2025 INSC 599

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 289 OF 2024

PRAGYA PRASUN & ORS. ... PETITIONERS

VERSUS

UNION OF INDIA & ORS. … RESPONDENTS

WITH

WRIT PETITION (CIVIL) NO. 49 OF 2025

AMAR JAIN … PETITIONER

VERSUS

UNION OF INDIA & ORS. … RESPONDENTS

J U D G M E N T

R. MAHADEVAN, J.

1. Since the issues involved in both the writ petitions are common, interlinked, and similar, they were heard together and are disposed of by this common judgment.

2. Technology has played a transformative role in reshaping India's economy and governance. Initiatives such as *Digital India* aim to promote efficiency, transparency, and accessibility through digital means. Central to this

transformation has been the creation of a robust digital infrastructure, including the Aadhaar program, online KYC mechanisms, and various electronic service delivery platforms. However, amidst this wave of digital progress, there remains a crucial and often overlooked aspect that demands urgent attention – ensuring that digital infrastructure and services are accessible to all, including persons with disabilities and other marginalised groups. True inclusion requires that technological advancements accommodate the diverse needs of all citizens, thereby fostering an environment where no individual is left behind. With this preface, we now proceed to examine the key issues involved in the cases before us.

3. While the petitioners in W.P(C) No.289 of 2024 are acid attack victims, who suffer from facial disfigurement and severe eye burns, the petitioner in W.P(C) No.49 of 2025 is suffering from 100% blindness. These writ petitions have been filed seeking directions to the various respondents 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 more inclusive and accessible to all persons with disabilities-particularly acid attack survivors suffering from permanent facial/eye disfigurement and similarly placed individuals, including persons with blindness and low vision - in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016[1], Rights of Persons with Disabilities

[1] For short, "the RPwD Act, 2016"

Rules, 2017[2], and Article 21 of the Constitution of India. The writ petitions further seek to ensure that adequate measures are undertaken to guarantee accessibility and provide reasonable accommodations for persons with disabilities, in accessing financial services, telecommunications, and government schemes.

3.1 For the sake of specificity, the prayers made in the respective writ petitions are extracted below:

W.P(C) No. 289 of 2024

> *"(i) To direct the Central Government to frame fresh guidelines for providing alternative methods or means to conduct the Digital KYC / e-KYC process for acid-attack survivors suffering from permanent eye-disfigurement or similarly placed individuals,*
>
> *(ii) To direct all public and private establishments conducting Digital KYC / e-KYC process to effectively implement the aforesaid guidelines and frame appropriate organizational policies to provide for alternative methods or means that enable acid-attack survivors suffering from permanent eye-disfigurement or similarly placed individuals to conduct their Digital KYC / e-KYC process,*
>
> *(iii) To direct the Central Government to frame appropriate provisions to clarify the meaning and interpretation of "live photograph" as mentioned under the Annexure I of the RBI – KYC Master Directions, 2016 for conducting the Digital KYC / e-KYC process to expand its purview beyond the blinking of eyes with other alternative criteria such as movements of facial features and/or voice recognition,*
>
> *(iv) To direct the RBI to amend and / or frame suitable alternatives for satisfying the requirement of "live photograph" in the Digital KYC / e-KYC process under Annexure I of the RBI – KYC Master Directions, 2016 to enable acid attack survivors suffering from permanent eye-disfigurement and other similarly placed individuals to conduct the KYC process independently,*
>
> *(v) To direct the Central Government, RBI, SEBI, and TRAI to issue directions to all public and private establishments regulated by them including banks, financial institutions, service providers, and intermediaries to establish account-based re-*

[2] For short, "the RPwD Rules, 2017"

lationships and /or provide other financial and telecommunication services by using alternative methods for conducting the Digital KYC / e-KYC process that do not mandate acid attack survivors suffering from permanent eye-disfigurement and other similarly placed individuals to satisfy the "liveness" criterion by blinking their eyes for the purpose of completing the Digital KYC /e-KYC process,

(vi) To direct RBI, SEBI, and TRAI to issue instructions to all public and private organisations and institutions regulated by them including banks, financial institutions, service providers, and intermediaries wherein KYC is conducted to adopt and/or follow offline and/or physical KYC procedures for acid attack survivors suffering from permanent eye-disfigurement and other similarly placed individuals who cannot blink their eyes for conducting the Digital KYC /e-KYC process, and

(vii) To direct the Central Government, RBI, SEBI, and TRAI to sensitise all public and private establishments conducting the Digital KYC / e-KYC to actively assist acid attack survivors with permanent eye-disfigurement and similarly placed individuals in availing their banking, telecommunication and other financial services."

W.P (C) No.49 of 2025

"(i) To direct the Central Government, Reserve Bank of India, Securities and Exchange Board of India, Pension Fund Regulatory and Development Authority, Insurance Regulatory and Development Authority of India, Department of Telecommunications, Telecom Regulatory Authority of India, to frame rules for making the process of digital KYC/e-KYC accessible to persons with blindness / low vision,

(ii) To direct the respondents to ensure effective compliance of accessibility standards by all public and private establishments conducting digital KYC/ e-KYC/ Video-KYC,

(iii) To direct the Central Government to frame appropriate provisions to expand or clarify the meaning and interpretation of "live photograph" as mentioned under the Prevention of Money Laundering (Maintenance of Records) Rules, 2005, Annexure I of the RBI - KYC Master Directions, 2016 for conducting the digital KYC/ e-KYC/ video-KYC process, circulars issued by other respondents to expand its purview beyond the blinking of eyes and reading out text displayed on the screen with other alternative criteria,

(iv) To direct the Reserve Bank of India to amend and/or frame suitable alternatives for rejection of the account opening process on account of prompting at the end of the customer to accommodate assistance taken by persons with blindness / low vision during the digital KYC/e-KYC/ video-KYC process,

(v) To direct the Reserve Bank of India to amend and/or frame suitable alternatives for satisfying the requirement of signature verification in the digital KYC/e-KYC process to enable persons with blindness / low vision to use thumb impressions,

(vi) To direct the respondents to sensitize all public and private establishments conducting digital KYC/ e-KYC/ video-KYC to actively assist persons with blindness / low vision in availing the services, and

(vii) To direct the respondents to consider the accessibility needs of persons with disabilities especially with blindness while framing any policies for public at large."

4. According to the petitioners in WP(C) No. 289 of 2024, who are acid attack survivors, they have experienced difficulties in completing the digital KYC / e-KYC process due to their inability to click a "live photograph" by blinking, which has prevented them from opening a bank account and purchasing a SIM card from the telecom providers. It is the grievance of the petitioner in WP (C) No. 49 of 2025, who is suffering from 100% blindness, that due to his disability, he faces daily challenges in establishing account-based relationships, conducting transactions, availing services and verifying his identity – whether as a customer or as a citizen accessing government schemes. These difficulties arise primarily because digital KYC / e-KYC / video KYC[3] norms are not designed keeping in view the accessibility needs of persons with disabilities. Thus, the digital KYC process that excludes persons with disabilities is a violation of the fundamental rights enshrined under Article 21 of the Constitution of India.

[3] Hereinafter shortly referred to as "digital KYC"

5. Continuing further, the learned counsel for the petitioners submitted that *vide* RBI Master Direction, 2016, the digital KYC process has been made mandatory. Following this, all major sectors - including banking institutions, telecommunication companies, *etc*., require KYC as a mandatory part of their registration processes. Accordingly, digital KYC has now become indispensable for accessing essential services, such as opening a bank account, demat and trading accounts, SIM cards, pension accounts, insurance policies; any type of financial investment, such as mutual funds, *etc*., obtaining Director Identification Number from Ministry of Corporate Affairs, buying a FASTag device for National Electronic Toll Collection, obtaining a digital signature under the Information Technology Act, 2000, for income tax return filing or for government tendering, and for high value immovable property transactions involving buying, selling or renting. It is also required for accessing government benefits such as national scholarships, annual life certificates for pensioners, direct benefit transfers using Aadhaar, *etc*. However, these processes are not fully accessible to persons with disabilities, particularly individuals with facial disfigurements and visual impairments.

6. Elaborating further, it is submitted by the learned counsel for the petitioners that during the online KYC process, the following methods are used to identify a customer:

(a) Clicking a selfie,
(b) Face recognition,

(c) Signing using pen and paper; or putting a signature on screen using a mouse,
(d) Printing and rescanning or clicking a photo of the filled in form,
(e) Verification of OTPs in 30 seconds, displaying documents or KYC form / signature in original, and
(f) Random question and response (e.g. flashing generic code/ text on screen for it to be read by the customer).

These methods are not accessible to persons with blindness, making it impossible for them to complete the formalities independently without physical assistance. For instance, the face recognition method does not provide adequate guidance on how to correctly align one's face with the camera. Consequently, individuals with visual impairments or facial disfigurements are often unable to complete the process independently and require assistance from a sighted person. A similar challenge exists with the selfie-based verification method, where the lack of accessibility features prevents autonomous completion of the process. Therefore, the learned counsel submitted that to eliminate the barriers / difficulties faced by persons with facial disfigurements and visual impairments, in exercising their right to live with dignity and integrity at par with others, it is the statutory duty of the government to implement "reasonable accommodations", in accordance with the provisions of the RPwD Act, 2016 read with the RPwD Rules, 2017.

