Internet access a fundamental right for everyone, including children (Art. 21 with 19(1)(a)) – Supreme Court

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News

On 15 Oct 2026 the Supreme Court held that the right to access and use the internet is a fundamental right of every individual, including children – under Article 21 (life and personal liberty) read with Article 19(1)(a) (speech and expression). Bench: Justices J.B. Pardiwala and K. Vinod Chandran. The ruling came on applications by the NGO Just Rights for Children Alliance on Child Sexual Exploitation and Abuse Material (CSEAM). Blanket restrictions such as age-based social-media bans are disproportionate; protection must target harmful content and those who spread it. It suggested safeguards like parental consent, a 'child mode' and private-by-default accounts, and ordered a National Hash and URL Database for CSEAM; next hearing 10 Dec 2026.

Key facts

Ruling	15 Oct 2026 – Justices J.B. Pardiwala, K. Vinod Chandran
Basis	Article 21 read with Article 19(1)(a)
Petitioner	Just Rights for Children Alliance (CSEAM case, follow-up to 2024 judgment)
Rejected	Blanket age-based social-media bans for children
Directions	National CSEAM Hash & URL database; monthly compliance reports; digital safety in NCERT curriculum

Next hearing	10 Dec 2026

Background

- Evolution of case law: Faheema Shirin v. State of Kerala (Kerala HC, 2019) – internet access is part of the right to education and privacy (Art. 21). Anuradha Bhasin v. Union of India (2020, J&K internet shutdown) – speech and trade through the internet are protected under Art. 19(1)(a) and 19(1)(g); indefinite shutdowns not allowed. Pragya Prasun (2025) – digital access is an intrinsic part of Art. 21.
- Right to education: Article 21A – free and compulsory education for children aged 6–14 (86th Amendment, 2002); RTE Act 2009 (in force from 1 April 2010). Digital Personal Data Protection (DPDP) Act, 2023 – a person below 18 is a 'child'; processing their data requires verifiable parental consent; Data Protection Board of India.
- Cyber laws: IT Act 2000, Section 79 – 'safe harbour' for intermediaries, lost if due diligence is not followed. POCSO Act 2012 – protection of children from sexual offences. In its 23 Sept 2024 judgment the Supreme Court advised using 'CSEAM' instead of 'child pornography'.

Tamil Nadu link: 'Kalvi Tholaikkatchi' (Kalvi TV), the School Education Department's education channel for Classes 1–12 (with SCERT content), was launched by CM Edappadi K. Palaniswami on 26 Aug 2019. During COVID it carried lessons to students without internet access.

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