

SUPREME COURT'S DIRECTIONS ON DIGITAL EQUALITY

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In April 2025, the Division Bench of J.B. Pardiwala and R. Mahadevan of the Supreme Court of India laid down 20 directions in order to make the process of digital KYC accessible to persons with disabilities, especially eye disfigurements due to acid attacks and visual impairments.

BACKGROUND

Pragya Prasun and eight other acid attack survivors with facial disfigurement and eye burns approached the Supreme Court after being excluded from Digital KYC/e-KYC processes for bank accounts and SIM cards due to the mandatory "eye blinking" live photograph requirement. Their petition sought directions from the Court to formulate appropriate rules and guidelines for conducting Digital KYC/ e-KYC / Video KYC process through alternative methods, with a view to ensuring that the process is inclusive and accessible to all persons with disabilities particularly acid attack survivors suffering from permanent facial or eye disfigurement .

NEW GUIDELINES

In a groundbreaking judgment secured by iProbono India on April 30, 2025, the Supreme Court affirmed that digital accessibility is a fundamental right under Article 21 (right to life, dignity, and freedom of movement), striking down discriminatory barriers against persons with disabilities.

The Court emphasised that the constitutional and legal provisions confer upon the aggrieved petitioners a statutory right to demand accessibility and appropriate reasonable accommodations in the Digital KYC process. The Court observed that in the contemporary era, where access to essential services, governance, education, healthcare, and economic opportunities is increasingly mediated through digital platforms, the right to life under Article 21 of the Constitution must be reinterpreted in light of these technological realities.

A total of **20 directions** have been issued to stakeholders to revise current KYC processes and eliminate discriminatory practices. All respondents have been instructed to create **inclusive digital systems** that provide accessible alternatives to standard biometric authentication methods.

The guidelines are as follows:

- On direction of all the ministries, all government and private Regulated Entities (REs) shall adhere to existing accessibility standards and appoint a nodal officer for digital accessibility compliance in each department.
- All REs must conduct periodic accessibility audits by certified professionals and include visually impaired users in user acceptance testing for new app or website features.
- RBI shall direct all REs to adopt alternative "liveness" or capturing a "live photograph" verification methods beyond eye blinking for Digital/e-KYC to ensure inclusivity and user convenience.
- RBI shall instruct all regulated entities to allow video-based KYC for customer onboarding, explicitly stating that eye blinking is not compulsory.
- KYC templates are to be designed to capture customer disability type and percentage for providing accessible services and reasonable accommodations.
- All REs to accept image of thumb impression during Digital KYC process.

- RBI shall amend the current master direction on KYC to implement 'OTP based e-KYC authentication' (face-to-face) to customers.
- Ministry of Electronics and Information Technology (MEITY) to amend its notification dated December 5, 2023 (discontinuing paper-based KYC) to ensure the continuation of paper-based KYC, providing accessible alternatives.
- Options for sign language interpretation, closed captions, and audio descriptions for visually and hearing-impaired users shall be made available.
- Alternative formats including braille, easy-to-read formats, voice-enabled services, to disseminate government notifications and deliver public services to be made available.
- REs shall procure or design devices, websites, applications, software as per accessible Information and Communication Technology products and services as per Bureau of Indian Standards.
- All online services (e-governance, digital payments, e-launching) shall be made accessible for persons with disabilities, fostering a barrier-free digital environment.
- All websites, apps, and digital platforms shall comply with Web Content Accessibility Guidelines (WCAG) 2.1 and other relevant national standards, such as the Guidelines for Indian Government Websites (GIGW), and Section 46 of the RPwD Act (mandatory accessibility for government electronic and print media).
- Guidelines shall be issued to frame a mechanism allowing customers to authorise the sharing of their completed KYC information across regulated entities via the Central KYC Registry.
- Establishment of a dedicated grievance redressal mechanism for persons with disabilities to report accessibility issues.
- A human review process shall be established for rejected KYC applications due to accessibility issues. A designated officer shall have the authority to override automated rejections and approve cases individually.
- Establishment of dedicated helplines for persons with disabilities, offering step-by-step assistance in completing the KYC process through voice or video support.
- RBI shall routinely conduct public awareness campaigns (press, electronic, print, social media) on alternative Digital/e-KYC methods, circulate standardised materials, and mandate their display by all REs.
- Disability awareness and training modules mandated as part of e-learning modules for officials of REs for better sensitisation of officials.
- RBI will monitor and ensure strict adherence by all REs to its guidelines and the Supreme Court's directives.

The Petitioners were represented by Sr. Adv. Sidharth Luthra, with iProbono India's panel lawyer Nitin Saluja and team members Nimisha Menon and Yamina Rizvi.

About Us

iProbono India is a social justice organisation that combines the legal expertise of its community of lawyers, ground-level insights of its grassroots partners, and the ethos of social action litigation to advance justice and equality in India. It works on child rights, disability justice, housing and land rights, criminal justice and strengthening civil society. Its modes of intervention include legal representation, comprehensive care, research & policy advocacy, and capacity enhancement efforts.

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