7. The learned counsel also placed reliance on a catena of decisions *viz*., *Vikash Kumar v. Union Public Service Commission & Others*[4], *Rajive Raturi v. Union of India & Others*[5], *Disabled Rights Group & Anr. v. Union of India & Others*[6], *etc.*, wherein, this Court reiterated the fundamental duty of the State and its instrumentalities to safeguard the welfare, dignity and autonomy of persons with disabilities, in order to ensure their complete integration into the mainstream of society. Further, it emphasized the need for economic empowerment and inclusion of persons with disabilities.

8. Ultimately, the learned counsel for the petitioners submitted that considering the difficulties and barriers faced on account of the inaccessibility of the digital KYC process, this Court may pass appropriate directions to the respondent authorities.

9. Upon notice, learned counsel for the various respondents appeared before us and submitted their responses, both orally and in writing. For the sake of convenience, the same are summarised as under:

9.1 Respondent No.2 - Reserve Bank of India

9.1.1 It is submitted that the Central Government with an intention to prevent money laundering and to combat and prevent channelizing of money into illegal activities, terror funding and other economic crimes, enacted Prevention of

[4] (2021) 5 SCC 370
[5] (2018) 2 SCC 413
[6] (2018) 2 SCC 397

Money Laundering Act, 2002[7]. The PMLA and its Rules, more specifically Prevention of Money Laundering (Maintenance of Records) Rules, 2005[8] notified thereunder by the Central Government, make it mandatory for the Banking Companies and Financial Institutions, who are Reporting Entities to verify identity of their clients, maintain records and furnish information in the prescribed format to the Financial Intelligence Unit India.

9.1.2 It is further submitted that under Section 11A(1) of the PMLA, the Banking Companies and Financial Institutions are under obligation to verify the identity of its clients, by-

> *(a) authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 if the reporting entity is a banking company; or*
> *(b) offline verification under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; or*
> *(c) use of passport issued under section 4 of the Passports Act, 1967; or*
> *(d) use of any other officially valid document or modes of identification as may be notified by the Central Government in this behalf:*

9.1.3 It is further submitted that under Rule 9 of the Rules, 2005, every Banking Company is required to conduct Client Due Diligence at the time of commencement of an account-based relationship and identify its clients, verify their identity, and obtain information on the purpose and intended nature of the business relationship. In terms of Rule 2(b) of the Rules, 2005, the Client Due Diligence means 'due diligence carried out on a client'. Further, where client is an individual, then he is mandated under Rule 9(4) to submit the following –

[7] For short, "the PMLA"
[8] For short, "the Rules, 2005"

(a) the Aadhaar number where-

(i) he is desirous of receiving any benefit or subsidy under any scheme notified under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016

(ii) he decides to submit his Aadhaar number voluntarily to a banking company or any reporting entity notified under first proviso to sub-Section (1) of Section 11A of the Act; or

(aa) The proof of possession of Aadhaar number where offline verification can be carried out; or

(ab) The proof of possession of Aadhaar number where offline verification cannot be carried out or any officially valid document or the equivalent e-document thereof containing the details of his identity and address; and

(b) The Permanent Account Number or the equivalent e-document thereof or Form No. 60 as defined in Income-Tax Rules, 1962; and

(c) Such other documents including in respect of the nature of business and financial status of the client, or the equivalent e-documents thereof as may be required by Reporting Entity.

9.1.4 It is further submitted that as per Rule 2(ab) of the Rules, 2005, "authentication" means the process as defined under Section 2(c) of the Aadhaar (Targeted Delivery of Financial and other subsidies, Benefits and Services) Act, 2016, which means the process by which the Aadhaar number along with demographic information or biometric information of an individual

is submitted to the Central Identities Data Repository (CIDR) for its verification with respect to the correctness, or the lack thereof, on the basis of information available with it.

9.1.5 It is further submitted that under Rule 2(bba) of the Rules, 2005, "digital KYC" means capturing the live photo of the client and the officially valid documents 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 authorized officer of the reporting entity.

9.1.6 It is further submitted that under Regulation 2(j) of the Aadhaar (Authentication) Regulations, 2016, e-KYC authentication means a type of authentication facility in which the biometric information and/ or OTP along with the Aadhaar number securely submitted with the consent of the Aadhaar number holder through a requesting entity, is matched against the data available in the CIDR, and the authority returns a digitally signed response containing the e-KYC data along with other technical details related to the authentication transaction.

9.1.7 Furthermore, in Annexure 1 to the Rules, 2005, the Central Government has prescribed the process of Digital KYC, as per which, the following is mandated:

(a) The Reporting Entities shall develop an application for digital KYC process which shall be made available at customer touch points for undertaking KYC of their customers and the KYC process shall be undertaken only through this

authenticated application of the Reporting Entities.

(b) The access of the Application shall be controlled by the RE and it should be ensured that the same is not used by unauthorized persons. The Application shall be accessed only through login-id and password or Live OTP or Time OTP controlled mechanism given by REs to its authorized officials.

(c) The customer, for the purpose of KYC, shall visit the location of the authorized official of the Reporting Entities or vice-versa. The original Officially Valid Document (OVD) shall be in possession of the customer.

(d) The Reporting Entities must ensure that the Live photograph of the customer is taken by the authorized officer and the same photograph is embedded in the Customer Application Form (CAF). Further, the system Application of the RE shall put a water-mark in readable form having CAF number, GPS coordinates, authorized official's name, unique employee Code (assigned by REs) and Date (DD:MM:YYYY) and time stamp (HH:MM:SS) on the captured live photograph of the customer.

(e) The Application of the Reporting Entities shall have the feature that only live photograph of the customer is captured and no printed or video-graphed photograph of the customer is captured. The background behind the customer while capturing live photograph should be of white colour and no other person shall come into the frame while capturing the live photograph of the customer.

(f) Similarly, the live photograph of the original OVD or proof of possession of Aadhaar where offline verification cannot be carried out (placed horizontally),

shall be captured vertically from above and water-marking in readable form as mentioned above shall be done. No skew or tilt in the mobile device shall be there while capturing the live photograph of the original documents.

(g) The live photograph of the customer and his original documents shall be captured in proper light so that they are clearly readable and identifiable.

(h) Thereafter, all the entries in the CAF shall be filled as per the documents and information furnished by the customer. In those documents where Quick Response (QR) code is available, such details can be auto-populated by scanning the QR code instead of manual filing the details. For example, in case of physical Aadhaar/e-Aadhaar downloaded from UIDAI where QR code is available, the details like name, gender, date of birth and address can be auto-populated by scanning the QR available on Aadhaar/e-Aadhaar.

(i) Once the above-mentioned process is completed, a One Time Password (OTP) message containing the text that 'Please verify the details filled in form before sharing OTP' shall be sent to customer's own mobile number. Upon successful validation of the OTP, it will be treated as customer signature on CAF. However, if the customer does not have his/her own mobile number, then mobile number of his/her family/relatives/known persons may be used for this purpose and be clearly mentioned in CAF. In any case, the mobile number of authorized officer registered with the Reporting Entities shall not be used for customer signature. The Reporting Entities must check that the mobile number used in customer signature shall not be the mobile number of the authorized

officer.

(j) The authorized officer shall provide a declaration about the capturing of the live photograph of customer and the original document. For this purpose, the authorized official shall be verified with One Time Password (OTP) which will be sent to his mobile number registered with the Reporting Entities. Upon successful OTP validation, it shall be treated as authorized officer's signature on the declaration. The live photograph of the authorized official shall also be captured in this authorized officer's declaration.

(k) Subsequent to all these activities, the Application shall give information about the completion of the process and submission of activation request to activation officer of the Reporting Entities, and also generate the transaction-id/reference-id number of the process. The authorized officer shall intimate the details regarding transaction-id/reference-id number to customer for future reference.

(l) The authorized officer of the Reporting Entities shall check and verify that:-

(i) information available in the picture of document is matching with the information entered by authorized officer in CAF;

(ii) live photograph of the customer matches with the photo available in the document; and

(iii) all of the necessary details in CAF including mandatory field are filled properly.

(m) On Successful verification, the CAF shall be digitally signed by authorized officer of the RE who will take a print of CAF, get signatures/thumb-impression of customer at appropriate place, then scan and upload the same in system. Original hard copy may be returned to the customer.

9.1.8 Thus, the requirement to conduct due diligence of its clients by the banking companies and the financial institutions is mandated under the provisions of the PMLA and the Rules, 2005, and that, the process of verifying the documents submitted by the clients is also included in various rules and regulations as well as Acts as stated above. Hence, the Reserve Bank of India in compliance with Rule 9(14) of the Rules 2005, has issued the Reserve Bank of India (Know Your Customer KYC) Directions, 2016, thereby reproducing and reiterating the process and procedure prescribed in the PMLA Rules, 2005.

