look into the current scenario of India and answer the questions that whether India is really ready to recognize internet as a

human right? And if it is ready then how to implement it in an effective way so that nobody can take the advantage of the right in a negative way.

The paper also examines the scenario in different countries’ status with regard to recognizing internet as a human right and the existing scenario regarding the same of these countries.

A HUMAN RIGHT: EVERYONE CONNECTED

INTRODUCTION

Bill Gate said, “The internet is becoming the town square for the global village of tomorrow.”

The buzz word “internet” is on everyone’s mouth. The school going children, teenagers, professors, everyone is using the internet to make their work uncomplicated. The government is on a mission to move towards a cashless economy and is promoting e-governance and digitization. For all this access to the internet is absolutely essential. But this access is not available to all sections of the society. This difference of availability has to be bridged. It can be done only by recognizing internet as a human right.

Martin Luther King Junior said- “our lives begin to end the day we become silent about things that matter”.



This is what is exactly happening in our country. We all know the importance of the internet but are doing nothing to make it available to all.

To recognize the need to to make internet as a human right we need to first understand the two main words, what is internet and what is human right?

➤ **MEANING OF INTERNET:**

In most technical sense, the net(internet) is a global system of integrated computer networks that use the net protocol suite (TCP/IP). This enables billions and billions of devices to be connected world wide through this network. The internet delivers a range of services including inter linked hyper text document, electronic mail, the world wide web,telephony and file sharing networks.

➤ **IMPORTANCE OF INTERNET TO HUMAN LIVES:**

The web is an increasing important resource in many aspect of life:education,employment,government,commerce,fields of health care,fields of business,connecting third world etc. The web offers the expectation of unprecedented access to information and interaction for many people. Internet accession is ability of individualistic and organizations to connect to the internet using computer terminals and to access services such as email.It's important to increase access to the internet, as it "supportinnumerable opportunities for affordable and including education worldwide," or provides other resources for education, especially across the digital split

up. In accordance with the 2030 Agenda for Sustainable Development, the organization also acknowledged that the spread of technology has the "great potential to accelerate human progress."¹One of the most interesting facts about internet industry is that it's the only industry which has created billion of jobs irrespective of industry, class or types. The digital channel of communication is not only remarkable but also push businesses towards new success and new heights.Even, government regularities and services like railways, airways, and transportation are more or less dependent on internet for all their functional requirements.

➤ **MEANING OF HUMAN RIGHT:**

By human right we generally mean the rights which are inherent to all human beings, whatever may be our religion, language, ethnic origin or any other status. Former Justice of India, J.S Verma has stated, "human dignity is the quintessence of human rights". Former U.S President has also said " Today high speed is not a luxury, it is a necessity".

The bench led by Deepak Misra was hearing arguments related to the on-going case of pre-natal sex determination advertisements, which appear on search engines in India. The bench said that right to Internet Access is a part of Fundamental right of expression. As per their oral statements related to an on-going case, the bench said that all Indian citizen has the right to be informed and the right to know and the feeling of protection of expansive connectivity.²

¹www.tibetangeeks.com

²14th April,track.in



In the case of Secretary, Ministry of Information and Broadcasting v Cricket Association of Bengal³, it was held that every citizen was a fundamental right to impart as well as receive information through the electronic media. A broad interpretation of electronic media could be Internet.

Also, in the case of Maneka Gandhi V Union of India⁴, it was held that the freedom of speech and expression under article 19(1)(a) has no geographical restriction and it carries with it the right of a citizen to assembling information and to exchange thought with others not only in India but abroad as well. This was at the time when no one had ever thought internet will become a border less phenomena.

➤ INDIA AND INDUSTRIAL TECHNOLOGY REVOLUTION

India's IT Services industry was born in Mumbai in 1967 with the commencement of the Tata Group in partnership with Burroughs.

