

Bill No. X of 2023

THE RIGHT TO FREE INTERNET BILL, 2023

A

BILL

*to provide for free internet access to all the citizens in the country and for matters
connected therewith and incidental thereto.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Free Internet Act, 2023.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in case of a State, the Government of the
State and in all other cases, the Central Government;

(b) "citizen" means any Indian citizen;

(c) "internet" means the latest and fastest version of internet available as approved by authorities;

(d) "service provider" means any public or private sector entity, which is providing internet facilities;

(e) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control or empowered by, or under any law for the time being in force to function as a local authority in any city, town or village;

(f) "notification" means a notification published in the Official Gazette; and

(g) "prescribed" means prescribed by rules made under this Act.

Right of citizens to free internet.

3. (1) Every citizen shall have the right to free internet access.

(2) No citizen shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from accessing internet facilities.

Special provisions for citizens belonging to backward and remote regions.

4. The appropriate Government shall, while ensuring universal access to internet to all citizens, take special measures to ensure that the citizens who belong to the backward and remote regions of the country are provided equal access to the internet.

Right to access any service provider.

5. (1) The appropriate Government shall ensure that the citizens have the right to choose any available service provider and may opt for any other service provider, as and when they desire.

(2) The appropriate Government shall also ensure that no service provider shall deny services to any citizen on account of his/her not having a permanent address.

Duties of the Central Government.

6. It shall be the duty of the Central Government to,—

(a) either directly provide internet access to all citizens or completely subsidize the services provided by any service provider so that internet access is ensured for all citizens;

(b) develop a framework to carry out the provisions of this Act by strengthening the public sector entities along with legally requiring the services of the private players;

(c) determine a tariff for such services and revise it regularly; and

(d) examine the reports provided by the State Governments under section 7 of this Act and propose necessary actions to ensure internet access for every citizen.

Duties of State Governments to monitor access and services.

7. It shall be the duty of the State Governments to monitor internet access at the micro level and provide precise reports to the Central Government about internet access and services provided by the service providers for the citizens within its jurisdiction, in such manner as may be prescribed.

Central Government to provide funds.

8. The Central Government shall provide funds to the State Governments, as grants-in-aid of revenues, to enable them to carry out the provisions of this Act.

Constitution of National Accessibility Council.

9. (1) The Central Government shall constitute by notification, a body to be known as the National Accessibility Council for performing the functions assigned under this Act.

(2) The National Accessibility Council shall consist of a Chairperson appointed by the Central Government in such manner as may be prescribed and such other members, as given below:—

- (i) representatives from both Houses of Parliament;
- 5 (ii) representatives from the State Legislative Assemblies;
- (iii) representatives from the Central Government;
- (iv) representatives from the State Government; and
- (v) representatives of the service providers.

(3) The representatives mentioned in sub-clauses (i) to (v) above shall be appointed in
10 such number and in such manner as may be prescribed.

(4) The allowances and other terms and conditions of the Chairpersons and Members of the National Accessibility Council shall be such as may be prescribed.

10. (1) Each State Government shall constitute, by notification, a body to be known as the State Accessibility Council for performing functions assigned under this Act.

Constitution of State Accessibility Councils.

(2) The State Accessibility Council shall consist of a Chairperson appointed by the State Government in such manner as may be prescribed and such other members, as given below:—

- (i) representatives from the State Legislative Assembly and State Legislative Council, where there are two Houses of the State Legislature;
- 20 (ii) representatives from the State Government;
- (iii) representatives from the Local Self-Governments; and
- (iv) representatives of the service providers.

(3) The representatives mentioned in sub-clauses (i) to (iv) above shall be appointed in such number and in such manner as may be prescribed.

25 (4) The allowances and other terms and conditions of service of the Chairpersons and Members of the State Accessibility Councils shall be such as may be prescribed.

11. The National Accessibility Council Shall,—

Functions of the National Accessibility Council.

- (a) decide the norms and standards of the services to be provided by the service providers;
- 30 (b) devise a mechanism to redress grievances of aggrieved parties arising out of the implementation of the provisions of this Act; and
- (c) perform such other functions as may be assigned to it by the Central Government.

12. The State Accessibility Councils shall perform such functions as may be assigned
35 to them by the State Governments in consultation with the National Accessibility Council.

Functions of the State Accessibility Councils.

13. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of the this Act.

Power to make rules.

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total
40 period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House. 5

Power to
remove
difficulty.

14. If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may by notification, make such provisions, not inconsistent with this Act, as appears to them to be necessary or expedient for removing the difficulty. 10

STATEMENT OF OBJECTS AND REASONS

Internet is a technology that serves as the primary source of information to millions of Indian citizens.

2. The Indian Constitution make the Right to Freedom of Speech and Expression a Fundamental Right for all citizens, as enshrined in article 19(1)(a). All citizens of the country should, therefore, be able to access internet in order to exercise and enjoy their right to freedom of expression and opinion, and other fundamental human rights.

3. The Central Government and the State Governments have the responsibility to ensure that internet access is broadly available and that there are no unreasonable restrictions on an individual's access to the internet.

4. This Bill seeks to expand the scope of the constitutional Right to Freedom of Speech and Expression granted to all citizens of the country by making internet accessible to all free of cost. The Bill also envisages to bridge the digital divide in society.

The Bill seeks to achieve its objectives.

V. SIVADASAN.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that no citizen shall be liable to pay any kind of charges or expenses for accessing internet facilities. Clause 4 provides that the appropriate Government shall take special measures to ensure internet access to citizens belonging to backward and remote regions of the country. Clause 6 (a) provides that the Central Government shall either directly provide universal internet access or completely subsidize the services provided by any other service provider. Clause 8 provides that the Central Government shall provide funds to the State Government, as grants-in-aid of revenues, to enable them to carry out the provisions of this Act. Clause 9 provides for the constitution of a National Accessibility Council, appointments of its members and their allowances.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government and the State Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

A

BILL

to provide for free internet access to all the citizens in the country and for matters connected therewith and incidental thereto.

(Dr. V. Sivadasan, M.P.)