9.1.9 In reply to the submissions made on the side of the petitioners, it is submitted by the learned counsel for the RBI as under:

(a) RBI is not an appropriate authority to carry out amendments so as to include the specific suggestions of the petitioners in the already elaborated and described process of digital KYC in the PML Rules. However, it is reiterated that the digital KYC process outlined in Annex I of the MD on KYC and the V-CIP outlined in the MD on KYC does not mandate Regulating Entities to necessarily undertake 'blinking eye' test and the bank official can ask varied questions to establish the liveness of the customer during the V-CIP.

(b) In terms of paragraph 16 of the MD on KYC, when a customer submits the proof of possession of Aadhaar number where offline verification can be carried out, the Regulating Entities shall carry out offline verification. Further, when a customer submits any OVD or proof of possession of Aadhaar where offline verification cannot be carried out, the Regulating Entities shall carry out verification through Digital KYC. However, for a period not beyond such date as may be notified by the Government for a class of Regulating Entities, instead of carrying out Digital KYC, the Regulating Entities pertaining to such class may obtain a certified copy of the proof of possession of Aadhaar number or the OVD and a recent photograph where an equivalent e-document is not submitted. Thus, RBI has already issued comprehensive guidelines prescribing different modes to carry out customer due diligence in terms of respective PML Rules.

(c) As per the instructions regarding V-CIP outlined under paragraph 18 of the MD on KYC, Regulated Entities may undertake V-CIP to carry out CDD in case of new customer on-boarding for individual customers, proprietor in case of proprietorship firm, authorized signatories and Beneficial Owners (BOs) in case of Legal Entity (LE) customers. In terms of paragraph 18(b)(i) of MD on KYC, each Regulated Entity shall formulate a clear workflow and standard operating procedure for V-CIP and ensure adherence to it. The V-CIP process shall be operated only by officials of the Regulated Entities specially trained for this purpose. The official should be capable to carry out liveness check and

detect any other fraudulent manipulation or suspicious conduct of the customer and act upon it. Further, as per paragraph 18(b)(iii), the sequence and/or type of questions, including those indicating the liveness of the interaction, during video interactions shall be varied in order to establish that the interactions are real-time and not pre-recorded. Furthermore, as per para 11, Customer Acceptance Policy should not result in denial of banking/financial facility to members of the general public, especially those, who are financially or socially disadvantaged.

(d) According to RBI, the guidelines regarding V-CIP are already in place. As per paragraph 4 of the MD on KYC, the Regulated Entities are directed to have a KYC policy duly approved by the Board of Directors. Furthermore, the Regulated Entities are also mandated under the MD on KYC to ensure that they comply and follow the directions issued by RBI.

(e) Referring to Clause 3(ii) of the Aadhaar (Authentication and Offline Verification) Regulation 2021, it is submitted that in terms of proviso (i) to paragraph 16 of the MD on KYC, when a customer submits Aadhaar number under paragraph 16(a), the Regulated Entities shall carry out authentication of the customer's Aadhaar number using e-KYC authentication facility provided by the Unique Identification Authority of India. e-KYC authentication can be carried out through biometric e-KYC authentication or OTP based e-KYC authentication (face to face).

9.1.10 Thus, it is submitted by the learned counsel, adherence to the guidelines/ notifications/directions issued by RBI and other regulatory/ statutory bodies are monitored and checked during the supervisory review process carried out by the supervisory departments of RBI; and that, RBI has conducted public awareness campaigns and issued press-releases in respect of various KYC / re-KYC issues. Besides this, RBI has been conducting workshops/ training programmes for its Regulated Entities to sensitize them about the instructions issued through MD on KYC.

9.2. Respondent No.4 - Telecom Regulatory Authority of India (TRAI)

It is submitted that TRAI draws its powers and functions from the Telecom Regulatory Authority of India Act, 1997[9] and the rules/regulations framed thereunder. It has no statutory role in the formulation or implementation of Digital KYC/e-KYC guidelines. The issues concerning subscriber verification, including KYC norms, fall exclusively within the domain of the Department of Telecommunications, which is the licensing authority for telecom service providers. Therefore, according to TRAI, it lacks jurisdiction or authority to frame any policy or issue directions concerning Digital KYC/e-KYC processes.

[9] For short, "the TRAI Act"

9.3 Respondent No.5 - Department of Telecommunications

9.3.1 It is submitted that the Central Government grants licenses under Section 4 of the Indian Telegraph Act, 1885, for various types of telecom services including Access Services, Internet Services, *etc*. Access Services cover collection, carriage, transmission and delivery of voice and/or non-voice messages over licensee's network in the designated service area, and includes mobile, wireline and internet services. An Internet Service Provider provides data services.

9.3.2 It is submitted that the relevant KYC condition as contained in clause 39.17(i) of the Unified License Agreement mandates that the Licensee shall ensure adequate verification of each and every customer before enrolling him as a subscriber and shall follow instructions issued by the Licensor in this regard from time to time. The Licensee shall make it clear to the subscriber that the subscriber will be responsible for proper and *bona fide* use of the service. Pursuant to the same, the Department of Telecommunications has been issuing KYC guidelines / instructions, which are being followed by the licensees for the purpose of issuing new mobile connections to subscribers and for SIM replacement.

9.3.3 It is further submitted that as per the direction of this Court in *Avishek Goenka v. Union of India* in W.P.(C) No.285 of 2010, a Joint Expert Committee was constituted in the Department of Telecommunications and based on the report submitted by the Committee, instructions dated 09.08.2012 in Letter No.

800-09/20010-VAS titled as "Instruction on Verification of New Mobile subscribers (Pre-paid and Post-paid)" came to be issued. The said instructions laid down KYC provisions for issuing mobile connections to individual, outstation, foreign and business category customers. There are also additional provisions dealing with mobile connections obtained on fake / forged documents, timely disconnections in case of KYC non-compliance or directions of Law Enforcement Agencies, *etc*. That apart, various documents have been allowed as valid proof of identity/ proof of address documents for obtaining mobile connections.

9.3.4 It is further submitted that on 03.04.2019 *vide* Letter No. 800-26/2016-AS.II, Instructions for Alternate Digital KYC process for issuing new mobile connections to subscribers were introduced by the Department of Telecommunications, wherein it was stated that the Customer Acquisition Form (CAF) is to be embedded with the live photograph of the subscriber along with the original proof of Identity / Proof of Address document, thereby making the KYC process fully digital and paperless.

9.3.5 After the amendment of the Indian Telegraph Act, in July, 2019, the identification of a person through Aadhaar authentication cannot be made mandatory as the use of modes of identification under Section 4(3) is the voluntary choice of the person and no person can be denied any service for not having an Aadhaar Number. Further, the Telecom Regulatory Authority of India

has made the following recommendation dated 09.07.2018 on "Making ICT accessible for Persons with Disabilities":

(a) All TSPs should identify existing mobile/landline numbers of their customers who are eligible to be classified under persons with disabilities. Provision should be made in the CAF for registering new customers as 'Persons with disabilities' in case he/she is a person with disability. All such numbers should be assigned a special category.

(b) TSPs, MSOs and DTH Operators should have a special desk in their Call Centres / Customer Support Centres where calls received from special category numbers are routed to this specialized desk which should be manned by person(s) to receive calls from Persons with disabilities using assistive technologies.

9.3.6 After consultation with the Department of Empowerment of Persons with Disabilities (DEPwD), the Department of Telecommunications issued a letter dated 16.12.2020, wherein, priority and specialized services in respect of customer support services have been incorporated for persons with disabilities customers. Thus, regarding mobile services to persons with disabilities customers, the Department of Telecommunications has already made special provisions and additional safeguards for persons with disabilities customers to the extent possible.

9.3.7 It is submitted that the Department of Telecommunications reintroduced Aadhaar based e-KYC process *vide* Letter No. 800-12/2019–AS II dated

21.09.2021 wherein the use of Aadhaar based e-KYC service of Unique Identification Authority of India (UIDAI) has been adopted as an alternate process for issuing mobile connections to individual customers including outstation customers and bulk connection. In Aadhaar based e-KYC, the subscriber is authenticated biometrically and demographic details are fetched from the UIDAI database. Live photograph of the customer is taken and matched with the photo received from UIDAI.

9.3.8 Pursuant to the instructions issued by the Department of Telecommunications *vide* Letter No. 800-09/2023-AS II dated 31.08.2023, additional strict measures have been incorporated into the KYC process viz., (a) end user KYC in business connections, (b)use of Digital-KYC/e-KYC process in case of SIM swap / replacement, and (c) other enhanced safeguards.

9.3.9 It is submitted that the Department of Telecommunications is continuously committed to improving the KYC process and make it user friendly. With passage of time, the KYC process has improved, attaining better verification norms and maintaining the orderly growth of the telecommunications sector. In order to enhance security and authenticity of the KYC process adopted by licensees, the Department of Telecommunications issued instructions on 05.12.2023 for the discontinuation of the paper - based KYC process with effect from 01.01.2024.

9.3.10 Pursuant to the grievance expressed by the first petitioner in WP(C) No. 289 of 2024 *vide* communication dated 12.02.2024, the Department further

issued instructions dated 19.03.2024 whereby, paper - based KYC process was allowed in certain exceptional cases for obtaining new mobile connections and SIM replacements. PwD customers have been included among those exceptional cases and may obtain mobile connections and do SIM replacements using paper - based KYC process, which does not require live photography or blinking of the eyes. Further, additional benefits viz., priority and specialized customer support services have also been provided to PwD customers.

