

Digital Divide and the Right to Life: A Study On Distributive Justice in the Age of Technology

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ABSTRACT

Imagine a poor daily wage worker named Mahesh living in a remote village in Uttarakhand. During the COVID-19 pandemic, the government made vaccination registration mandatory through the online portal CoWIN. He neither had a smartphone nor any internet connection. He was also digitally illiterate and unable to understand the online registration process. As a result, he could not book a vaccination slot in time. This shows how the digital divide can directly affect the right to life. The digital age has been welcomed as a revolutionary period in India, promising increased access to information, services, and opportunities. However, technological advancement has not been evenly distributed among India's social strata. The digital divide, the disparity between those who have access to digital resources and those who do not [1], raises serious constitutional and philosophical concerns. Ambedkar's concept of distributive justice went beyond legal equality, emphasising the material and functional competence of oppressed groups to engage as equals in social and economic affairs. In the contemporary period, digital accessibility has emerged as a new source of social power, defining one's capacity to access education, e-governance, welfare programs, financial inclusion, and dignified livelihoods. This research aims to critically investigate the digital gap as a modern form of structural inequality and determine if current technology policies are consistent with Art. 21 of the Constitution by using doctrinal method. It also investigates if digital empowerment programs actually enable distributive justice or only recreate existing hierarchies in a digital form.

Keywords: Digital Divide, Right to Life, Distributive Justice, Digital Accessibility, Social Justice, Ambedkarite Philosophy.

INTRODUCTION

The above illustration of Mahesh highlights a growing reality of the modern digital age. The rapid digital transformation of India has redefined how individuals access education, employment, financial services, governance, and social opportunities. While technology is often celebrated as a catalyst for progress, the uneven distribution of digital access has created new layers of inequality that mirror long-standing social hierarchies. This emerging digital divide raises critical questions about social justice, equal opportunity, and inclusion in the 21st century. Dr. B.R. Ambedkar, one of India's foremost social reformers [2], envisioned an egalitarian society grounded in liberty, equality, and fraternity principles that demand not only the removal of traditional barriers but also equitable access to modern tools of empowerment.

In today's context, digital access has become one such essential tool. The inability of marginalised communities, particularly Dalits, Adivasis, women, rural households, and economically weaker sections, to benefit fully from the digital revolution underscores a persistent structural challenge. The expanding digital landscape risks reproducing and

intensifying old hierarchies under new forms if disparities in access, affordability, and digital literacy remain unaddressed. Technology, instead of functioning as a great equaliser, may deepen exclusion unless proactively guided by principles of distributive justice. This research, therefore, explores how unequal access to digital tools affects the promise of the right to life. It seeks to analyse structural gaps, emerging inequalities, and the need for transformative policies to ensure that the digital era becomes a pathway to justice rather than a new arena of discrimination.

RESEARCH METHODOLOGY

This study adopts a qualitative socio-legal research methodology, supported by doctrinal analysis of constitutional provisions, Ambedkar's writings, Journals and policy documents. Review of secondary data such as reports from NSSO, TRAI, World Bank, NITI Aayog, and academic studies. Comparative analysis of digital inclusion models in other countries. Case study approach focusing on digital access gaps in education, e-governance, and employment.

LITERATURE REVIEW

"Dr B.R. Ambedkar's Concept of Social Justice" [3], the research examines the persistence of social inequality and untouchability in India. Despite constitutional safeguards, focusing on Dr B.R. Ambedkar's vision of social justice. It explores how caste-based discrimination, denial of resources, and exclusion from mainstream society continue to challenge the realisation of equality, liberty, and fraternity envisioned in the Indian Constitution. The study finds that although Dr Ambedkar's reforms and constitutional provisions aimed to uplift women, SC and ST, social justice in India remains largely unfulfilled in practice. The caste system continues to perpetuate inequality, and globalisation and privatisation have further sidelined weaker sections under the guise of merit-based systems. To achieve his idea of a just and casteless society, the research concludes that India must restructure its social, economic, and institutional frameworks to ensure inclusion, equality of opportunity, and dignity for all citizens within the constitutional framework.

Digital Divide Initiative Success in Developing Countries: A Longitudinal field study in a village in India (2013) [4], it investigates a remote Indian town to see why certain digital inclusion projects work and others fail. It discovers that merely supplying technology is insufficient; social networks and community influence play an important role in determining who utilises digital technologies and who gains financially from them. People who are more central and respected in village advice networks are more likely to accept technology and benefit financially, whereas disadvantaged groups are excluded even when infrastructure is accessible. The study indicates that the digital gap is about more than simply access; it is about social power, information flow, and inclusion, implying that technological programs should address structural inequities and community dynamics rather than depending just on device distribution.

