



# Digital Access as a Part of the Fundamental Right to Life and Liberty

**For Prelims:** [Supreme Court of India](#), [Right to life and liberty](#), [Know Your Customer](#), [Reserve Bank of India](#)

**For Mains:** Constitutional Interpretation of Article 21 in the Digital Age, Rights of Persons with Disabilities Act, 2016 and Digital Access

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## Why in News?

The [Supreme Court \(SC\) of India](#) in the case *Amar Jain v. Union of India & Ors, 2025* ruled that **inclusive digital access to e-governance and welfare systems** is an integral part of the [fundamental right to life and liberty](#), and issued directions to make the **digital [Know Your Customer \(KYC\)](#) process** more accessible **for persons with disabilities (PwDs)**.

- This ruling comes in response to petitions filed by individuals facing challenges in completing the digital KYC process due to disabilities.

## What is the SC Ruling on Digital Access for Disabled Persons?

- **Digital KYC Revisions:** The SC directed the revision of digital KYC norms to accommodate individuals with PwDs under the [Rights of Persons with Disabilities Act, 2016](#), particularly those with vision impairments and facial disfigurements, such as acid attack survivors
  - It instructed the [Reserve Bank of India \(RBI\)](#) and other public entities to ensure accessibility in KYC processes and mandated that all regulated entities, public and private, adhere to accessibility standards.
  - It directed that departments must appoint **nodal officers for compliance**, conduct **regular audits** by certified professionals, and **involve visually impaired individuals** in the design phase of digital platforms.
- **Addressing the Digital Divide:** The Court also highlighted the persistent digital divide that excludes not **only the disabled but also rural communities**, senior citizens, and economically weaker sections.
  - The court held that under **Articles 21 (right to a dignified life), 14 (equality), 15 (protection against discrimination), and 38 (Directive Principles of State Policy)**, ensuring universal digital access for vulnerable groups is a constitutional obligation, not merely a policy choice, essential for **equal participation in public life**.

## What are the Other Key Judgements Related to Digital Empowerment?

- In *Maneka Gandhi v. Union of India (1978)*, the Supreme Court held that any procedure restricting a fundamental right under **Article 21 must be fair, just, and reasonable**, not

arbitrary or oppressive, laying the groundwork for inclusive digital rights jurisprudence.

- In **Faheema Shirin RK v. State of Kerala (2019)**, the Kerala High Court became the first in India to recognize the **right to access the Internet as part of the Right to Life under Article 21 and the Right to Education under Article 21A**.
  - The Court held that denying students internet access in hostels infringed upon their constitutional rights.
- In **Anuradha Bhasin v. Union of India (2020)**, the Supreme Court held that Article **19(1)(a)** protects the **freedom of speech and expression via the internet**, and Article **19(1)(g)** safeguards the **right to trade and conduct business online**.
  - It emphasized that **any restrictions on these rights must meet the tests of reasonableness and proportionality**.

## What are the Key Hindrances in Digital Empowerment of PwDs in India?

- **Digital Literacy Divide and Exclusion:** A significant digital literacy gap excludes many PwDs from accessing essential services and economic opportunities.
  - Despite schemes like **PMGDISHA (Pradhan Mantri Gramin Digital Saksharta Abhiyan)**, PwDs remain disproportionately underrepresented in digital literacy programs.
- **Weak Enforcement of Accessibility Guidelines:** Although the **Rights of Persons with Disabilities (RPwD) Act, 2016** mandates digital accessibility, its implementation remains inconsistent across sectors.
  - **Amendments in 2023** aimed to strengthen compliance, but enforcement remains fragmented in both government and private enterprises.
  - Initiatives like **Sugamya Bharat Abhiyan** (Accessible India Campaign) aim to enhance accessibility of digital services, including education, yet face weak ground-level execution.
- **Scarcity of Accessible Assistive Technologies (AT):** There's a growing demand for assistive technologies tailored for PwDs, but India lacks affordable and need-based AT solutions.
  - Acid attack survivors struggle with facial recognition tasks like blinking or face alignment, while visually impaired users face challenges in tasks like selfies, and document verification, making digital KYC exclusionary and discriminatory.
    - **This scarcity limits PwDs' ability to effectively access and benefit from digital platforms, deepening their digital exclusion.**