9.3.11 It is further submitted that Telecom Service Providers (TSPs) and financial entities are distinct entities, each governed by the relevant law that applies to them. TSPs do not maintain Central KYC registry. As per the provisions of licensing framework notified by DoT, each TSP has to ensure adequate verification of each and every customer before enrolling them as subscribers and sharing of KYC information among different entitles, is not permitted.

9.3.12 Thus, it is submitted that the Department of Telecommunications has not mandated eye - blinking as the sole mechanism to determine the liveliness of the customer's photograph during enrolment.

9.4 Respondent No.7 – Securities Exchange Board of India (SEBI)

9.4.1 It is submitted that SEBI, being the regulator of securities market, has always been committed to the cause of making the securities market accessible to all by catering to the special requirements of persons with disabilities, while

at the same time balancing the need of providing secure digital platforms and effectively managing the risk of money laundering and terrorist financing through securities market. It is also submitted that the SEBI is ready to take necessary measures as mandated by law.

9.4.2 It is further submitted that Clauses 33 to 48 of the Master Circular dated 12.10.2023 deal with the procedure prescribed for Digital KYC. According to Clause 46, a cropped signature affixed on the online KYC form under electronic / digital signature, including Aadhaar e-sign, will also be accepted as a valid signature. Thus, the Master Circular provides for an alternative to electronic / digital signature, which can be availed of by any person, who is unable to do electronic / digital signature.

9.4.3 It is further submitted that SEBI permits registered intermediaries to use online application for completing digital KYC to enable seamless, real-time, secured, end-to-end encrypted audio-visual interaction with the client. Digital KYC is an additional option available to the investors, along with the option of physical KYC. Thus, a person who, due to blindness or low vision is unable to e-sign a document, can opt for offline/ physical KYC and affix a thumb impression instead of signature.

9.4.4 Further, as mentioned in para 5 of the FAQs titled as "FAQs on Demat Account and Trading Account by Persons with Disability" issued by Respondent No.7, if a person with disability is unable to sign for himself / herself, the account can be opened with the signature of the guardian.

9.4.5 It is further submitted that Clause 47 provides for cancelled cheque for capturing bank details of the client. It also provides that verification of the bank account details can be carried out through Penny Drop Mechanism or any other mechanism using the API of the Bank. SEBI is open to include other possible documents that may be used by the registered intermediaries for capturing the bank details of the clients.

9.4.6 Regarding the requirement of liveliness check as provided under clause 52, it is submitted that the same is done in order to guard against spoofing and other fraudulent practices. The securities market intermediaries use various parameters to check the client's liveliness which not only involves checking the movement of eyelid and eyeball or blinking, but also, includes other factors *viz*., live facial expressions, nodding of head, client showing OTP while being clearly visible on the screen, real time video recording and displaying copies of documents on the screen, *etc*. Further, on request of a client, the registered intermediaries are required to extend all possible assistance for capturing video in live environment to facilitate online/digital KYC to persons with disabilities. It is further submitted that the website maintained by the SEBI is in compliance with the requirements of the RPwD Act, 2016 and the RPwD Rules, 2017. The website also complies with World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.0 level AA and has assistive technologies to enable people with visual impairment to access the website. In addition, SEBI is in process of seeking an accessibility audit by an

International Association of Accessibility Professionals certified auditor. Further, SEBI has also advised all the Market Infrastructure Intermediaries (MIIs) who fall within the regulatory regime of SEBI to bring to the attention of all their members/ intermediaries for necessary compliance, the provisions of Sections 42 and 46 of the RPwD Act, 2016 r/w Rule 15 of the RPwD Rules, 2017.

9.4.7 It is further submitted that Clause 60 of the Master Circular provides for the option of Video in Person Verification (VIPV) of the investor as one of the methods of doing In-Person Verification. This option is in addition to/ as an alternative to physical In-Person Verification. Further, this clause clearly states that the VIPV process can be carried out by any of the many methods including random question and response from the investor; displaying officially valid document; KYC form and signature; or it could also be confirmed by an OTP.

9.4.8 It is further submitted that Clause 61 of the Master Circular provides that in person verification shall not be required in certain cases where (a) KYC of the client has been completed using the Aadhaar authentication / verification of UIDAI; (b) KYC form has been submitted online, documents have been provided through Digilocker or any other source which could be verified online. These are additional options available to all investors including persons with blindness/ low vision.

9.4.9 It is further submitted that the FAQs have been put in place to guide the investors and market participants. Such interpretations are valid being

transparent and applied consistently without discrimination. It is reiterated that SEBI is committed to the cause of enabling equal access of services of its registered intermediaries to persons with disabilities, including persons with visual impairments and has complied with the directions issued by the Chief Commissioner for PwD from time to time in this regard. At the same time, it is imperative for SEBI as the Regulator of securities market to build in / retain necessary checks to ensure that the securities market platforms are secured.

9.5. Respondent No.8 – Pension Fund Regulatory & Development Authority (PFRDA)

9.5.1 It is submitted that PFRDA is a statutory authority established by the Government of India under the Pension Fund Regulatory Authority and Development Authority Act, 2013[10] to regulate, promote and ensure orderly growth of the National Pension System[11] and to protect the interests of subscribers of such system and schemes of pension funds.

9.5.2 It is further submitted that Circular no. PFRDA/2020/46/SUP-CRA/18 dated 06.10.2020 prescribes the norms for V-CIP for the National Pension System (NPS) which is regulated by this respondent. Some of the important norms are as follows:

[10] For short, "the PFRDA Act"
[11] For short, "the NPS"

Mobile Application based VCIP

(a) Points of Presence (PoPs) shall carry out the liveliness check in order to guard against spoofing and other fraudulent manipulations.

(b) PoPs can add additional safety and security features, other than prescribed above.

(c) PoPs should ensure Instant bank account verification through penny drop, to verify the beneficiary bank details is mandatory.

(d) The photo/signature of the subscriber is to be uploaded during VCIP while On-boarding.

Non-Mobile Application based VCIP

(a) PoPs through their authorized official, specifically trained for this purpose, may undertake live VCIP of an individual subscriber/applicant, after obtaining their informed consent.

(b) The VCIP shall be only in a live environment.

(c) The VCIP shall be clear and undisturbed. Further, the NPS subscriber/applicant in the video shall be easily re-cognizable and shall not be covering their face in any manner.

(d) The VCIP process shall include random question and response from the NPS subscriber/applicant including displaying the OVD as specified by PFRDA in its CSRF/Exit Form/Service request forms.

(e) PoPs shall ensure that photograph of the subscriber provided in KYC

documents/PRAN card/CSRF, as the case may be, matches with the Subscriber during VCIP.

(f) PoPs should ensure instant bank account verification through penny drop, to verify the beneficiary bank details is mandatory.

(g) PoPs can add additional safety and security features, other than prescribed above.

9.5.3 It is further submitted that according to section 40 of the RPwD Act, 2016, the Central Government vide Gazette notification dated 16.08.2024 has issued the Accessibility Standards and Guidelines (for Creating Infrastructure for Persons with Disabilities) for PFRDA-Regulated Intermediaries to address accessibility needs of persons with disabilities in respect of the facilities and services pertaining to pension schemes regulated by PFRDA. Clause 3.1 of the said Guidelines pertaining to Accessibility of website and application for visually impaired persons, mandate the intermediaries to design and develop user-friendly website and app (with the enablement of text-to-speech software) in such a way that they are accessible by all persons including visually impaired. Further, these Guidelines have been sent to intermediaries for ensuring compliance. That apart, the said Guidelines also mandate PFRDA regulated intermediaries to implement the following:

(a) 'Guidelines for India Government Websites and Apps' (GIGW) as amended issued by Ministry of Electronics and Information Technology (MEITY) which prescribes accessibility standards for websites and apps.

(b) Indian standards IS 17802 (Part 1), 2021 and IS 17802 (Part 2), 2022, issued by MEITY and notified by the Bureau of Indian Standards (BIS) which prescribes accessibility standards for Information and Communication Technology (ICT) products and services.

9.5.4 In response to the submissions made by the petitioners regarding the challenges faced by them, it is submitted as follows:

(a) The circular dated 06.10.2020 on VCIP for NPS prescribes that a 'liveness check' must be conducted, but does not prescribe blinking as the only method and that, there is a requirement under PML Rules 2005 of displaying/capturing the live photo of 'Officially Valid Document' (OVD) where offline verification cannot be carried out.

(b) In the said circular dated 06.10.2020 for VCIP for NPS, there is a requirement of "random action initiation for subscriber response" as part of the liveliness check in cases of Mobile Application based VCIP. The application shall also have features of random action initiation for subscriber's response to establish that the interactions are not recorded. Further, the application should have time stamping and geo-location tagging to ensure physical location in India, etc. However, presently provision of audio captcha as an alternative to visual captcha is not specified in the circular.

(c) As per clause 4 of PFRDA Accessibility Guidelines, this respondent is taking steps for training of personnel and sensitization towards needs of

persons with disabilities and for assisting them in use of various available services.

