
ROLE OF THE SUPREME COURT IN PROTECTING FUNDAMENTAL RIGHTS IN THE DIGITAL ERA

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ABSTRACT

The rapid expansion of digital instruments has fundamentally altered human interaction, governance, commerce, education, and global connectivity. Within the Indian landscape, the growing dependency on the internet, social platforms, artificial intelligence, digital payment systems, and data-driven tech has opened new doors while simultaneously creating obstacles for the preservation of Constitutional Fundamental Rights. The Supreme Court of India has emerged as a crucial institution in addressing these complications and ensuring that constitutional freedoms remain relevant in a computerized era. Through groundbreaking judgments, the judiciary has broadened the interpretation of Fundamental Rights, with a particular emphasis on privacy, freedom of speech, social equity, and access to information. Pivotal legal battles, such as Justice K.S. Puttaswamy v. Union of India (2017) and Anuradha Bhasin v. Union of India (2020), have deeply shaped the trajectory of India's digital constitutional jurisprudence. Furthermore, the Court has adjudicated conflicts regarding internet shutdowns, digital oversight, data security, the obligations of intermediaries, and e-governance. This inquiry explores the role of the Supreme Court in safeguarding Fundamental Rights throughout the digital age, examines critical judicial interventions, and evaluates the hurdles the legal system faces when attempting to strike a balance between individual sovereignty and national security alongside technological advancement. The study concludes that the Supreme Court remains a vital pillar in upholding constitutional accountability amidst a constantly shifting digital landscape.

Keywords: Supreme Court, Fundamental Rights, Digital Era, Privacy, Internet Freedom.

Introduction

The twenty-first century has experienced an unprecedented digital metamorphosis. The internet has evolved into a fundamental medium for social networking, commercial operations, education, healthcare, and public administration. Governments are increasingly reliant on digital tools to deliver services, while private corporations gather and analyze massive volumes of personal information. Social media platforms influence public sentiment, and artificial intelligence is transforming decision-making processes across numerous sectors.¹

In India, this digital transition has been accelerated by initiatives such as Digital India, Aadhaar, electronic banking, e-governance, and digital payment frameworks. While these innovations have enhanced efficiency and convenience, they have also raised serious concerns regarding privacy, freedom of expression, mass surveillance, cybersecurity, and data protection.²

The Constitution of India safeguards Fundamental Rights under Part III, including the right to equality (Article 14), the freedom of speech and expression (Article 19), the protection of life and personal liberty (Article 21), and the right to constitutional remedies (Article 32). However, at the time the Constitution was adopted in 1950, contemporary digital technologies did not exist. Consequently, the continuous evolution of constitutional interpretation has become essential to ensure these rights remain effective in the modern electronic era.³

The Supreme Court of India serves as the protector of the Constitution and the defender of Fundamental Rights. By utilizing judicial review and interpreting constitutional mandates, the Court has adapted legal doctrines to confront emerging digital challenges. Its significance has expanded greatly in protecting the public from excessive state surveillance, unwarranted internet restrictions, the misuse of private data, and the violation of online freedoms.

This research examines the shifting role of the Supreme Court in defending Fundamental Rights in the digital age and reviews the historical legal decisions that have shaped digital constitutionalism in India.

Constitutional Framework for Protection of Fundamental Rights

The Indian Constitution provides a comprehensive structure for the preservation of individual

¹ Manuel Castells, *The Rise of the Network Society* (2nd edn., Wiley-Blackwell, 2010).

² Ministry of Electronics and Information Technology, Government of India, *Digital India Programme* (2025).

³ M.P. Jain, *Indian Constitutional Law* (9th edn., LexisNexis, 2023) 1123.

freedoms. Several Fundamental Rights carry significant weight in a digital setting.

Article 14: Right to Equality

Article 14 guarantees equality before the law and uniform legal protection. In the modern digital landscape, this provision ensures that state actions involving digital tools, algorithms, and online regulations are neither arbitrary nor biased. The Supreme Court has frequently stressed the importance of non-arbitrariness when reviewing government measures that affect digital liberties.

