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CASE COMMENTARY: PRAGYA PRASUN V. UNION OF INDIA

~ *Ayushi Raj*

INTRODUCTION

The Supreme Court of India in *Pragya Prasun & Ors. v. Union of India & Ors.*, 2025 INSC 599, delivered an important judgment on 30 April 2025 concerning the rights of persons with disabilities in the digital age. The case primarily dealt with the accessibility of Digital Know Your Customer (KYC), e-KYC and Video KYC procedures for persons with disabilities, particularly acid attack survivors with facial and eye disfigurement and persons suffering from blindness or low vision.

The petitioners argued that existing digital KYC procedures often required users to perform tasks such as blinking their eyes, positioning their faces before a camera, taking selfies, reading text displayed on screens and providing signatures. Such requirements created serious barriers for persons who were unable to perform these actions because of their disabilities. As KYC has become necessary for accessing banking, telecommunications, insurance, investments and several government services, an inaccessible KYC system could effectively deny persons with disabilities access to essential services.

The Supreme Court therefore examined the issue from the perspective of equality, dignity, accessibility and reasonable accommodation under the Constitution and the *Rights of Persons with Disabilities Act, 2016 (RPwD Act)*¹. The judgment recognised that technological development cannot be considered inclusive if it excludes persons with disabilities. It further emphasised that digital accessibility is closely connected with the right to live with dignity² under Article 21 of the Constitution.

¹ Disabled Rights Group v. Union of India AIR ONLINE 2018 SC 453, available at; (<https://indiankanoon.org/doc/152494913/>).

² SCO Team, The Right to Life and Personal Liberty Under Article 21: A Timeline, Sup. Ct. Observer (June 26, 2025); (<https://www.scobserver.in/journal/the-right-to-lifeand-personal-liberty-under-article-21-a-timeline/>).

FACTS OF THE CASE

The case consisted of two writ petitions, W.P. (C) No. 289 of 2024 and W.P. (C) No. 49 of 2025³, which were heard together because the issues involved were common and interconnected.

The petitioners in the first petition were acid attack survivors who suffered from permanent facial disfigurement and severe eye burns. They faced difficulties while completing Digital KYC and e-KYC⁴ because the process required a “live photograph”, which could involve blinking of the eyes. Their inability to satisfy such requirements created difficulties in opening bank accounts and obtaining telecommunications services.

The petitioner in the second petition, Amar Jain, was a person suffering from 100% blindness. He faced difficulties in completing digital KYC, establishing account-based relationships, conducting transactions and accessing government schemes and other essential services.

The petitioners contended that digital KYC processes were not designed keeping the accessibility needs of persons with disabilities⁵ in mind. Methods such as facial recognition, selfies, visual verification, reading random text and digital signatures could require assistance from another person, thereby affecting their independence and dignity.

They therefore approached the Supreme Court seeking directions to the Central Government, RBI, SEBI, TRAI and other authorities to provide alternative methods of KYC and ensure accessibility and reasonable accommodation for persons with disabilities.

ISSUES

1. Whether inaccessible Digital KYC/e-KYC procedures violate the fundamental rights of persons with disabilities, particularly Article 21 of the Constitution?
2. Whether persons with disabilities are entitled to reasonable accommodation in the process of Digital KYC and e-KYC?

³ Pragya Prasun v. Union of India, W.P. No. 31291 of 2023, || 20 (Madras HC Apr. 30, 2025); (<https://indiankanoon.org/docfragment/68332080/>).

⁴ IN RE: DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING PANDEMIC (Jun 2021- 2 On 30 April 2021) || 2021 INSC 280, available at; <https://www.casemine.com/commentary/in/supreme-court-of-india%27s-guidelines-on-distribution-of-essential-supplies-during-covid-19-pandemic/view> .

⁵ National Human Rights Commission, Disability Rights; <https://nhrc.nic.in/sites/default/files/DisabilityRights.pdf> (last visited July 14, 2025).

3. Whether requirements such as blinking of eyes, facial positioning, selfies and visual verification create discriminatory barriers for persons with visual disabilities and facial disfigurements?
4. Whether digital platforms and services must comply with accessibility standards under the Rights of Persons with Disabilities Act, 2016?
5. Whether the right to accessibility extends to digital infrastructure and essential online services?

RELEVANT PROVISIONS

Article 14, 15, 21 and 38⁶ and Section 2(c), Section 2(y), Section 3, Section 13, Section 40, Section 42 and Section 46⁷.

RATIO DECIDENDI

The Supreme Court held that persons with disabilities have a statutory and constitutional right to accessibility and reasonable accommodation in digital KYC procedures.

The Court recognised that KYC requirements serve legitimate purposes such as preventing fraud, money laundering and other financial crimes. However, the methods adopted to achieve these objectives cannot create unnecessary barriers for persons with disabilities.

The Court observed that digital platforms may unintentionally exclude persons with disabilities when they depend exclusively on visual methods such as facial recognition, blinking, CAPTCHA, selfies or visual reading. Such barriers affect the independence and equal participation of persons with disabilities.

The Court further held that in the modern technological environment, Article 21 must be understood in light of the increasing dependence of society on digital services. The right to life and dignity therefore includes meaningful access to digital infrastructure and essential services. The principle of substantive equality requires digital transformation to be inclusive and equitable.

