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Bridging the Digital Divide: Supreme Court Affirms Right to Accessible Digital Services for Persons with Disabilities

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Introduction

The rapid digitization of public and private services in India has increased efficiency and convenience but also highlighted critical gaps in accessibility. For persons with disabilities, particularly those with visual impairments or facial disfigurements, accessing digital financial and identity verification services remains a significant challenge.

In a landmark decision, the Supreme Court of India has recognized digital accessibility as a fundamental right under Article 21 of the Constitution. The judgment in Pragya Prasun & Ors. v. Union of India and Amar Jain v. Union of India[1] addresses the exclusion of persons with disabilities (PwDs) from digital Know Your Customer (KYC) processes and mandates comprehensive reforms across regulatory and service frameworks. The Court's directions aim to align domestic law with constitutional guarantees, international obligations, and statutory mandates under the Rights of Persons with Disabilities Act, 2016 (RPwD Act).The Court's intervention was necessitated by this gap between technological advancement and inclusive access.

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Factual Background

The petitioners included (i) Survivors of acid attacks suffering from facial disfigurement and visual impairment (ii) a person with 100% blindness.They were unable to complete digital KYC/e-KYC procedures due to protocols requiring "live photographs," blinking, facial alignment, or visual responses that were inaccessible to them. This exclusion resulted in denial of access to essential services such as banking, telecom, insurance, and government welfare schemes.

This led the petitioners to invoked their rights under Articles 14, 19, and 21 of the Constitution, the RPwD Act, 2016, and India's obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Legal Issues

The Supreme Court examined whether the inaccessibility of digital verification methods violates Article 21 of the Constitution, failed to implement the principle of reasonable accommodation under the RPwD Act, and neglected India's international obligationsunder the UNCRPD to ensure accessibility for PwDs.

The Court's Analysis

The Court emphasized that the right to digital inclusion is intrinsic to the right to life and dignity under Article 21 as full participation in society today requires digital access. It found that existing digital KYC frameworks, by failing to accommodate persons with disabilities, amount to systemic discrimination and violate both constitutional and statutory obligations.Citing the judgment given in the matter of Vikash Kumar v. UPSC[2], the Court reiterated the duty of the state to ensure meaningful access and integration of PwDs into mainstream society.

The judgment emphasized that equality must be built into the design of digital systems. The absence of alternative mechanisms effectively marginalizes a segment of the population, undermining constitutional guarantees.

Key Observations:

- The lack of a clear definition of "liveness" in KYC protocols leads to discriminatory practices.

- Accessibility standards for ICT, including IS 17802 (Parts I & II), are not being uniformly implemented.
- Biometric devices and KYC platforms lack assistive technologies like text-to-speech or voice-based inputs.
- Officials lack sensitization, and prompting or third-party assistance is often prohibited.

Directions Issued

To remedy these systemic issues and uphold the rights of persons with disabilities, the Court issued twelve detailed and binding directions to various regulatory and government authorities. These directives aim to eliminate the structural barriers embedded within current digital identification systems. Each directive reflects the Court's intention to bring about substantive equality in accessing digital services. The directions are as follows:

1. **Formulation of Inclusive Guidelines:**All relevant regulators including RBI, SEBI, IRDAI, PFRDA, DoT, and TRAI must formulate comprehensive guidelines to ensure digital KYC procedures are accessible to individuals with various disabilities, particularly visual and facial impairments.
2. **Alternative Liveness Verification Methods:**Regulatory entities must adopt non-visual alternatives for verifying the 'liveness' of a customer, such as voice commands, gesture recognition, or verbal cuesso that reliance on eye movement or blinking is no longer a discriminatory prerequisite.
3. **Offline KYC Options:**Paper-based or physical modes of KYC must be made available to users who are unable to complete digital verification, thereby restoring equitable access to financial and government services.
4. **Recognition of Thumb Impressions:**Authorities must accept thumb impressions in lieu of signatures for those unable to sign. Persons with disabilities must also be allowed to take assistance from family or support persons during KYC, without such assistance being considered improper prompting.
5. **Sensitization and Training:**All personnel involved in the KYC and customer support process must undergo training to understand accessibility issues and to assist users with disabilities in a non-discriminatory manner.
6. **ICT Accessibility Compliance:**All platforms, websites, and applications must comply with the Web Content Accessibility Guidelines (WCAG 2.0) and Indian standards such as IS 17802 to ensure compatibility with assistive technologies.
7. **Definition of Liveness:**A clear and inclusive definition of 'liveness' must be established in regulatory frameworks to prevent exclusion based on inflexible visual criteria.
8. **Assistive Technology Integration:**Biometric devices and authentication tools must be retrofitted or redesigned to include features such as audio feedback, screen readers, or voice input, allowing visually impaired users to navigate them independently.
9. **Authorization of Support Persons:**PwDs must be allowed to nominate a guardian or support person to assist with KYC processes, without this being misconstrued as prompting or fraudulent behaviour.
10. **Regulatory Monitoring:**Each regulator is tasked with the ongoing oversight and enforcement of these accessibility standards, and must conduct regular audits to ensure compliance.Entities must also establish a human review mechanism to reassess cases where KYC authentication fails due to accessibility-related false negatives.
11. **Grievance Redress Mechanism:**Regulated entities must create dedicated and accessible grievance redress systems for persons with disabilities, staffed by trained officers capable of handling accessibility-related complaints.
12. **Accessible Formats for Documentation**: All forms, applications, and documents used in KYC and digital services must be available in accessible formats, including screen-reader-friendly digital files, large print, Braille, and audio versions where necessary.

Legal and Policy Implications

This decision has set a precedent for incorporating disability rights into the digital governance framework. It advances the notion of substantive equality and compels public and private institutions to recognize digital access as a non-negotiable aspect of inclusion. By enforcing statutory obligations and aligning with international commitments, the Court ensures that digital systems are designed to accommodate, not exclude. It also provides interpretative clarity on the term "reasonable accommodation" and affirms the justiciability of socio-economic rights for marginalized groups.

Conclusion

This judgment represents a progressive interpretation of constitutional rights in the digital age. By reinforcing that technological infrastructure must be inclusive by default, the Supreme Court has reaffirmed India's commitment to a just and equitable society.

This ruling is likely to be a cornerstone for future disability rights and digital access jurisprudence.

For more details, write to us at: contact@indialaw.in

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[1]Pragya Prasun & Ors. v. Union of India & Ors.; Amar Jain v. Union of India & Ors., (2025) INSC 599

[2](2021) 5 SCC 370

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