Article 19: Freedom of Speech and Expression

Article 19(1)(a) grants the liberty of speech and expression. In the contemporary era, websites, blogs, online forums, and social networks act as the primary channels for communication. Any limitations placed on internet connectivity directly affect this constitutional right. The Supreme Court has acknowledged that the right to free speech extends to digital platforms and electronic messaging.⁴

Article 21: Right to Life and Personal Liberty

Article 21 has evolved into one of the most broad-ranging provisions of the Constitution. The Supreme Court has widened its scope to encompass various elements such as personal dignity, privacy, autonomy, and the right to manage one's own data. The expansion of biometric identification, digital monitoring, data harvesting, and artificial intelligence has placed Article 21 at the center of digital rights advocacy.⁵

Article 32: Right to Constitutional Remedies

Dr. B.R. Ambedkar described Article 32 as the "heart and soul" of the Constitution. It empowers citizens to seek direct intervention from the Supreme Court if their Fundamental Rights are violated. This mechanism has allowed individuals and advocacy groups to challenge unconstitutional digital policies and actions in court.⁶

⁴ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

⁵ *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161.

⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

Supreme Court as the Guardian of Fundamental Rights

The Supreme Court serves as the ultimate authority on the interpretation of the Constitution. By utilizing the mechanism of judicial review, the judiciary assesses whether legislative statutes and executive conducts remain consistent with constitutional standards. In our current electronic era, the Court serves several critical functions:

1. Guarding citizens against unlawful surveillance.
2. Ensuring the liberty of digital discourse.
3. Protecting interests regarding privacy.
4. Reviewing restrictions imposed online.
5. Balancing national security requirements with personal liberties.
6. Promoting constitutional clarity within the sphere of digital administration.

The active participation of the courts has been instrumental in molding India's digital constitutional legal structure.

The Right to Privacy and the Puttaswamy Verdict

A profound transformation in India's constitutional legal history occurred with the Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) decision⁷.

Background

The lawsuit challenged specific aspects of the Aadhaar initiative and investigated whether privacy is recognized as a Fundamental Right under the Constitution. Before this landmark judgment, the constitutional standing of privacy was largely undefined.

Supreme Court Decision

A nine-judge bench reached a unanimous conclusion, affirming that the right to privacy is a

⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

Fundamental Right protected by Articles 14, 19, and 21.

The tribunal noted that privacy encompasses:

- Bodily privacy
- Data privacy
- Decision-making autonomy
- Human dignity

Consequences

This judgment redefined India's constitutional landscape by classifying privacy as a crucial component of personal freedom and dignity. In today's digital world, informational privacy has become exceptionally significant as both government agencies and private corporations collect massive volumes of individual data.

The ruling established several foundational principles:

- Data collection must be authorized by law.
- State interventions must follow the principle of proportionality.
- Privacy infringements must serve legitimate governmental objectives.
- Personal autonomy must be respected.

The Puttaswamy ruling is widely regarded as the bedrock of digital rights legislation in India.

Aadhaar and Digital Identity

The Supreme Court further explored digital rights during the K.S. Puttaswamy (Aadhaar) v. Union of India (2018) proceedings. The bench upheld the constitutionality of Aadhaar while simultaneously imposing limitations on its usage.⁸

⁸ *M.P. Sharma v. Satish Chandra*, AIR 1954 SC 300; *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295.

Key Observations

The Court stressed the importance of:

- Protecting private information.
- Preventing the unauthorized distribution of data.
- Restricting Aadhaar's use to legitimate purposes.
- Establishing safeguards against state-led surveillance.

The decision sought to reconcile social welfare objectives with the protection of privacy.

Internet Access and Freedom of Expression

In the modern era, internet connectivity is vital for the practice of free speech and communication. The Supreme Court addressed this issue in *Anuradha Bhasin v. Union of India* (2020).⁹

Background

The legal dispute arose from internet service disruptions implemented in Jammu and Kashmir. The petitioners contended that prolonged internet shutdowns violated Fundamental Rights.