(d) PFRDA has through Clause 5(ii) of PFRDA Accessibility Guidelines specified that intermediaries must give a special focus to grievances raised by persons with disabilities. The grievance redressal officer nominated by the intermediary under the PFRDA (Redressal of Subscriber Grievance) Regulations, 2015, shall be the nodal officer for addressing the issues related to persons with disabilities.

(e) Under Circular no. PFRDA/2020/23/SUP-CRA/10 dated 15.06.2020, NPS permits paperless onboarding through OTP verification as one of the acceptable methods and hence it is not necessary for signature to be made physically or on screen. Presently, only during physical application mode, thumb impression is being accepted, whereas in Digital KYC and VCIP thumb impression is not prescribed/accepted. This thumb impression must be attested by two individuals, one of whom should be an authorized official of the intermediary (Point of Presence), who must certify it under their official seal and stamp.

9.5.5 Thus, it is submitted that this respondent is committed to ensuring the provision of services in a manner that is equally accessible to persons with visual impairments, including taking all reasonable measures to comply with existing accessibility norms. This respondent is further committed to complying with any directions issued by this court to enhance accessibility in the digital

KYC process for persons with disabilities.

9.6 Respondent No.9 – Insurance Regulatory and Development Authority of India

9.6.1 It is submitted that in terms of the provisions of the Prevention of Money Laundering Act, 2002, and the Prevention of Money Laundering (Maintenance of Records) Rules, 2005, this respondent has issued Master Guidelines on Anti Money Laundering/Counter Terrorist Financing (AML/CFT) 2022 on 01.08.2022, which provides framework related to KYC for issuance sector.

9.6.2 It is further submitted that as per the regulatory framework put in place, this respondent did not make digital KYC and VBIP mandatory and it is being provided as one among many options for customer identification process. Both digital and VBIP are assisted by Authorised Officials / Persons of REs. These officials / persons can assist customers in completing KYC by taking photos, aligning camera, aligning documents, etc. Further, paragraph M of digital KYC process provides for obtaining either signature or thumb impression of customer.

9.6.3 It is further submitted that paragraph 12 of the IRDAI Master Guidelines permit use of Central KYC Records Registry (CKYCR) for KYC. Moreover, *vide* IRDAI circular dated 12.08.2024, REs are mandated to seek KYC Identifier from customer which eliminate the requirement to submit the KYC documents. Alternatively, if KYC ID is not available with customers, REs

are required to search the CKYC ID and download the records from CKYCR, if available.

9.6.4 It is submitted that an option of Aadhaar based e-KYC is also in place wherein KYC details are downloaded from UIDAI with customer consent. Framework for the same is prescribed by UIDAI and as per this framework, in addition to biometric, OTP based authentication is also available for KYC. Submission of physical copy of Officially Valid Documents or e-documents are also permitted for KYC purposes. That apart, there are provisions available for disabled persons to nominate a person to submit declaration on their behalf.

9.6.5 Thus, according to this respondent, they have put in necessary provisions for seamless completion of KYC for visually disabled persons in the insurance sector in the form of other alternate modes/methodologies of KYC for ensuring equal access to persons with visual impairment / blindness.

10. We have considered the submissions made by the learned counsel appearing for all the parties and perused the materials placed before us.

11. At the outset, it is to be pointed out that the respondent authorities have not raised any adverse remarks regarding the grievances expressed by the petitioners and they are committed to assist us in arriving at a just and effective solution to advance the rights and enhance the quality of life of persons with disabilities, particularly those with facial disfigurements and visual impairments or blindness.

12. As stated earlier, in an effort to combat illegal activities and money laundering, the Central Government through the PMLA and the Rules, 2005, mandated that all financial and banking institutions conduct client identity verification, maintain comprehensive records, and report relevant information to the Financial Intelligence Unit – India. Pursuant to the same, the Reserve Bank of India issued the Master Direction on Know your Customer (KYC), 2016[12]. The Master Direction on KYC prescribes the framework for Customer Due Diligence (CDD) procedures and outlines the digital KYC process under Chapter VI and Annex I, respectively. Additionally, Clause 18 of the MD on KYC introduced the Video based - Customer Identification Process (V-CIP) enabling remote customer verification through secure, real-time video interaction. As a result, multiple sectors – including banking, telecommunications, insurance, and mutual funds – have adopted digital KYC as a mandatory component of their CDD or Customer Identification Program (CIP) obligations, thereby facilitating identity verification of prospective customers in compliance with regulatory requirements.

13. According to the petitioners, while it is mandatory for Regulated Entities to conduct offline verification at the ground level, many Regulated Entities have refused to do so, even when customers submit valid proof of possession of Aadhaar in compliance with sub-clause (aa) of paragraph 16 of the MD on KYC. Secondly, under Option 2, if a customer submits an Offline Based

[12] For short, "MD on KYC"

Document (OBD) or an equivalent e-document, the Regulated Entities are required to verify the customer's digital signature and capture a live photograph as specified under Annex I of the MD on KYC. However, this requirement creates an unintended barrier for individuals with facial / eye disfigurements and visual impairments like the petitioners herein, as they are unable to fulfill the condition of providing a live photograph due to their inability to blink, thereby rendering them unable to complete the digital KYC process under this option.

13.1 The petitioners further detailed the problems faced by them, with the existing guidelines as under:

(i) Absence of definition of the term "liveness" and accessibility issues in liveness checks — No criterion for gauging "liveness" of a customer has been defined in any of the guidelines pertaining to the digital KYC process. In practice, Regulated Entities have developed methods such as requiring eye-blinking, reading a random code displayed on screen, or handwriting the displayed code and clicking a photograph of themselves with the handwritten code. However, persons with blindness would, in the majority of cases, be unable to comply with these procedures.

Many Regulated Entities either directly capture a selfie as soon as a face and eye-blinking are detected, or provide a button to allow the user to click a selfie. However, the digital KYC providers do not follow accessibility standards while designing their websites or applications, including providing features to assist in

clicking a picture through the camera. As a result, persons with blindness have no guidance regarding camera alignment, face focusing, lighting adequacy, or other parameters used to assess the quality of the picture. Similarly, persons with blindness are unable to distinguish the front or back side of documents for uploading purposes, or adjust lighting and angles appropriately.

Further, the majority of such persons use thumb impressions, being unable to consistently draw signatures using pen and paper. At present, none of the digital KYC providers accept an image of a thumb impression as a valid signature, although they accept an image of a signature drawn using pen and paper. Furthermore, PAN cards issued based on thumb impressions are also not accepted by entities.

The Regulated Entities also fail to comply with the standards of accessibility prescribed in the "Standards of Accessibility for ICT Products and Services" (Part I & II) issued in 2021 and 2022, as notified by the Central Government under Section 40 of the Rights of Persons with Disabilities Act, 2016, by way of amendment to Rule 15(1) of the Rights of Persons with Disabilities Rules, 2017, notified on May 10, 2023.

(ii) Inaccessibility of biometric devices — All biometric devices presently designed for Aadhaar authentication, where the Aadhaar number is captured or information is displayed on screen, do not comply with IS 17802 Accessibility Standards for ICT Products and Services. As a result, there is no text-to-speech facility or other accessibility features available to assist persons with blindness

in inputting relevant information or in verifying the information entered or displayed on screen.

(iii) Lack of awareness — Officials and third-party agents deployed by regulated entities, including officials responsible for concurrent audits, are not adequately trained or sensitized to assist persons with blindness in performing digital KYC or in facilitating the digital KYC process for them. Many persons with blindness are either asked to physically visit the office of the entity (which, in the case of new-age entities operating only through digital platforms, may not even exist near their place of residence or work) or have their digital KYC applications rejected on technical grounds.

(iv) Prohibition on prompting — The RBI Master Directions on KYC prohibit prompting while performing digital KYC, thereby leaving persons with blindness without any effective remedy, as they are neither provided assistance by the officials of the regulated entities nor permitted to take help from any third party.

Thus, the petitioners, who suffer from facial or eye disfigurements caused by acid attacks and from 100% blindness, are unable to independently complete digital KYC processes due to the inaccessibility of the current digital KYC regulations. This results in their exclusion from accessing services provided by both public and private establishments.

LEGAL FRAMEWORK

14. Various constitutional and statutory provisions place an obligation on the appropriate Government to ensure that necessary modifications and adjustments are made to enable persons with disabilities to enjoy and exercise their rights equally with others. Some of the key provisions under the Constitution and laws are outlined below :

14.1 Constitution of India, 1950

14.1.1 The Preamble to the Constitution of India, enshrines the objective of securing for all citizens Justice - social, economic, and political – and liberty of thought, expression, belief, faith and worship. Part III of the Constitution provides for a set of six Fundamental Rights to all citizens, and in some cases, to non-citizens as well. These rights include: the Right to Equality, the Right to Freedom, the Right against Exploitation, the Right to Freedom of Religion, Cultural and Educational Rights, and the Right to Constitutional Remedies. All these rights are equally available to persons with disabilities, even though they are not specifically mentioned in this part of the Constitution.