The Indian economy underwent major economic reforms in 1991, leading to a new era of globalization and international economic integration, and annual economic growth of over 6% from 1993–2002. The new governance under Atal Bihari Vajpayee (who was Prime Minister from 1998–2004) placed the evolution of Information Technology among its top five priorities and formed the Indian National Task Force on

Information Technology and Software Development. Videsh Sanchar Nigam Limited (VSNL) introduced Gateway Electronic Mail Service in 1991, and in 1992 the 64 kbit/s leased line service was introduced, and commercialized Internet access on a visible scale in 1992. Election results were shown via National Informatics Centre's NICNET.⁵ "The New Telecommunications Policy, 1999" (NTP 1999) aid further liberalize India's telecommunications sector. The Information Technology Act, 2000 created legal procedures for electronic transactions and e-commercialism.

India and the IT Revolution explores the contemporary outgrowth of cosmopolitan, high-tech India as marking the arrival of a truly global cyberculture. It does not agree against that globalization is a procedure of 'Westernization', which emerges out unilaterally from the core, imposing itself upon a passive, backward boundary. Instead, it conceives of global culture as a impulsive, innovative network, which proceeds primarily from its edges. In fact, a number of policy initiatives including liberalization of policies for computer and electronics sector, rural digital telephone exchange, software technology parks and data central processor of railways, which are linked with Rajiv's era, were set in motion by Indira Gandhi after she came to power in 1980.

➤ CONS OF USING INTERNET:

³1995 AIR 1236

⁴AIR 1978 SC 597

⁵www.jstor.org



1. Ground For Illegal Activity

The ease of information has given perception for burglaries, terrorist attacks, kidnappings, and many other types of crimes. It also flickered a crime of a different sort, but on a monumental level. Piracy is a crime, which involves downloading or distributing materials such as movies or music, without the consent of the person who owns it. It is possibly the most committed crime in today's society, because people simply do not prospect it as a true trouble.

2. Dependency

All of our information is not stored with the use of the cyberspace. This means our medical records, criminal records, educational records, and finance records are all entirely dependent on the security of the sites that they shack on. Computer viruses are very common and are becoming more and more combative. They are transferred through the communication access of the internet and if one was designed well enough, it could shut down the economic system.

3. Personal Information is hampered

Any secure information we put voluntarily into the cyber world, like bank information and social security number racket etc, can be accessed by hackers easily and by using this information can commit fraud and identity felony.

4. Bad Exposure for children

There is no means to truly verify age on the net, this is a big concern because there is a abundance of content that should not be accessed by kids. Pornographic material is the most prominent, and children can very easily stumble upon these types of websites

and be exposed to things that they should not be. Children are also at a great peril because of how easy it is to communicate with masses. Children every day are persuaded by online "friends" ⁶to meet them or do things for them that put them at great risk.

➤ PROS OF USING INTERNET:

1. In central electricity Regulatory Commission v National Hydroelectric Power Corporation⁷, the Supreme Court of India held that court notices should be sent by email in order to avoid delays and observed that such practice should be followed in all commercial litigation wherein urgent relief is sought in the Supreme court. Thus, internet helps in speedy process.
2. Internet is a platform which helps many people to find jobs. It helps many people especially students and house wives to work from home as freelancers just to get enough pocket money.
3. Technology and information is shared and exchanged by people from various parts of the world through internet. Academicians use internet for references.
4. Internet helps to speed up the process. For example most of the banks have e-banking system which saves time and people do not have to stay in line for hours and hours.
5. It provides platform for products like SKYPE and other features, which allow for holding a video conference with anyone in the world who has access.

⁶Lane v Facebook, Inc

⁷2010 SCC 280-B



6. News of all kinds is available almost instantaneously with people putting up their different view points.
7. The marketing of different products is done through the internet.

The benefits of using the internet is endless. A PWC report commissioned by Facebook states that India's GDP would rise by 6.7 lakh crore by 2020, if 100 % Indians had access to the Internet.

➤ **SCENARIO IN OTHER COUNTRIES AND IN THE UN**

Is the internet so embedded in the lives of so many people, acting as the main way for information exchange, that to deny access to everyone in the world is a breach of human right? The United Nations thinks so⁸.

