



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

**CASE COMMENT: PRAGYA PRASUN & ORS. VS.  
UNION OF INDIA & ORS. (2025)**

**‘The Blink Test of Citizenship: Rewriting Constitutional Access in a Digitized Republic’**

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**CITATION:**

2025 INSC 599

**BENCH:**

J.B. PARDIWALA  
R. MAHADEVAN, J

**INTRODUCTION:**

The aforementioned case pertains to the current era, where digital transformation is rapidly redefining access to essential services. In the present-day world, Technology has assumed a transformative role in reshaping the contours of India’s economy as well as its Governance structure. Initiative such as Digital India has been launched with the avowed objective of promoting efficiency, transparency, and accessibility through digital means. Central to this endeavour has been the establishment of a robust digital infrastructure, including the Adhaar programme, electronic KYC mechanisms and a range of online service delivery platforms. However, while the promise of digital governance is undeniable, it is equally incumbent upon the State to ensure that such technological progress does not result in the exclusion of vulnerable sections of the society. The Constitutional vision of equality and non-discrimination obliges that digital infrastructure and service be made accessible to all citizens, including persons with disabilities and other marginalized groups. The necessity and demand of technology cannot be at the cost of inclusivity; rather, it must be informed by the principle that no individual is left behind.

The case **Pragya Prasun & Ors. Vs. Union Of India &Ors. (2025)**<sup>1</sup> arose from the exclusionary design of Digital Know Your Customer System which rely on Biometric authentication and liveness tests such as blinking and on-screen text tasks that are inaccessible to the persons with certain disabilities, including acid attack survivors and individuals with visual impairments. The Petitioners argued that such systems violated their rights under the Constitution and the Rights of Persons with Disabilities Act, 2016<sup>2</sup>, by denying access to essential services such as banking, telecom, insurance, and Government benefits. The Court agreed, holding that digital infrastructure must be inclusive by design, and that accessibility is not a technical feature but a constitutional imperative under Articles 14 and 21.

### **HISTORICAL BACKGROUND AND FACTS:**

In **Pragya Prasun & Ors. Vs. Union Of India &Ors. (2025)**, the case consolidated two writ petitions:

- W.P(C) No.289 of 2024 – Filed by acid attack survivors with facial disfigurement and severe eye burns.
- W.P(C) No.49 of 2025 – Filed by a 100% visually impaired citizen.

Both petitions challenged the inaccessibility of digital KYC<sup>3</sup> systems mandated by regulatory bodies such as the Reserve Bank of India (RBI), Telecom Regulatory Authority of India (TRAI), and Insurance Regulatory and Development Authority of India (IRDAI). These systems had become indispensable for accessing services ranging from bank accounts and SIM cards to pension schemes and Government subsidies.

The Petitioners contended that the absence of alternative verification methods- such as thumb impressions, OTP-based authentication, or assisted video KYC- amounted to systematic exclusion. The sought judicial directions to mandate inclusive designs and reasonable accommodation in digital service delivery.

The writ petitions contained requests to the Central Government to frame fresh guidelines for providing alternative methods or means to conduct the Digital KYC / e-KYC process for acid-

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<sup>1</sup> <https://indiankanoon.org/doc/68332080/>

<sup>2</sup> [https://www.indiacode.nic.in/bitstream/123456789/15939/1/the\\_rights\\_of\\_persons\\_with\\_disabilities\\_act%2C\\_2016.pdf](https://www.indiacode.nic.in/bitstream/123456789/15939/1/the_rights_of_persons_with_disabilities_act%2C_2016.pdf)

<sup>3</sup> Digital KYC means capturing live photo of the client and officially valid document or the proof of possession of Aadhaar, where offline verification cannot be carried out along with the latitude and longitude of the location where such live photo is being taken by an authorised officer of the registered intermediary as per the provisions contained in the Prevention of Money Laundering Act.

attack survivors suffering from permanent eye-disfigurement or similarly placed individuals and to direct all public and private establishments conducting Digital KYC process to effectively implement the aforesaid guidelines and frame appropriate organizational policies to provide for alternative methods.

### **ISSUES RAISED:**

The issues in **Pragya Prasun & Ors. Vs. Union Of India & Ors. (2025)** were-

- Whether digital KYC systems violate the Constitutional Rights of persons with disabilities under Article 14 and 21?
- Whether private entities providing essential services are bound by the Rights of Persons with Disabilities Act, 2016 (RPwD ACT) and constitutional standards of equality?
- Whether the State has a positive obligation to ensure accessibility in digital infrastructure?
- What constitutes “reasonable accommodation” in the context of digital verification systems?

### **RELEVANT CASE LAWS:**

**1. Rights of Persons with Disabilities Act, 2016 (RPwD Act)** – This statute was the cornerstone of the petitioners’ argument and the Court’s reasoning.