14.1.2 The Directive Principles of State Policy are incorporated in Part IV of the Constitution. Although they are not justiciable, they have been declared fundamental to the governance of the country. These principles are intended to serve as the essential basis of state policy and act as guidance for future legislatures and executives in framing laws and policies. Article 41 of the

Constitution refers to cases of disablement and reads as under:

> "*The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want*."

14.2 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

14.2.1 India signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2006, on 30th March, 2007 and ratified it on 1st October, 2007. The Convention came into force in the country with effect from 3rd May 2008. It places the following three important obligations on each State Party:

(i) To respect the rights and freedoms of persons with disabilities.

(ii) To protect individuals with disabilities from rights violations by others.

(iii) To fulfil these rights by taking appropriate legislative, administrative, and policy measures.

14.2.2 Article 9 of the UNCRPD deals with Accessibility and reads as follows:

> *"(1) To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:*
> *a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;*
> *b) Information, communications and other services, including electronic services and emergency services.*

(2) States Parties shall also take appropriate measures to:
a) develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
b) ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
c) provide training for stakeholders on accessibility issues facing persons with disabilities;
d) provide in buildings and other facilities open to the public signage in Braille and in easy-to-read and understand forms;
e) provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
f) promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
g) promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
h) promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

14.3 Incheon Strategy

India adopted the Incheon Strategy in 2012. It offers the first set of regionally agreed inclusive development goals aimed at making the rights of persons with disabilities a reality in the Asia – Pacific region. Notably, ICT (Information and Communication Technology) accessibility is specifically referenced in Goal 3 of the strategy. This goal emphasizes the need to enhance access to the physical environment, public transportation, knowledge, information, and communication systems for persons with disabilities.

14.4 RPwD Act, 2016 and RPwD Rules, 2017

14.4.1 The Government of India had enacted The Rights of Persons with Disabilities Act, 2016 to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

14.4.2 The RPwD Act, 2016 marks a paradigm shift from the earlier medical and technical model of disability under the 1995 Act, which carried a significant burden of stigma. The new model recognizes disability as a condition arising not only from impairments but also from physical, mental, intellectual, social, psycho-social, and other barriers that hinder full and effective participation in society. These barriers lie at the heart of the exclusion experienced by persons with disabilities, preventing them from realizing their full potential and participating as full and equal members and citizens – a vision enshrined by the framers of our Constitution.

14.4.3 Section 2(c) of the RPwD Act, 2016 defines "barrier", as follows:

> *"barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society".*

14.4.4 As a significant development, the RPwD Act, 2016 incorporates the principle of 'reasonable accommodation' which is defined in section 2(y) as follows:

> *"Reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others."*

14.4.5 Section 3 of the RPwD Act, 2016 deals with equality and non-discrimination and reads as follows:

> *"(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.*
> *(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.*
> *(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.*
> *(4) No person shall be deprived of his or her personal liberty only on the ground of disability.*
> *(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities."*

14.4.6 Section 13(1) mandates the 'appropriate government' to ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages, and other forms of financial credit.

14.4.7 That apart, Section 21(1) of the RPwD Act, 2016 states that every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

14.4.8 Section 40 deals with 'Accessibility' and the same reads as under*:*

> *"The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and*

communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas."

14.4.9 Section 42 of the RPwD Act, 2016, deals with 'Access to information and communication technology'. This section requires the appropriate Government to take measures to ensure that- (i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for everyday use are available in universal design.

14.4.10 Section 46 provides 'time limit for accessibility by service provides'. According to this provision, the service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules: Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

14.4.11 Rule 8 of the RPwD Rules, 2017 deals with the manner of publication of equal opportunity policy and the same reads as under:

"(1) Every establishment shall publish equal opportunity policy for persons with disabilities.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall inter alia, contain the following, namely:-
(a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
(b) list of posts identified suitable for persons with disabilities in the establishment;
(c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
(d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
(e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment."

14.4.12 Rule 15 of the RPwD Rules, 2017, lays down 'rules for accessibility' and the same states as follows:

"(1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology. namely:
(a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;
(b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, vide number G.S.R. 895(E), dated the 20th September, 2016;
(c) Information and Communication Technology-
(i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;
(ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise."

POLICIES AND GUIDELINES

14.5 National Policy on Universal Electronic Accessibility, 2013

14.5.1 Recognising that access to technologies and the Internet is fundamental for ensuring democratic, effective, efficient and equitable participation in an information society, the Government of India released the National Policy on Universal Electronic Accessibility in 2013 to eliminate discrimination on the basis of disabilities as well as to facilitate equal access to electronics and Information and Communication Technologies (ICTs). It proposes universal access to electronic and ICT products and services and sets out implementation guidelines for the policy.

14.5.2 The Web Content Accessibility Guidelines (WCAG) are a set of internationally recognized standards developed by the World Wide Web Consortium (W3C) to ensure that web content is accessible to all users, including persons with disabilities. These guidelines provide technical and design recommendations to make websites, applications, and digital content more inclusive. India has recognized the importance of web accessibility and has taken legal and policy measures to ensure compliance with the Web Content

Accessibility Guidelines (WCAG). The Indian government has adopted WCAG principles to promote digital inclusion, especially for persons with disabilities, in line with both national and international commitments. The GIGW, issued by the Ministry of Electronics and Information Technology (MeitY), aligns with WCAG 2.0 Level AA standards.

14.5.3 Guidelines of Indian Government Websites (GIGW)

National Informatics Centre (NIC) has released three versions of Guidelines of Indian Websites – the first version was released in 2009, the second version in 2019, and the latest third version was released in March 2023. These guidelines serve as a single point of reference for all three aspects of digital systems of the internet i.e., quality, accessibility and security:

GIGW 1.0 – The 2009 version, based on the Web Content Accessibility Guidelines (WCAG) 1.0, provided detailed information on various accessibility features such as text alternatives for images, resizable text, and colour contrast. The guidelines also mandated that all government websites should be compatible with assistive technologies such as screen readers and provided guidelines for testing the accessibility of government websites.

GIGW 2.0 – A significant improvement over the previous version, the 2019 version was based on WCAG 2.0 and covered a wider range of disabilities including visual, auditory, physical, and cognitive impairments. The guidelines included detailed information on various accessibility features such as keyboard accessibility, colour contrast, and text resizing. It mandated that all new

government websites should comply with the WCAG 2.0 Level AA accessibility standards.

GIGW 3.0 – Released in March 2023, this is the most advanced version of GIGW formulated jointly with Standardisation Testing and Quality Certification (STQC), Directorate of the Ministry of Electronics and Information Technology and Indian Computer Emergency Response Team (CERT-In). It is aimed at improving the user interface and user experience of government websites. These guidelines are especially designed to incorporate features like intuitive page loading (using AI and analytics) based on user profile. It takes special cognisance of mobile revolution and seeks to enhance accessibility and usability of mobile apps developed by government agencies. The guidelines have been designed keeping in mind the public digital infrastructure initiatives that will enhance government's delivery of services, benefits and information. It also includes critical aspects such as API level integration with social media, India Portal, DigiLocker, Aadhaar-based identity, single sign-on and data sharing on open formats.

14.6 CASE LAWS

This court has delivered several judgments affirming and strengthening the rights of Persons with disabilities particularly emphasizing the importance of accessibility. Some of the notable decisions are as follows:

14.6.1 In *Rajive Raturi v. Union of India & Others*[13], this Court held that accessibility is a fundamental right integral to the rights to life, dignity, and freedom of movement under Article 21 of the Constitution. It further criticized the non-mandatory nature of Rule 15 of the RPwD Rules, 2017, deeming it ultra vires the parent Act. It ultimately, directed the Union Government to establish enforceable accessibility standards across public infrastructure, digital platforms, and services, reinforcing the state's obligation to ensure inclusivity. The relevant paragraphs are extracted below:

> *'12. Accessibility refers to the design of products, services, environments, and systems to ensure that all individuals, including those with disabilities, can access, use, and benefit from them fully and independently. This encompasses physical access, such as entry to buildings and transport, as well as* ***access to information, communication, and digital platforms****. It is essential for promoting inclusion and enabling participation in all aspects of public life.*
>
> *13. The World Report on Disability published by the World Health Organization and World Bank stresses that inaccessibility within the built environment, transport systems, and communication channels severely limits the opportunities for PWDs to live fully in society. This inaccessibility leads to exclusion from education, employment, healthcare, and public services, effectively reinforcing the social and economic marginalisation of PWDs. Moreover, the lack of accessibility exacerbates inequalities, as it limits the ability of PWDs to engage in community life, and often results in dependence on others, restricting their autonomy and opportunities for self-determination. This, in turn, results in broader societal costs, as PWDs are often prevented from contributing to the workforce and society, thus perpetuating a cycle of poverty and isolation. 5 World Health Organization and World Bank, World Report on Disability (2011). See Summary, pp. 10. The report provides the best available evidence about what works to overcome barriers to health care, rehabilitation, education, employment, and support services, and to create the environments which will enable people with disabilities to flourish.*
>
> ……

[13] 2024 INSC 858

15. Accessibility is woven throughout the United Nations Convention on the Rights of Persons with Disabilities as a cross-cutting right, reinforcing its critical role in achieving social inclusion. It is highlighted in paragraph (e) of the Preamble, which calls for an environment that supports full personal development and societal participation. Article 3 sets out accessibility as a general principle, which highlights the necessity of removing both tangible and intangible barriers to ensure that PWDs can fully exercise their rights. ***These barriers can be physical, such as inaccessible buildings and transportation systems, or intangible, such as discriminatory attitudes or inaccessible digital content.****…*

16. ...Article 9(1) mandates that States take proactive steps to ensure persons with disabilities have equal access to public spaces, transportation, information, communication systems, and services. This directive encompasses the development, implementation, and monitoring of standards and guidelines that promote access. Article 9(2)(a) elaborates on these obligations by detailing the areas that require targeted action, such as ensuring that the design and construction of buildings and public facilities adhere to universal design principles. ***This commitment extends to digital spaces and information technologies.***

.....