Dr. Ambedkar's vision of Social Justice: Myth or Reality [5], is the research investigates Dr B.R. Ambedkar's vision and philosophy regarding the upliftment of untouchables and marginalized communities in India, with a particular focus on the reservation policy as a tool for socio-economic equality. It examines the purpose, limits, and constitutional foundations of protective discrimination, as well as Ambedkar's perspective on self-reliance, legal obligation, and the creation of an egalitarian social order. The study finds that Ambedkar viewed reservation not as charity but as a constitutional duty to correct historical injustices against oppressed groups. While he supported temporary protective measures, he opposed perpetual reservations, emphasizing the importance of self-confidence and self-development among marginalized communities. Despite decades of reservation policies, the dream of a fully egalitarian society remains incomplete, highlighting the ongoing need to implement Ambedkar's principles to combat casteism, inequality, and untouchability, thereby realizing the democratic and humanistic ideals enshrined in the Indian Constitution.

RIGHT TO LIFE AND DIGITAL ACCESS

The Right to Life is a fundamental right [6] enshrined in several legal documents at the national and international levels. The Indian Constitution states that, "No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law." [7] This specific provision has become the most vigorous and dynamic part of the Indian Constitution. It is the most interpreted, most expanded and most powerful fundamental right. Initially, it was a negative right, a restriction on the State, rather than a positive responsibility to provide circumstances for a decent existence. However, the judiciary increasingly expanded Article 21 beyond its constitutional limitations. It states that the

State cannot take away a person's life or liberty unless it follows a just, fair and reasonable legal procedure [8]. The term 'life' here not merely means animal existence or survival, it means living with dignity [9], quality and meaningful human existence. And the term 'personal liberty' means freedom of the individual from any unreasonable interference by the state. In *Faheema Shirin RK v. State of Kerala* [10], the Kerala High Court became the first in India to recognise the right to access the Internet as part of the Right to Life. The Supreme Court held in *Anuradha Bhasin v. Union of India* [11] that internet access is intrinsically linked to the freedom of speech and expression [12] and the freedom to engage in commerce or practice a profession [13]. Internet shutdowns must be temporary, reasonable, and subject to judicial review, according to the Court.

On April 30, 2025, the Supreme Court of India issued a major constitutional decision in *Amar Jain v. Union of India* [14], signalling a substantial shift in the interpretation of basic rights in the digital era. It set a key precedent by acknowledging the "right to digital access" as an essential component of basic rights. They read Article 21 of the Constitution, which guarantees the right to life and personal liberty, including the right to internet access. Also, the Supreme Court ruled recently that "digital access" is a fundamental right under Article 21 of the Constitution [15]. It was heard alongside the *Amar Jain* case [16]. The ability of individuals to correctly utilize digital technology and online services has been termed as "digital access". This includes having access to digital technology, computers, mobile phones, power, internet connections, and being able to utilize the same. While owning a device is one of the requirements for digital access, there are other elements such as affordability, network access, digital literacy, and equal access to the digital world.

The concept of digital access is not confined only to having a device. Other factors that define digital access include Internet Connectivity which should be reliable and affordable enough, Digital Devices, Digital Literacy and Affordability i.e. financial ability to purchase a device and access the internet. For instance, students owning a smartphone but lacking internet access and awareness about online classes cannot be considered digitally accessible. Likewise, individuals living in remote villages where there is an absence of proper network infrastructure do not get benefited from digital government projects. It is becoming important for survival in this era. Online platforms have become the means through which people access governmental services, education, healthcare, financial services, job opportunities, and communication. If an individual does not have access to the internet, he/she may miss out on crucial opportunities and services provided solely via the digital world.

WHAT IS DIGITAL DIVIDE?