Key provisions:

- Section 40 – mandates that the Government must ensure that all information and communication technology (ICT) systems are accessible to persons with disabilities.
- Section 42 – Requires service providers including private entities offering essential services to provide barrier free access and reasonable accommodation.
- Section 46 – Obligates all establishments to make necessary adjustments to avoid discrimination against persons with disabilities

The RPwD Act operationalizes India’s commitment to the UN Convention on the Rights of Persons with Disabilities (UNCRPD). In this case, it provided a statutory basis for demanding inclusive digital KYC systems. The petitioners argued that the failure to offer alternatives like thumb impressions or assisted verification amounted to statutory non-compliance and systemic discrimination.

## 2. Fundamental Rights –

**Article 14 (Right to Equality)** - Guarantees equality before the law and equal protection of laws. The Court interpreted this to mean substantive equality, which requires differential treatment to ensure equal access.

**Article 21 (Right to Life and Personal Liberty)** - Includes the right to live with dignity, which the Court extended to mean digital dignity and access to essential services. The judgment emphasized that exclusion from digital infrastructure violates the core of Article 21.

The Constitution elevated the RPwD Act from a statutory obligation to a constitutional mandate. The Court held that digital exclusion is not merely inconvenient—it is a violation of fundamental rights, especially when it affects access to banking, healthcare, education, and welfare schemes.

## 3. Information Technology Act, 2000 <sup>4</sup>–

**Section 6A** – (Delivery of Services by Electronic Means)

Encourages digital service delivery but implicitly requires that such systems be inclusive and non-discriminatory.

**Section 43A** – (Protection of Sensitive Personal Data)

Mandates reasonable security practices, which the Court interpreted to include accessible and secure digital identity verification.

The IT Act provided the regulatory framework for digital KYC systems. The petitioners argued that the current design of these systems—relying on biometric and liveness tests—failed to meet the inclusivity standards envisioned under the Act.

## 4. RBI Master Directions on KYC (2023)<sup>5</sup>

Guidelines issued under the Banking Regulation Act and the Prevention of Money Laundering Act:

**Clauses 33–48:** Prescribe digital KYC procedures, including biometric and video-based verification.

**Clause 46:** Allows cropped signatures and Aadhaar e-signs as alternatives.

While these directions aimed to streamline KYC, they lacked disability-sensitive provisions. The petitioners highlighted that banks and telecom providers often refused to offer paper-based

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<sup>4</sup> [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf)

<sup>5</sup> [https://www.rbi.org.in/Scripts/BS\\_ViewMasDirections.aspx?id=11566](https://www.rbi.org.in/Scripts/BS_ViewMasDirections.aspx?id=11566)

or assisted KYC, despite regulatory flexibility. The Court directed the RBI to amend these guidelines to include alternative liveness checks and thumb-based verification.

### **JUDGEMENT<sup>6</sup>:**

The Court held that KYC formalities are important because they help verify a customer's identity, prevent fraud and money laundering ensuring compliance with law. In recent years, many sectors have moved these formalities to digital platforms. While this shift has made the process faster, it has created serious challenges for persons with disabilities.

The Court held that exclusion from digital services due to inaccessible KYC systems constitutes a violation of both statutory and constitutional rights. It declared that the RPwD Act is a "super-statute" that binds both public and private entities offering essential services. The judgment emphasized that accessibility is not a matter of convenience but a matter of justice. Right to Life under Article 21 of the Constitution must be reinterpreted in the light of these technological challenges. The State's duty under Article 21—when read alongside Articles 14, 15, and 38 of the Constitution—includes the responsibility to make digital infrastructure, government portals, online education platforms, and financial technologies accessible and inclusive for all, especially for vulnerable and marginalized communities. Bridging the digital divide is no longer just a matter of policy choice; it is now a constitutional obligation to ensure every citizen can live with dignity, autonomy, and equal opportunity. The right to digital access is therefore an essential part of the right to life and personal liberty. This requires the State to actively build and maintain digital systems that serve not only the privileged, but also those who have historically been excluded from mainstream public life.

### **Guidelines issued by the Court:**

- All government departments and regulatory bodies must instruct regulated entities—whether public or private—to follow current digital accessibility standards. Each department must appoint a dedicated officer to oversee compliance.
- All regulated entities must undergo periodic audits conducted by certified accessibility experts. Additionally, persons with visual impairments must be involved in the user testing phase when designing or updating digital platforms.

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<sup>6</sup> <https://indiankanoon.org/doc/68332080/>

