

RIGHT TO DIGITAL ACCESS: POLITY

NEWS: Digital access a part of fundamental right to life and liberty: Supreme Court

WHAT'S IN THE NEWS?

The Supreme Court has ruled that digital access is a part of the Right to Life under Article 21, directing the government to ensure inclusive digital infrastructure for disabled and marginalized communities. It emphasized compliance with accessibility laws and alternative verification methods for digital KYC.

1. Supreme Court Ruling on Digital Access and Article 21 – Detailed Explanation

- **Judgment Context:**
The Supreme Court was approached by a group of *acid attack survivors* who were unable to complete the *mandatory digital KYC (Know Your Customer)* processes, which typically involve visual and facial recognition verification methods like blinking or facial scanning.
- **Judicial Declaration:**
The Court stated that **digital access is now an intrinsic part of the Right to Life under Article 21** of the Constitution. In the current era of e-governance and fintech, denial of digital access leads to **exclusion from essential services**, including financial inclusion and welfare schemes.
- **Significance:**
The ruling expands the scope of Article 21 and reinforces the idea that the *Right to Life* also includes access to technology and government services in a **non-discriminatory and inclusive manner**.

2. Petition and Social Context – Why It Matters

- **Who Filed the Case:**
The petition was brought by survivors of acid attacks—people who often face severe facial disfigurement and permanent disability.
- **Issue Raised:**
These individuals face *inherent discrimination* while undergoing digital KYC, as many cannot blink or match the visual identity verification algorithms used by banks and financial platforms.
- **Larger Impact:**
This issue represents a broader challenge: **how inaccessible digital platforms can violate fundamental rights** of disabled and marginalized citizens.

3. Supreme Court's Directives – What It Ordered

- **Alternate KYC Mechanisms:**
The Court mandated that banks, fintech companies, and government portals must develop *alternative ways to verify users*, such as biometric alternatives or manual approval methods for those unable to meet AI-based standards.

- **Accessibility Compliance:**
The Court directed that **Section 46 of the Rights of Persons with Disabilities (RPwD) Act, 2016** be implemented in full. This section requires all *electronic and print media* to be accessible to persons with disabilities, including visual, auditory, cognitive, and motor impairments.
- **Universal Accessibility Standards:**
Digital platforms, government apps, and financial services must be aligned with *Web Content Accessibility Guidelines (WCAG)* and other international standards.

4. Constitutional Obligations Highlighted

The Court linked **multiple constitutional provisions** to digital inclusion:

- **Article 21 – Right to Life and Personal Liberty:**
Protects not just physical existence, but also the *right to live with dignity*, which now includes *access to the digital world*.
- **Article 14 – Right to Equality:**
Implies that disabled and marginalized persons cannot be denied equal treatment in accessing digital services.
- **Article 15 – Prohibition of Discrimination:**
Extends the protection against discrimination based on disability or physical appearance, reinforcing the need for inclusive systems.
- **Article 38 – Directive Principles:**
Directs the state to minimize inequalities among individuals. Lack of digital access creates structural inequality.

5. Expanded Scope of Article 21 through Landmark Cases

Over the years, the Supreme Court has interpreted Article 21 in various landmark rulings to expand its scope beyond just “life and liberty”:

Right Recognised	Case Name	Summary
Right to Livelihood	<i>Olga Tellis v. BMC (1985)</i>	Eviction of pavement dwellers violates their right to earn a livelihood, which is a part of the right to life.
Right to a Clean Environment	<i>Subhash Kumar v. State of Bihar (1991)</i>	Pollution-free water and air are essential for enjoying life and living with dignity.
Right to Education (before 21A)	<i>Mohini Jain v. State of Karnataka (1992)</i>	Denial of education on the basis of economic status is a denial of the right to life.
Right to Privacy	<i>Justice K.S. Puttaswamy v. Union of India (2017)</i>	Recognized privacy as intrinsic to life and personal liberty.
Right to Die with Dignity	<i>Common Cause v. Union of India (2018)</i>	Legalized passive euthanasia under strict safeguards.
Right to Digital Access	<i>Present SC KYC Accessibility Ruling</i>	Establishes that denial of digital access violates right to dignity and participation in

Right Recognised

Case Name
(2025)

modern life.

Summary

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