The digital divide can be defined as the disparity between those who have access to digital resources and those who do not [17]. The digital divide mirrors historical inequalities while creating new ones. Access to technology determines access to employment, welfare schemes, healthcare, banking, and information. People without digital access face obstacles in applying for jobs, receiving welfare benefits, or participating in digital governance systems [18]. Thus, digital exclusion becomes a form of social exclusion. This gap encompasses disparities in infrastructure, digital literacy, price, and connectivity quality in addition to physical access. While urban people enjoy speedier and more dependable digital services, rural communities in many developing nations, including portions of India, frequently struggle with limited internet availability, poor network coverage, and a lack of equipment. Because underprivileged groups may not have access to digital possibilities, socioeconomic criteria including age, gender, poverty, and education exacerbate this gap. Access to healthcare, work, education, e-governance services, and social engagement are all significantly impacted by the digital divide. For instance, students without internet connection found it difficult to participate in online classes during the COVID-19 outbreak, underscoring disparities in educational access. All schools shifted to online learning by utilizing video apps and digital learning sources. Priya a student studying in a government school located in a rural part of the country could not attend classes or submit assignments due to which she fell behind with her curriculum and might even drop out from school because of the situation. The above example is an instance of 'the digital divide' in which differences in access to opportunities and basic facilities such as education arise due to a lack of technological facilities. To guarantee that the advantages of digital transformation reach all facets of society, concerted measures are needed to bridge this gap. These efforts include raising digital literacy, promoting inexpensive internet, upgrading infrastructure, and enacting inclusive laws.

CHALLENGES IN BRIDGING THE DIGITAL DIVIDE

In India, the government has undertaken several initiatives aimed at enhancing digital infrastructure, promoting digital literacy, and ensuring inclusive access to technology. These initiatives reflect a growing recognition that digital connectivity is essential for socio-economic development and the realization of fundamental rights [19]. The **2015 programme** [20] focuses on bridging the digital divide by expanding internet connectivity, particularly in rural and remote areas [21]. The **BharatNet Project** is one of the world's largest rural broadband connectivity initiatives. The government also introduced digital literacy programmes such as **National Digital Literacy Mission (NDLM)**, **Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA)**. These initiatives aim to equip citizens, particularly in rural areas, with basic digital skills.

Despite significant governmental efforts to promote digital inclusion, the digital divide in India persists as a structural and multifaceted problem. The challenges are not merely technological but deeply rooted in socio-economic inequalities, administrative inefficiencies, and policy limitations. These barriers hinder the realization of the Right to Life under Article 21 and undermine the principles of distributive justice.

1. Infrastructural Inequality

One of the primary challenges is the lack of adequate digital infrastructure, particularly in rural and remote areas. Although initiatives such as BharatNet aim to provide broadband connectivity, many regions still experience Poor network coverage, Low internet speed and Frequent service disruptions. The absence of reliable infrastructure creates a fundamental barrier to digital access, effectively excluding large sections of the population from participating in the digital ecosystem.

2. Economic Barriers and Affordability

Access to digital technology is often constrained by financial limitations. The cost of Smartphones and computers, Internet data plans, Maintenance and upgrades remains prohibitive for economically weaker sections. Economic inequality directly affects access to digital devices and high-speed internet. Families with lower incomes prioritise basic needs over technology. The cost of smartphones, data packages, and digital literacy programs becomes a barrier [22]. This economic divide reinforces existing inequalities, as only those with sufficient resources can benefit from digital advancements.

3. Digital Illiteracy and Skill Gap

Digital access without the ability to effectively use technology results in a “usage divide.” A significant portion of the population lacks the basic digital literacy, awareness of online services and skills required for digital navigation. This gap is particularly pronounced among older populations, rural communities, and marginalized groups. As a result, even where infrastructure exists, its benefits are not fully realized.

4. Gender-Based Digital Divide

The digital divide in India is also characterized by stark gender disparities. In many households, especially in rural and semi-urban areas, women's access to mobile phones, laptops, or the internet is often restricted by family members due to fears about “misuse,” “character issues,” or “exposure to the outside world” [23]. This exclusion not only limits women's participation in the digital economy but also perpetuates broader gender inequalities, undermining the goal of inclusive development.

5. Rural-Urban Disparities

Urban areas enjoy significantly better digital infrastructure and access compared to rural regions. This disparity manifests in faster internet speeds in cities, greater availability of digital services, higher levels of digital literacy. Consequently, rural populations are at a systemic disadvantage, affecting their access to education, healthcare, and employment opportunities.

6. Policy and Implementation Gaps

While the government has introduced several initiatives, their implementation often faces challenges such as bureaucratic delays, lack of coordination between agencies, inefficient monitoring mechanisms. Moreover, the absence of a unified legal framework recognizing digital access as a fundamental right limits accountability and enforceability.

