

Supreme Court Declares Right to Digital Access as a Fundamental Right Under Article 21

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Right to Digital Access Latest News

- Recently, the Supreme Court directed revisions to Know-Your-Customer (KYC) digital norms.

Introduction

- On April 30, 2025, the Supreme Court of India made a landmark interpretation of Article 21 by affirming the **Right to Digital Access** as a component of the fundamental **Right to Life and Personal Liberty**.
- This decision came in response to growing concerns over digital exclusion faced by **persons with disabilities (PwDs)**, particularly in relation to the mandatory Know Your Customer (KYC) processes.

Legal Framework Supporting Digital Rights

- India's Constitution, through its Preamble, Fundamental Rights, and Directive Principles, emphasizes equality and dignity.
- Strengthening these guarantees, the **Rights of Persons with Disabilities (RPwD) Act, 2016**, adopts a 'social barrier' approach, viewing disability not only as impairment but also as exclusion due to societal and infrastructural challenges.
- Section 42 of the RPwD Act obligates the government to ensure **accessibility in all electronic media**, including through sign language, captions, and universal design principles.

The KYC Framework and Its Challenges

- Under the **Prevention of Money Laundering Act (PMLA), 2002**, KYC is compulsory for financial transactions.
- The **RBI's Master Direction on KYC (2016)** introduced digital verification methods like the **Video-based Customer Identification Process (V-CIP)**.
- This process requires users to:
 - Take selfies
 - Write and scan physical forms
 - Verify OTPs
 - Read codes on screen
- While convenient for most users, these steps **exclude visually impaired individuals and acid attack survivors**, who struggle to complete visual-based authentication.

Barriers Faced by Persons with Disabilities

- Despite accessibility standards in the **2021 and 2022 ICT Accessibility Guidelines**, most KYC systems are non-compliant:
 - No screen reader support
 - No audio cues for camera focus
 - No alternative for selfie-based verification
 - Thumb impressions often not accepted
 - Aadhaar-based biometric systems lack accessibility features

- Blind or low-vision users are frequently forced to appear physically or are rejected on vague technical grounds.
- Furthermore, RBI's directions disallow any "prompting" during video KYC, compounding the issue.

Supreme Court's Intervention and Verdict

- In its recent ruling, the Supreme Court emphasized that **accessibility is a constitutional imperative**.
- Citing its 2024 verdict in ***Rajive Raturi vs Union of India***, the Court reiterated that lack of digital accessibility **violates Article 21**, which guarantees life with dignity.
- **The Court anchored its judgment in:**
 - Article 14 (Equality before Law)
 - Article 15 (Prohibition of Discrimination)
 - Article 21 (Right to Life and Liberty)
 - Article 38 (Promoting Welfare of People)
- It directed the RBI, SEBI, and DoT to revise their KYC norms and digital infrastructures to align with **principles of accessibility and substantive equality**.
- The judgment also highlighted that the digital divide affects not only PwDs but also **rural populations, elderly citizens, economically weaker sections, and linguistic minorities**.

Broader Impact and Future Implications

- The verdict expands the scope of Article 21, setting a precedent that **digital access is not a privilege but a right**.
- This could influence a broad range of sectors, from e-governance and education to healthcare and banking, to **re-engineer digital platforms for universal accessibility**.
- The judgment also aligns India more closely with international obligations under the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**.

Conclusion

- The Supreme Court's affirmation of the **Right to Digital Access under Article 21** is a transformative step in India's legal and digital journey.
- It redefines digital inclusion as a **constitutional necessity**, urging policymakers, regulators, and tech developers to build systems that **leave no one behind**.

Right to Digital Access FAQs

Q1. What did the Supreme Court say about digital access?

Ans. The SC held that digital access is part of the fundamental Right to Life under Article 21.

Q2. Why was the ruling on digital KYC significant?

Ans. It addressed the exclusion of visually impaired persons from essential digital verification services.

Q3. Which law mandates accessibility for digital services in India?

Ans. The Rights of Persons with Disabilities (RPwD) Act, 2016 mandates accessible design in digital systems.

Q4. What issues do PwDs face in current KYC systems?

Ans. Lack of screen reader support, biometric alternatives, and prompting restrictions make it inaccessible.

Q5. What constitutional articles did the SC rely on in its verdict?

Ans. Articles 14, 15, 21, and 38 were cited to affirm the Right to Digital Access.

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