Supreme Court Conclusions

The judiciary ruled that:

- Speech via the internet is constitutionally protected.
- The right to engage in digital commerce and trade is shielded under Article 19(1)(g).
- Orders to disconnect the internet must satisfy the standards of necessity and proportionality.
- Any such restrictions must be temporary and undergo periodic review.

⁹*Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

Significance

The judgment recognized the internet as an indispensable medium for exercising constitutional rights and increased accountability regarding government-ordered internet shutdowns.

Free Speech and the Governance of Social Media

Digital platforms have expanded the possibilities for public debate and democratic participation. However, anxieties concerning misinformation, hateful content, and online harassment have prompted demands for regulation. The Supreme Court has consistently asserted that any constraints on digital discourse must adhere to constitutional tenets.

Shreya Singhal v. Union of India (2015)¹⁰

This major case challenged the legality of Section 66A of the Information Technology Act, 2000.

Court Decision

The Supreme Court struck down Section 66A, labeling it unconstitutional.

The Court's reasoning included:

- The provision was vague and overly broad.
- It created a "chilling effect" on the freedom of expression.
- Individuals should not be punished merely for sharing controversial opinions online.

Impact

This verdict serves as a milestone in the protection of digital expressive freedom, reaffirming that constitutional protections apply equally to both virtual and physical communication.

Digital Surveillance and Constitutional Safeguards

Modern states frequently employ monitoring technology for law enforcement and national

¹⁰ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

security purposes. Nevertheless, invasive surveillance can threaten individual liberties and privacy. The Supreme Court has maintained that monitoring activities must comply with constitutional requirements.

Guiding Principles Established by the Bench

1. Legality
2. Necessity
3. Proportionality
4. Procedural safeguards

These principles ensure that surveillance methods do not transform into instruments of arbitrary state control. The Court has frequently highlighted that transparent and accountable procedures are essential for democratic governance in the context of surveillance.¹¹

Data Protection and Informational Privacy

The contemporary digital economy relies heavily on the acquisition and processing of personal information. Problems such as data breaches, unauthorized profiling, and the misuse of personal details have emerged as significant worries. The Supreme Court's validation of informational privacy in the Puttaswamy case provided the constitutional foundation for data protection in India.¹²

Judicial Contributions

The Court has underscored:

- Individual control over one's own data.
- Protection against the unlawful processing of information.
- The necessity of legal frameworks for data collection.

¹¹ *People's Union for Civil Liberties (PUCL) v. Union of India*, (1997) 1 SCC 301.

¹² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

- The state's responsibility to ensure data security.

These benchmarks have influenced the evolution of India's emerging data security legislation.

Artificial Intelligence and Emerging Constitutional Obstacles

Artificial Intelligence (AI) brings a blend of fresh opportunities and significant risks.

AI is increasingly influencing decision-making processes within:

- Human resources
- Educational instruction
- Healthcare services
- Financial sectors
- Law enforcement activities

Potential constitutional complications include:

- Algorithmic discrimination
- Prejudiced automated outcomes
- A lack of transparency
- Violations of personal privacy

Although the Supreme Court has yet to establish a comprehensive set of AI-specific regulations, the core legal principles established during privacy and equality cases provide a framework for future judicial evaluation.

The Court is expected to serve as a crucial protector to ensure that AI technologies remain consistent with constitutional values.

Challenges faces by the Supreme Court in the Contemporary Digital Era

Despite its profound influence, the Supreme Court faces various hurdles.

Rapid Technological Advancement

The speed of innovation outpaces the development of legal structures. Jurists often deal with complexities involving technologies that did not exist when previous laws were enacted.

National Security Contradictions

Maintaining a balance between personal freedoms and state safety remains a constant struggle, particularly concerning digital surveillance and internet restrictions.

Global Data Complexities

Digital information frequently crosses national boundaries, resulting in complicated jurisdictional conflicts.¹³

Influence of Private Enterprises

Large technology firms hold massive authority over public discourse and personal data.