Accessibility as a Human Right

19. *The right to accessibility is not a new or separate human right, but rather an integral part of existing human rights frameworks. Accessibility is embedded within several international human rights treaties, reinforcing its foundational role in ensuring equality and dignity for all individuals, including those with disabilities. For example, access to the physical environment and public transportation is essential for the realisation of freedom of movement, which is guaranteed under Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights…*

Similarly, access to information and communication is crucial for exercising the right to freedom of opinion and expression, as articulated in Article 19 of the UDHR. These rights are foundational for enabling PWDs to live independently, participate in society, and enjoy their rights on an equal basis with others."

14.6.2 *In Re: Recruitment of visually impaired in Judicial Services*[14], this Bench, after an extensive analysis of the issue concerning the recruitment of

[14] 2025 SCC OnLine SC 481

visually impaired persons as judges in the district judiciary, held that the RPwD Act, 2016, possesses the sanctity of a super-statute, and consequently, any denial of rights guaranteed under this legislation amounts to a violation of fundamental rights enshrined in the constitution. The relevant paragraphs are extracted below:

> ***"35.**.. the United Nations Convention on the Rights of Persons with Disabilities was adopted in 2006 to which India is a signatory. Pursuant thereto, the RPwD Act, 2016 came to be passed. While it is true that the RPwD Act, 2016 came to be passed as part of fulfilment of India's obligations under the treaty implementation regime and was enacted by the Parliament under Article 253 of the Constitution, the fact that 'disability' as a ground is not specifically stated under Article 15 of the Constitution, would not mean that the same is not part of the constitutional obligations of the State. The provisions under section 32 and section 34 of the RPwD Act, 2016 would also be a clear indication that similar to the State's obligations to provide for special protection including in the form of reservation for socially and educationally backward classes in educational institutions as well as in employment as stated in Articles 15 and 16 of the Constitution, the State has taken up the obligation of providing similar protection including reservation in respect of PwD. In view of the same, it can now be said that it is high time that an anti-discrimination clause be included in the Constitution with a specific provision that the State shall not discriminate on the grounds of mental or physical disability in line with the principles as stated in the RPwD Act, 2016. At this juncture, it is relevant to point out that as many as 70 countries out of 189 contain 'disability' as one of the grounds mentioned specifically in the constitutional provisions containing the anti-discrimination clause.*
>
> ***36.** In this context, it is also relevant to mention that the RPwD Act, 2016 today has acquired the status of a 'super statute'. The term 'super statute' was first applied in 2001 by William N. Eskridge and John A. Ferejohn to characterise an ordinary statute that not only reveals intention but also establishes a new normative or institutional framework in the public culture and has a broad effect on the law. As a result, such statutes have a quasi-constitutional significance that exceed its former status as a statute. In the words of the authors, "these super-statutes penetrate the public normative and institutional and institutional culture". Applying this test, it can safely be said that the RPwD Act, 2016 has acquired the status equal to that of a 'super-statute' and hence, contains the ingredients of a quasi-constitutional law."*

14.6.3 *In Re: Distribution of Essential Supplies and Services During Pandemic*[15], in the context of COVID-19 universal vaccination drive, this Court recognized the critical importance of digital accessibility for persons with disabilities. This court emphasized that digital platforms related to vaccination and other essential services must be designed in a manner that is accessible to all, ensuring that no individual is excluded due to disability. The relevant paragraphs are extracted below:

> *"40. It has been brought to our notice that the CoWIN platform is not accessible to persons with visual disabilities. The website suffers from certain accessibility barriers which should be addressed. These include:*
> ***(i) Audio or text captcha is not available;***
> *(ii) The seven filters, which inter alia, include age group, name of vaccine and whether the vaccine is paid or free, are not designed accessibly. This issue can be addressed by creation of a drop-down list;*
> ***(iii) While visually challenged persons can determine the number of available vaccine slots, one cannot find out the day those slots correspond to. This can be resolved by ensuring that table headers correspond to associated cells;***
> ***(iv) Keyboard support for navigating the website is absent;***
> *(v) Adequate time should be given to disabled users to schedule their appointment without the possibility of being automatically logged off; and*
> *(vi) Accessibility protocols, such as use of appropriate colour contrasts, should be adhered to.*"

14.6.4 This Court in *Disabled Rights Group & Another v. Union of India & Ors.*[16], emphasized the need for inclusive education and the removal of barriers that hinder access and participation. The relevant paragraphs are extracted below:

> *"14)…Section 40 mandates the Central Government to frame Rules and laying down the standards of accessibility for physical environment, transportation system, information & communication system and other facilities & services to*

[15] Suo Motu Writ Petition (Civil) No.3 of 2021, dated 31.05.2021
[16] (2018) 2 SCC 397

be provided to the public in urban and rural areas. Rule 15 deals with accessibility standards for public buildings, passenger bus transport and information and communication technology. As regards public buildings, the accessibility standards prescribed under the Harmonised Guidelines and Space Standards for barrier-free built environment for persons with disabilities and elderly persons issued by Ministry of Urban Development have been adopted. This implies that all the public buildings are now required to conform to these standards.

15) It hardly needs to be emphasised that Disabilities Act is premised on the fundamental idea that society creates the barriers and oppressive structures which impede the capacities of person with disabilities. Capability theorists like Martha Nussbaum are of the opinion that there cannot be a different set of capacities or a different threshold of capabilities for persons with disabilities. This raises the critical issue of creating a level playing field whereby all citizens to have equality of fair opportunities to enable them to realise their full potential and experience well-being. To ensure the level playing field, it is not only essential to give necessary education to the persons suffering from the disability, it is also imperative to see that such education is imparted to them in a fruitful manner. That can be achieved only if there is proper accessibility to the buildings where the educational institution is housed as well as to other facilities in the said building, namely, class rooms, library, bath rooms etc. Without that physically handicapped persons would not be able to avail and utilise the educational opportunity in full measure.

16) Various theories on different models of disability have emerged, namely, the Social Model of Disability, the Medical Model of Disability, the Rights Base Model of Disability, the Model of Ethical and Philosophical Status, the Economic Model of Disability etc. It is not necessary to delve into these different models of disabilities. However, for the purpose of the present case, some comments are required on the Social Model of Disability. The Social Model of Disability locates disability as being socially constructed through the creation of artificial attitudinal, organisational and environmental barriers. Impairment is regarded as being a normal part of the human condition, with everyone experiencing impairment differently and having different access needs. Life is accepted as including negative experiences, and impairment may be – but is not necessarily – on of them. Disabled people are defined as being people who experience the unnecessary barriers created by society within their daily life. Social Model of disability has gained ground in the international debate. This views disability as a social construct and emphasizes society's shortcomings, stigmatization and discrimination in its reaction to persons with disability. It distinguishes between functional impairments (disability) both of a physical and psychological nature, and the loss of equal participation in social processes that only arises through interaction with the social setting (handicap). These

developments have contributed to a new (WHO) model, which bears in mind social as well as functional and individual factors in its classification of health and health-related areas. Keeping in view the above, proper facilities are need to be provided to differently-abled persons while having higher education.

17) Insofar as the rights base approach is concerned, that has been narrated in detail in Rajive Raturi's judgment. We may add that a basic underline assumption, which is well recognised, is that everyone can learn; there is no such person as one who is ineducable; and that, accordingly, all disabled persons (from whatever disability they are suffering) have right to get not only minimum education but higher education as well. Not making adequate provisions to facilitate proper education to such persons, therefore, would amount to discrimination. Such requirement is to ensure that even a student with disability, after proper education, will be able to lead an independent, economically self-sufficient, productive and fully participatory life. This rights-based approach is an inclusive approach which calls for the participation of all groups of the population, including disadvantaged persons, in the development process. Inclusive development builds on the idea of 'Society for All' in which all people are equally free to develop their potential, contribute their skills and abilities for the common good and to take up their entitlements to social services. It emphasises strengthening the rights of the people with disabilities, and foster their participation in all aspects of life. A disability is only actually a disability when it prevents someone from doing what they want or need to do. A lawyer can be just as effective in a wheelchair, as long as she has access to the courtroom and the legal library, as well as to whatever other places and material or equipment that are necessary for her to do her job well. A person who can't hear can be a master carpenter or the head of a chemistry lab, if he can communicate with clients and assistants. A person with mental illness can nonetheless be a brilliant scholar or theorist. The aforesaid discussion amply justifies right of access to students with disabilities to educational institutions in which they are admitted."