7. Exclusion from Essential Services

The increasing digitization of essential services including education, healthcare, banking, and public welfare, has inadvertently created new forms of exclusion. Individuals without digital access are unable to attend online classes, access telemedicine services, avail government schemes through digital portals, and participate in virtual court proceedings. The lack of access limits participation in education, employment, governance, and economic life [24]. This exclusion raises serious constitutional concerns, particularly in light of the Right to Life and dignity.

8. Structural Inequality and Social Exclusion

At its core, the digital divide reflects deeper structural inequalities based on caste, class, gender, and geography. Even though technology is often celebrated as neutral and equalising, in the Indian context, it operates within a social structure that is deeply unequal [25]. Marginalised communities often face multiple layers of exclusion, making it difficult for them to access and benefit from digital technologies. This systemic inequality contradicts the principles of distributive justice, particularly those advocated by John Rawls, which emphasize the need to prioritize the least advantaged in society. The digital divide, therefore, becomes a continuation of caste hierarchy in a new technological form [26].

The challenges in bridging the digital divide are complex and interrelated, requiring a holistic and multi-dimensional approach. Addressing these barriers is essential not only for technological advancement but also for ensuring constitutional guarantees of equality, dignity, and the right to life. Without targeted interventions and a rights-based framework, digital transformation risks exacerbating existing inequalities rather than alleviating them.

DIGITAL DIVIDE AS A QUESTION OF DISTRIBUTIVE JUSTICE IN THE TECHNOLOGICAL AGE

In the technological age, equal resource distribution goes far beyond the physical allocation of digital devices or the installation of internet cables. It encompasses the creation of an ecosystem in which every citizen, regardless of their socio-economic background, is able to make meaningful use of digital tools. Equal distribution also means considering the differentiated needs of communities. For example, remote tribal belts may require community based digital learning centres, while urban slums need subsidised smartphones and public Wi-Fi hotspots. Ensuring equal digital resources is an inclusive model that acknowledges India's social diversity. Real equality in digital access requires not only infrastructure but also the removal of socio-cultural barriers that prevent marginalised groups from using technology confidently. Ambedkar recognised that empowerment is meaningful only when people are equipped with the capacity to utilise the resources provided to them.

In this context, equal digital resource distribution must be paired with training, support systems, and institutional handholding. Without such measures, technology can remain an inaccessible domain dominated by urban, male, upper-caste, and economically privileged groups. By investing in equitable distribution models such as government-sponsored digital libraries, Gram Panchayat technology hubs, or reservation-based digital training seats, the state can ensure that digital transformation becomes a shared national advancement rather than a privilege enjoyed by a select few. Ambedkar's principle of equitable access suggests that the state must ensure universal internet connectivity, affordable devices, and community-based digital centers. Digital resources should be treated as public goods essential for modern citizenship.

CONCLUSION

The digital divide in India is not merely a technological challenge it represents a deeper moral, constitutional, and socio-economic question tied directly to the country's unfinished struggle for equality. Whether in terms of caste-based barriers, gendered restrictions, economic poverty, or regional underdevelopment, the individuals pushed to the margins of the digital world are often the same communities historically denied access to education, dignity, and opportunity. In this sense, the digital divide is a modern expression of old social injustices, repackaged in the language of connectivity and technology. Without a conscious effort to address these structural inequalities, India's digital transformation risks creating a dual society one digitally empowered and one digitally forgotten.

Ambedkar envisioned a society where liberty, equality, and fraternity [27] were not just constitutional ideals but lived realities. Applying his philosophy to the digital age reveals that true equality requires more than technical infrastructure; it requires the ability to meaningfully participate in the digital public sphere. This research finds that access to digital

tools now determines access to education, welfare schemes, employment, financial inclusion, and democratic participation. Thus, excluding marginalised communities from the digital ecosystem is equivalent to denying them modern citizenship. Without economic empowerment in the digital space, technology will continue to reproduce socio-economic hierarchies instead of dismantling them [28]. As technology becomes the foundation of education, employment, and governance, excluding marginalised groups from digital access becomes a modern form of injustice. India must shift from a purely technological approach to a socially just, human-centred digital policy. Bridging the digital divide is not merely about providing devices or internet connections, it is about ensuring dignity, participation, and empowerment for all. By integrating Ambedkar's distributive justice principles into digital governance, India can move closer to realizing a true democracy built on quality and fraternity.

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