Determining the extent of constitutional obligations for private entities remains a continuous challenge.

Cybersecurity Threats

The surge in hacking, data breaches, and digital fraud necessitates strong legal responses that do not undermine constitutional protections.¹⁴

Future Directions

Protecting fundamental human rights in this digital era requires ongoing judicial ingenuity.

Future priorities include:

1. Strengthening data protection measures.
2. Increasing transparency in automated systems.

¹³ The Digital Personal Data Protection Act, 2023.

¹⁴ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

3. Protecting citizens from pervasive surveillance.
4. Ensuring the accountability of digital platforms.
5. Developing constitutional principles specifically tailored for artificial intelligence.
6. Safeguarding digital inclusivity and internet freedom.

The constitutional role of the Supreme Court will remain essential as technology becomes increasingly integrated into everyday life.

Conclusion

The digital era has radically transformed the environment of governance and constitutional entitlements. Fundamental rights once practiced in the physical realm are now increasingly exercised through digital mediums. Consequently, constitutional protections must evolve to address difficulties arising from surveillance technology, internet censorship, data collection, social media regulation, and AI.

The Supreme Court of India has been a pioneer in reshaping constitutional principles for the digital age. Through landmark decisions such as *Shreya Singhal*, *Puttaswamy*, and *Anuradha Bhasin*, the Court has strengthened protections for privacy, expression, internet access, and data sovereignty. These rulings demonstrate the Court's commitment to maintaining democratic values and individual liberties amidst rapid technological change.

As digital technologies continue to reshape society, new constitutional questions will emerge. The Supreme Court's role as the guardian of Fundamental Rights will become even more vital in ensuring that technological growth does not diminish human dignity, liberty, equity, and justice. By navigating the tension between innovation, state authority, and personal autonomy, the Court can continue to uphold the constitutional vision of a democratic, rights-based digital landscape.

Bibliography

- Singh, A. (2021). Judicial Activism and Digital Rights in India. *Journal of Indian Law*, 34(2), pp. 45-67.
- Kumar, R. (2020). The Supreme Court's Role in Protecting Privacy Rights in the Digital Age. *International Journal of Law and Technology*, 12(4), pp. 112-134.
- Patel, S. (2019). Fundamental Rights and Digital Surveillance: A Judicial Perspective. *Law Review*, 18(1), pp. 89-105.
- Das, M. (2022). Digital Freedoms and the Indian Judiciary: An Analysis. *Journal of Constitutional Law*, 29(3), pp. 210-231.
- Rao, P. (2018). Protection of Data Privacy by the Supreme Court. *Indian Journal of Law and Society*, 40(2), pp. 155-174.
- Verma, L. (2020). Freedom of Speech in the Digital Era: Judicial Interventions. *Law and Society Review*, 22(4), pp. 99-120.
- Choudhury, S. (2021). Supreme Court and Cyber Rights: A Comparative Study. *International Journal of Comparative Law*, 15(2), pp. 77-98.
- Bhat, N. (2019). Balancing National Security and Fundamental Rights in the Digital Space. *Journal of National Security Law*, 27(1), pp. 50-72.
- Gupta, T. (2023). Digital Rights and Judicial Enforcement: Recent Trends. *Indian Law Journal*, 33(4), pp. 305-328.
- Sen, R. (2020). The Role of the Supreme Court in Regulating Online Content. *Media Law Review*, 16(3), pp. 144-165.
- Joshi, A. (2022). Artificial Intelligence and Fundamental Rights: The Judicial Response. *Technology and Law Journal*, 9(2), pp. 88-110.
- Mukherjee, P. (2019). Judiciary's Approach to Data Privacy in the Digital Age. *Law and Policy Review*, 21(1), pp. 73-95.

- Iyer, V. (2021). Right to Privacy and Digital Data Protection: An Indian Perspective. *Journal of Human Rights Law*, 14(2), pp. 131-153.
- Khandelwal, S. (2018). Cybersecurity and Fundamental Rights: The Judicial Role. *Indian Journal of Cyber Law*, 5(3), pp. 60-81.