Further, in the above case, Justice A.K. Sikri, speaking for the bench, issued comprehensive directions to the Government to ensure accessibility across all levels of educational infrastructure. This included not only physical spaces – such as classrooms, libraries, hostels, and laboratories – but also the pedagogy itself. This court emphasized that teaching methods and learning materials must be adapted to be fully accessible to all persons with disabilities,

including those who are visually impaired and those with hearing impairments. This aligns with the broader mandate of the RPwD Act, 2016, to foster an inclusive and barrier free education system.

FINDINGS AND CONCLUSION

15. The overall analysis would clearly establish that KYC formalities are needed to verify a customer's identity, prevent fraud and money laundering, and comply with legal regulations. Consequently, several sectors have currently shifted their KYC formalities to digital means. Though digital KYC has benefitted the general public by making verification processes faster and more efficient, persons with blindness and low vision continue to face significant barriers in accessing and completing these procedures. Many such digital platforms are not compatible with screen readers, and crucial information is often presented in visual formats without alternative text. CAPTCHA tests, unlabeled form fields, and biometric verification methods such as facial recognition further exclude individuals with visual impairments. Moreover, those platforms often require fine motor control (e.g., precise selfie or signature capture) which is not feasible for individuals with mobility impairments. Additionally, interfaces are frequently overly complex and lack cognitive accessibility, thereby posing significant challenges for users with intellectual or learning disabilities. For instance, videos without captions prevent users from accessing information. Given the troubling state of government-run websites, it

is easy to conjecture that the situation with private service providers is even worse. Such barriers significantly hinder the ability of persons with disabilities to work, learn, and engage with society, thereby violating their right to equal opportunity and full participation as guaranteed under the UNCRPD and national disability laws. These barriers collectively amount to a denial of equal access and violate the accessibility mandates under the RPwD Act, 2016 and results in economic and social marginalization. To combat this discrimination, governments and private entities must ensure that digital services comply with Web Content Accessibility Guidelines (WCAG) and other accessibility standards. Further, legal frameworks should impose stringent requirements for digital inclusion, ensuring that no individual is denied access to essential services on the basis of disability. Thus, it is clear that as per international standards and the RPwD Act, 2016, digital services are expected to be inclusive and accessible to all users, regardless of ability.

16. Admittedly, the petitioners herein who suffer from facial and eye disfigurements due to acid attacks and from visual impairment, are recognized as persons with disabilities as per the schedule appended to the RPwD Act, 2016. They have also highlighted their inability to complete KYC processes, which require them to perform visual tasks such as blinking, moving the head, or positioning their face within specified frames — tasks, which they are unable to accomplish due to their visual impairments and facial disfigurements. As a result, they encounter delays or are entirely unable to establish their

identity, open bank accounts, or access essential services and government schemes. As indicated earlier, the constitutional and legal provisions mentioned above confer upon the aggrieved petitioners a statutory right to demand accessibility and appropriate reasonable accommodations in the digital KYC process. Moreover, the respondents have, fairly, expressed their commitment to ensuring that accessibility guidelines and standards are duly met. Therefore, it is imperative that the digital KYC guidelines are revised with accessibility at the core.

17. At this juncture, we may also wish to observe 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. The digital divide – characterized by unequal access to digital infrastructure, skills, and content – continues to perpetuate systemic exclusion, not only of persons with disabilities, but also of large sections of rural populations, senior citizens, economically weaker communities, and linguistic minorities. The principle of substantive equality demands that digital transformation be both inclusive and equitable. As already pointed out, persons with disabilities encounter unique barriers in accessing online services due to the lack of accessible websites, applications and assistive technologies. Similarly, individuals in remote or rural areas often face poor

connectivity, limited digital literacy, and a scarcity of content in regional languages, effectively denying them meaningful access to e-governance and welfare delivery systems. In such circumstances, the State's obligations under Article 21– read in conjunction with Articles 14,15 and 38 of the Constitution – must encompass the responsibility to ensure that digital infrastructure, government portals, online learning platforms, and financial technologies are universally accessible, inclusive and responsive to the needs of all vulnerable and marginalized populations. Bridging the digital divide is no longer merely a matter of policy discretion but has become a constitutional imperative to secure a life of dignity, autonomy and equal participation in public life. The right to digital access, therefore, emerges as an intrinsic component of the right to life and liberty, necessitating that the State proactively design and implement inclusive digital ecosystems that serve not only the privileged but also the marginalized, those who have been historically excluded.

DIRECTIVES

18. Thus, in order to make the process of digital KYC accessible to persons with disabilities, especially facial / eye disfigurements due to acid attacks and visual impairments, we issue the following directions:

(i) The respondent authorities/Ministries shall direct all REs, whether government or private to follow accessibility standards as prescribed from time to time. The respondents shall appoint a nodal officer in every department

responsible for digital accessibility compliance.

(ii) All regulated entities must mandatorily undergo periodical accessibility audit by certified accessibility professionals and involve persons with blindness in user acceptance testing phase while designing any app or website or in case of any new feature being launched.

(iii) Respondent No. 2/ RBI shall issue guidelines to all regulated entities to adopt and incorporate alternative modes for verifying the "liveness" or capturing a "live photograph" of the customers, as mandated under Annex-I of the MD on KYC, 2016, for the purpose of conducting Digital KYC / e-KYC beyond the traditional "blinking of eyes" to ensure inclusivity and user-convenience.

(iv) Respondent No. 2 / RBI shall issue appropriate clarifications / guidelines / directions to all regulated entities that they have Customer Due Diligence (CDD) and on-boarding of new customers can be done using the video-based KYC process or the "V-CIP" procedure, in accordance with the provisions of the MD on KYC, 2016, wherein blinking of the eyes is not a mandatory requirement.

(v) The respondent authorities must design their KYC templates or customer acquisition forms to capture disability type and percentage of the customer and appropriately record as part of the account records so as to provide them accessible services or reasonable accommodations.

(vi) The respondent authorities should provide clear directions to all regulated

entities to accept image of thumb impression during Digital KYC process.

(vii) Respondent No. 2 / RBI shall amend the MD on KYC so as to enhance the implementation of the 'OTP based e-KYC authentication' (face-to-face) to customers.

(viii) Respondent No.3 shall make the necessary amendments and/or modifications to its notification dated 05.12.2023 thereby ensuring that the paper-based KYC process for verification of customers shall continue, enabling the petitioners and other similarly placed individuals to avail an accessible alternative for completing the KYC procedure.

(ix) The respondent authorities shall provide options for sign language interpretation, closed captions, and audio descriptions for visually and hearing-impaired users.

(x) The respondent authorities shall develop alternative formats including Braille, easy-to-read formats, voice-enabled services, to disseminate government notifications and deliver public services, ensuring accessibility for all.

(xi) All regulated entities should procure or design devices or websites / applications / software in compliance of accessibility standards for ICT Products and Services as notified by Bureau of Indian Standards.

(xii) The respondent authorities shall ensure that online services including e-governance platforms, digital payment systems, and e-launching platforms,

are accessible to persons with disabilities, thereby fostering a barrier-free digital environment.

(xiii) The respondent authorities are directed to ensure that all websites, mobile applications and digital platforms comply with the Web Content Accessibility Guidelines (WCAG) 2.1 and other relevant national standards, such as the Guidelines for Indian Government Websites (GIGW). It shall be mandatory for all Government websites to adhere to Section 46 of the RPwD Act, 2016, which requires both electronic and print media to be accessible to persons with disabilities.

(xiv) The respondent authorities shall issue appropriate guidelines to develop and implement a mechanism where customers who have already completed their KYC process with one regulated entity may authorize the sharing of their KYC information with other entities through the Central KYC Registry (CKYCR).

(xv) The respondent authorities shall establish a dedicated grievance redressal mechanism for persons with disabilities to report accessibility issues.

(xvi) The respondent authorities shall establish a mechanism for human review of rejected KYC applications in cases where accessibility-related challenges prevent successful verification. A designated human officer shall be empowered to override automated rejections and approve applications on a case-by-case basis.

(xvii) The respondent authorities shall establish dedicated helplines for persons

with disabilities, offering step-by-step assistance in completing the KYC process through voice or video support.

(xviii) Respondent No. 2 / RBI shall routinely initiate public campaigns through press release/ advertisement in electronic/ print and social media portals and to raise awareness, increase sensitization, and ensure effective dissemination of information about alternative methods of conducting Digital KYC / e-KYC and circulate standardized materials and mandate all regulated entities to display notices containing such information.

(xix) The respondent authorities should mandate inclusion of disability awareness and training modules as part of e-learning modules for officials of regulated entities for better sensitization of officials.

(xx) Respondent No. 2 / RBI shall monitor and ensure strict adherence by all regulated entities to the guidelines / notifications / directions issued by it, including those in terms of directions issued by this Court in the instant Writ Petition.

19. With the aforesaid directions, both the writ petitions stand

disposed of. No costs.

20. Connected Miscellaneous application(s), if any, shall stand disposed of.

……J.
[J.B. Pardiwala]

……J.
[R. Mahadevan]

NEW DELHI;
APRIL 30, 2025.