- The Reserve Bank of India (RBI) must issue guidelines requiring regulated entities to offer alternative methods for verifying “liveness” or capturing a “live photograph”—beyond the standard blinking test—to ensure accessibility and user convenience.
- RBI must clarify that customer onboarding through video-based KYC or V-CIP does not require blinking and can be completed using accessible alternatives, in line with existing KYC regulations.
- KYC forms must include fields to record the type and percentage of disability, allowing service providers to offer appropriate accommodations and accessible services.
- Regulated entities must accept thumb impressions as valid biometric input during the digital KYC process.
- RBI must revise its KYC guidelines to promote the use of OTP-based e-KYC methods, especially for face-to-face verification.
- The relevant authorities must ensure that paper-based KYC remains available as an accessible alternative for individuals unable to complete digital procedures.
- Service providers must offer sign language interpretation, closed captions, and audio descriptions to support users with visual and hearing impairments.
- Government notifications and public services must be available in Braille, easy-to-read formats, and voice-enabled platforms to ensure universal access.
- All digital tools, websites, and applications must comply with accessibility standards for ICT products and services as notified by the Bureau of Indian Standards.
- Online platforms—including e-governance portals, digital payment systems, and service launch platforms—must be fully accessible to persons with disabilities.
- All government websites and digital platforms must adhere to WCAG 2.1 and GIGW standards. Section 46 of the RPwD Act, 2016 must be strictly followed to ensure accessibility in both electronic and print media.
- Authorities must develop a system allowing customers to authorize the sharing of their verified KYC data across regulated entities via the Central KYC Registry (CKYCR).
- A dedicated mechanism must be established for persons with disabilities to report digital accessibility challenges and seek timely resolution.
- In cases where accessibility barriers lead to KYC rejection, a designated officer must review and, where appropriate, override automated decisions to approve the application.
- Helplines offering voice and video assistance must be set up to guide persons with disabilities through the KYC process.

- RBI must regularly publish awareness materials—via press releases, advertisements, and social media—to inform the public about inclusive KYC options. Regulated entities must display these materials prominently.
- All regulated entities must include disability awareness modules in their staff training programs to improve sensitivity and service delivery.
- RBI must actively monitor compliance with these guidelines and ensure that all regulated entities follow the Court’s directions and related notifications.

### **SOCIO-LEGAL ANALYSIS:**

The Supreme Court’s decision in *Pragya Prasun* marks a pivotal moment in Indian constitutional jurisprudence, where the Court moved beyond abstract rights to address the material realities of digital exclusion. At its core, the case is about who gets to participate in a digitized democracy—and under what conditions. Acid attack survivors and visually impaired individuals challenged the inaccessibility of digital KYC systems, arguing that exclusion from essential services due to inaccessible technology was not just inconvenient, but unconstitutional. The case exposed how technological systems can reproduce social hierarchies. Digital KYC processes—designed around biometric verification and liveness tests—assumed a normative user: sighted, able-bodied, tech-literate. This design logic excluded those with facial disfigurements, blindness, or limited motor control. The Court recognized that digital exclusion is not a glitch—it is a form of systemic discrimination. By denying access to banking, telecom, insurance, and welfare schemes, inaccessible platforms effectively barred persons with disabilities from full citizenship.

The petitioners included acid attack survivors, whose disabilities are often compounded by gender-based violence, social stigma, and economic precarity. The judgment implicitly acknowledged this intersectionality, though future jurisprudence could make it more explicit. By framing accessibility as a cross-cutting right, the Court laid the groundwork for a more nuanced understanding of how multiple vulnerabilities interact with digital systems.

### **CONCLUSION:**

The judgment in *Pragya Prasun* is not merely a legal pronouncement—it is a constitutional reckoning with the realities of digital exclusion. By affirming that accessibility is a non-negotiable component of the right to life, dignity, and equality, the Supreme Court has

reimagined the digital landscape as a space of rights, not just convenience. It compels the State and private actors alike to confront the biases embedded in technological design and to build systems that reflect the diversity of human experience. This case signals a shift from reactive accommodation to proactive inclusion. It recognizes that persons with disabilities are not passive recipients of welfare but active participants in the digital republic. In doing so, it lays the foundation for a jurisprudence that treats access not as a privilege, but as a promise—a promise that the Constitution makes to every citizen, regardless of ability, identity, or circumstance. As India continues its digital transformation, *Pragya Prasun* stands as a constitutional compass, reminding us that progress must be measured not by speed or scale, but by who it includes and who it empowers.

## **REFERENCES:**

1. *Pragya Prasun & Ors. v. Union of India & Ors.*, Writ Petition (Civil) No. 289 of 2024, decided on April 30, 2025, Supreme Court of India. Available at [Advocate Khoj Judgment Archive](#).
2. *Amar Jain v. Union of India & Ors.*, Writ Petition (Civil) No. 49 of 2025, heard jointly with *Pragya Prasun*, addressing systemic exclusion in digital KYC systems. See [LocalLaw News Report](#).
3. Rights of Persons with Disabilities Act, 2016, §§ 40, 42, 46. Available at [India Code Portal](#).
4. Constitution of India, Articles 14, 15(1), 21, and 38. See *M.P. Jain, Indian Constitutional Law*, 8th ed., LexisNexis (2022), pp. 215–230.
5. [\*Vikash Kumar v. Union Public Service Commission\*, \(2021\) 5 SCC 370](#). The Court held that reasonable accommodation is a constitutional right under Article 21.  
RBI Master Direction on KYC, 2016 (updated 2023), Clauses 33–48. See [RBI Official Circulars](#).
6. Supreme Court's directive to RBI for inclusive KYC: See [Verdictum Court Update](#).
7. Web Content Accessibility Guidelines (WCAG) 2.1 and Guidelines for Indian Government Websites (GIGW). Available at [WCAG Official Site](#) and [GIGW Portal](#).