⁶ Given under Constitution of India, 1950 (<https://indiankanoon.org/doc/68332080/>).

⁷ Rights of Persons with Disabilities Act, 2016 (<https://indiankanoon.org/doc/68332080/>).

The Court also relied upon the principle of reasonable accommodation under the RPwD Act. It emphasised that accessibility should not be treated merely as an additional facility but as an essential requirement for ensuring equality, dignity and autonomy.

SC JUDGMENT

The Supreme Court, comprising Justice J.B. Pardiwala and Justice R. Mahadevan, delivered its judgment on 30 April 2025.

The Court issued comprehensive directions to make Digital KYC accessible to persons with disabilities. It directed the concerned authorities to ensure compliance with accessibility standards and appoint nodal officers responsible for digital accessibility.

The Court directed regulated entities to undergo periodic accessibility audits conducted by certified accessibility professionals and to involve persons with blindness during user acceptance testing while designing applications, websites or new digital features.

The RBI was directed to issue guidelines allowing alternative methods for verifying “liveness” or capturing a “live photograph”, instead of depending upon blinking of the eyes. The Court also clarified that Video-based Customer Identification Process (V-CIP) could be used because blinking of the eyes is not mandatory under that process.

The Court further directed that:

- thumb impressions should be accepted during Digital KYC;
- paper-based KYC should continue as an accessible alternative;
- sign-language interpretation, closed captions and audio descriptions should be provided where required;
- Braille, easy-to-read and voice-enabled formats should be developed;
- websites and applications should comply with relevant accessibility standards, including WCAG 2.1 and GIGW;
- online government services and digital payment systems should be accessible;
- dedicated grievance redressal mechanisms should be established;
- human review should be available where KYC applications are rejected because of accessibility-related difficulties;

- dedicated helplines should assist persons with disabilities in completing KYC; and
- officials of regulated entities should receive disability-awareness and sensitisation training.

The Court ultimately disposed of both writ petitions with these directions.

COMMENT ON THE INTERPRETATION OF THE JUDGEMENT

The judgment is a significant step towards substantive equality for persons with disabilities. Its importance lies in recognising that discrimination does not always occur through an openly discriminatory rule. Even a seemingly neutral technological requirement can become discriminatory when it fails to consider the different needs of persons with disabilities.

For example, requiring every person to blink for a “live photograph” may appear to be a simple verification method. However, for an acid attack survivor suffering from permanent eye disfigurement, such a requirement can make the entire KYC process impossible. Similarly, visually dependent digital interfaces can prevent a blind person from independently accessing essential services.

The judgment therefore adopts the social model of disability, under which disability is not viewed only as an individual's physical impairment but also as the result of barriers created by society and its systems. The Court's earlier decision in *Rajive Raturi v. Union of India*⁸ had already recognised accessibility as an integral part of rights relating to life, dignity and participation.

Another important aspect is the Court's recognition that the RPwD Act has a broad constitutional significance. The Act seeks to move away from the older medical understanding of disability towards a rights-based and inclusive approach. Therefore, reasonable accommodation⁹ is necessary to create a level playing field rather than simply treating everyone identically.

The judgment is also relevant beyond KYC. Digital platforms are now increasingly used for banking, education, healthcare, government welfare schemes, employment and public services.

⁸ Case No: Writ Petition (C) No. 243 of 2005. Date of Judgement: 08 Nov 2024; available at; (<https://www.casemine.com/judgement/in/658f3bc88b331f7dfa39c38d>).

⁹ *Vikash Kumar v. Union Public Service Commission*; arising out of SLP (C) No. 1882 of 2021); reported in AIR 2021 SC 2447 (<https://www.scobserver.in/journal/sco-explains-vikash-kumar-v-upsc/>).

If these platforms remain inaccessible, digitalisation may increase rather than reduce social inequality.

However, the real challenge lies in implementation. Accessibility standards must not remain limited to judicial directions or policy documents. Regular audits, effective grievance mechanisms, participation of persons with disabilities in technology design and accountability of service providers are essential for achieving the objectives of the judgment.

Overall, the judgment sends a clear message that technological progress must be accompanied by inclusion. Digital India cannot be truly successful if persons with disabilities are unable to access its benefits independently.

CONCLUSION

Pragya Prasun v. Union of India is an important judgment concerning the intersection of technology, disability rights and constitutional dignity. The Supreme Court correctly recognised that accessibility is an essential component of equality and that digital systems must accommodate persons with disabilities.

By directing alternative methods of KYC, acceptance of thumb impressions, continuation of paper-based KYC, accessibility audits, human review and accessible digital platforms, the Court attempted to remove practical barriers faced by persons with disabilities.

The judgment expands the understanding of Article 21 by recognising that in the digital age, meaningful access to essential digital services is closely connected with the right to live with dignity and autonomy. It also strengthens the principle of reasonable accommodation under the RPwD Act.

The judgment can therefore be viewed as an important step towards an inclusive digital society. Its long-term success, however, will depend upon effective implementation, monitoring and accountability. Technology should be designed for everyone, rather than for the majority alone. In this sense, *Pragya Prasun* marks a significant movement towards ensuring that digital transformation becomes a means of empowerment rather than a new source of exclusion.

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