Due to the lack of access and curtailment tactics by certain governments of the world, the UN has declared 'online freedom' is a basic human right and one that must be protected at any cost. This was in the form of resolution. In 2016 July, the United Nations issued a declaration in agreement with this view. The resolution failed, as it did not receive universal backing, with several countries rejecting the resolution. Notably these were Russia, China and South Africa⁹. Thomas Hughes, Executive Director of Civil Liberties Groups said Article 19 of the UN resolution: 'the resolution is a much needed response to increased pressure on freedom of expression in all parts of the world'.

⁸Business insider, July 22, 2016
⁹A/HRC/32/L.20

Countries like France, Costa Rica, Greece, Finland and Spain has already declared Internet as a human right.

A poll of 27,973 adults in across twenty six countries, including 14,306 Internet users, participated for BBC World service and found that almost four in five internet users and non-users around the world felt that access to Internet was a fundamental right.

➤ **INDIA'S POSITION**

79 percent of people believe that access to the Internet is a fundamental right as per a BBC survey across 26 countries.¹⁰

In India it is expected that the number of internet users will reach four hundred fifty-four hundred sixty five million by June, that is up 4-8% from four hundred thirty two million in December 2016, as per a report from the Internet and Mobile Association of India and market research firm confirmed the fact.¹¹ The report said the total Internet penetration in India is currently around 31%. "an estimated population of four hundred forty million already has two hundred sixty nine million (60%) using the Internet in urban India and Rural India, with an estimated population of nine hundred and six million as per 2011 census, has only one hundred sixty three million (17%) Internet users. Thus, there are potential approximately seven hundred fifty million users still in rural India who are yet to become Internet users; if only they can be reached out in the right way."

¹⁰www.theatlantic.com
¹¹www.livemint.com



In India the launching of Reliance JIO made a great impact upon the people of India by providing free data for few months and then charging a very nominal rate. The consumption of data through mobile broadband grew over six times in less than a year, and stood at 1.3 billion GB a month by the end of March 2017. This shows a very sharp rise from the 200 million GB monthly consumption figure that was reported in June 2016. Due to this effect, India has grown to become the second-largest internet user base in the world with 355 million users – second only to China – by March 2017. According to the report's findings, this represents a 28 per cent increase over the June 2016 figure of 277 million users. The report is indicative of the sweeping effects of Reliance Jio on the mobile broadband market in India which underwent an overhaul after the cash-rich company jumped head-on into the telecom sector. Reliance Jio has also helped the industry add new customers after it added more than hundred million customers in a matter of months.

Recognizing the need of Internet Kerala becomes the first Indian state to declare internet a basic human right in March 2017. The state budget of Kerala has unveiled a project, which aims to provide internet connections free of cost to 20 lakh poor families and at subsidized and nominal rate to others.

Hence, we can see that the word internet is not new and it has become a necessity for a large number of population.

➤ **RECOMMENDATION :**

India is still a developing country and it does not have enough resources to spend on providing internet to people, where many people do not have basic amenities. To tackle this problem India can take the following steps:

1. The facebook is planning to develop solar powered plan to beam down the network. India can ask Facebook to help India with innovative ideas to make internet available to all.
2. Mozilla's partnership with Grameenphones in Bangladesh with orange in multiple African countries, are both examples of joint effort to provide non-tired access to the open internet through advertising. The idea of Grameenphone in Bangladesh is that users can receive 200 MB of unrestricted data per day after watching a short add in the phone's market place. This idea can be introduced to India as well.
3. Google is working on many things, and that includes balloons that fly high in the sky to bring internet infrastructure to locations that can't be wired for it easily. Today, Sri Lanka is the first country to get universal internet access from google's project loon. India can too borrow this idea for the development of rural area.
4. India should encourage the entrepreneurship to come up with new idea which will provide internet access at low rates.

➤ **CONCLUSION**

Itsevident that the Internet provides incomparable chances for the promotion and furtherance of human rights, most centrally



the right to seek, receive and impart information. The Special Rapporteur on that right has represented the Internet as ‘one of the most powerful instruments of the 21st century for increasing transparency in the conduct of the powerful, access to information, and for facilitating active citizen participation in building democratic societies. Hence, we can claim internet as a human right keeping aside the demerits of it.

