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**February 19, 2020**

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**Title of Ph.D Thesis: Legitimacy of State Control over Cyber Space with special  
Reference to Fundamental Rights under the Constitution of India**

### **ABSTRACT**

Cyberspace is a virtual reality, borderless, easily accessible and provides easy and low cost anonymity. It is a great source of information and entertainment providing personal media for exchange of ideas across the globe but also provides easy opportunity for misuse in the form of cyber crimes, hate speech, fake news etc. One is under e-surveillance all the time even when off line. Thus, Fundamental Rights of privacy and Freedom of Speech and expression are being violated in cyberspace..

Government of India has been blocking and removing websites as well as shutting down Internet services in areas without any fault of an individual. The Information Technology Act, 2000, does not cover all aspects relating to Fundamental rights of citizens of India. In *Shreya Singhal*<sup>1</sup> case in 2016, the Supreme Court struck down Section 66A of the Information Technology Act, 2000, regarding offensive messages on social media, as being arbitrary and violative of fundamental right of speech and expression. In *Puttaswamy* case <sup>2</sup>Supreme Court held that right to privacy is a fundamental right and informational privacy, including data privacy, deserve same respect.

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<sup>1</sup> *Shreya Singhal v Union of India* (2015)5 SCC 1

<sup>2</sup> *K S Puttaswamy v Union of India* (2017)10 SCC 1

How far and in what manner should the State control the cyberspace, specially when such control affects Fundamental rights of a citizen, is the subject of this research study. First chapter is the *Introduction* chapter. Second chapter is *Evolution of Cyberspace and Development of Cyber Law*. Third chapter is *State Control over Cyberspace*. Fourth chapter is *State, Cyberspace and Freedom of Speech and Expression*. Fifth chapter of the research study is *Privacy and Digital Privacy: Role of State*. Sixth chapter of the research study is *Judicial trend towards cyberspace*. Seventh chapter of the research contains *Conclusions, Findings and Suggestions*. This research study has considered the following Questions: (1) Whether it is legitimate for the State to exercise control over cyberspace? (2) What would be the parameters for State to exercise legitimate control over cyberspace? (3) Whether IT Act, 2000 comprehensively addresses the issues of State role and Fundamental rights in cyberspace? The Hypotheses considered in this research study were: (1) In the rapidly changing scenario in cyberspace due to technological developments there is need to define afresh fundamental rights of citizens in cyberspace. (2) With expanding digitization in India there is need to create comprehensive and innovative legal framework relating to cyberspace. The findings to research study questions are as under:- Q.(1)- Ans- Yes; Q.(2)- Ans- As per Constitution Q.(3)- Ans- No. The findings on Hypotheses are : (1)- Correct (2)- Correct.

The suggestions include having improved technology , better legislation, proper adjudicating set up to provide real time service to citizens, mandatory education of computer from primary level onwards, choice for cyber policing , involvement of private industry with certain policing and adjudication powers, and better international co-operation.