## What Measures can India Adopt for Active Digital Empowerment of PwDs?

- **Inclusive Digital Infrastructure:** Under **Digital India**, the government can promote **assistive technologies** like **screen readers, voice commands, and AI-powered tools** for real-time sign language translation and audio descriptions adhering to **Web Content Accessibility Guidelines**.
  - Interfaces should avoid relying on facial cues, offering **alternative audio, or haptic navigation** for users with facial disfigurements.
  - Integrating these features into existing digital portals will empower people with disabilities to navigate digital services.
- **Improving Digital Literacy Among PwDs:** The **National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD)** can collaborate with organizations like Google or Microsoft to offer tailored courses that train PwDs in using assistive technologies and accessing digital and government services.
  - Existing schemes like **Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA)** should extend their focus to **disability-inclusive digital literacy**.
- **Disability-Sensitive Urban Planning:** Integrate assistive technology into public infrastructure, such as **smart city initiatives** where public transportation, smart street lighting, and urban spaces are designed with PwDs in mind.

- Install digital signage in public spaces that provide information in multiple formats—such as **audio, Braille, and sign language videos**—to ensure that PwDs can easily navigate.
- **Inclusive Innovation Lab for PwD Empowerment:** Create an **Inclusive Innovation Lab** through public-private partnerships to develop cutting-edge digital accessibility solutions for PwDs.
  - This hub would bring together startups, tech companies, and NGOs to create innovative, scalable, and affordable technologies to improve accessibility.

## Know Your Customer

- **KYC:** The KYC process is a **mandatory identity verification system** used by financial and non-financial institutions before customers can **invest or open accounts**.
  - It involves verifying a customer's identity using reliable documents or data, such as proof of identity, address, and a recent photograph. Similar details are required for joint or mandate holders.
- **Digital KYC:** It is a process of verifying a customer's identity using **digital means, like e-documents, biometric data, or Aadhaar authentication**, rather than traditional paper-based methods.
- **Central KYC Records Registry (CKYCRR):** The CKYCRR is a **centralized repository that stores uniform KYC records**, enabling reuse across financial institutions to reduce the need for repeated submissions.
  - It is accessible to authorized entities under the [Prevention of Money Laundering Act, 2002](#) or any Regulator (RBI, [Securities and Exchange Board of India](#), and [Insurance Regulatory and Development Authority of India](#)) there under.
  - As of September 2024, the CKYCRR holds over **94 crore KYC records**, highlighting its growing utility and ease of access for reporting entities and their customers.
- **CERSAI:** The **Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI)**, a Government of India company under the Companies Act, 2013, operates from New Delhi and is responsible for maintaining the KYC Registry under the **Prevention of Money Laundering Rules, 2005**.

## Conclusion

The **Supreme Court affirms digital access for PwDs as a fundamental right under Article 21**. However, bridging the digital divide requires inclusive infrastructure and targeted digital literacy. India must uphold its obligations under the **UN Convention on the Rights of Persons with Disabilities (CRPD), 2006** to ensure equal digital participation for all.

Read more: [Rights under Article 21 of the Constitution](#)

<https://www.drishtijudiciary.com/en>

### **Drishti Mains Question:**

Analyze the challenges faced by persons with disabilities in accessing e-governance services. Suggest necessary regulatory reforms to address these challenges.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

**Q. India is home to lakhs of persons with disabilities. What are the benefits available to them under the law? (2011)**

1. Free schooling till the age of 18 years in government run schools.
2. Preferential allotment of land for setting up business.
3. Ramps in public buildings.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Ans: (d)**

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### **Mains**

**Q.** "The emergence of the Fourth Industrial Revolution (Digital Revolution) has initiated e-Governance as an integral part of government". Discuss. **(2020)**

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