Digital Access as a Fundamental Right

Prelims (GS I) – *Indian Polity and Governance.*

Mains (GS II) – *Structure, organization and functioning of the Executive and the Judiciary| Inclusive growth and issues arising from it.*

Why in news?

In a recent judgement the Supreme Court held that inclusive digital access to e-governance and welfare delivery systems is part of the fundamental right to life and liberty.

- The judgement addressed the concerns of the petitioners that disabled people find it nearly impossible to complete digital KYC processes.

  Digital KYC is a process of verifying a customer's identity using digital means, like e-documents, biometric data, or Aadhaar authentication, rather than traditional paper-based methods.

- The court interpreted the *right to digital access as a fundamental right* under the ***Article 21 (right to a dignified life)*** of the constitution.

Key observations and orders by the Court

- Bridging the digital divide is not merely policy discretion but a ***constitutional imperative***.
- Digital transformation must be both ***inclusive and equitable***.
- The unfriendly digital atmosphere has further marginalized vulnerable populations rather than integrating them into mainstream society.
- **Revision of digital Know Your Customer (KYC)** – To proactively design and implement inclusive digital ecosystems to make it accessible to persons with disabilities and other marginalized section of the society.
- It also asked the RBI to issue guidelines to all regulated entities to adopt alternative modes for verifying the liveness or capturing a live photograph to ensure inclusivity and user-convenience.
- **Ensuring accessibility standards** – The court asked various ministries to direct all the regulated entities, government or private, to follow accessibility standards.
- Appointing a nodal officer in every department responsible for digital accessibility compliance.
- **Periodical audit** – All regulated entities must mandatorily undergo periodical accessibility audit by certified professionals.

Reference

[The Indian Express| Right to digital access part of right to life]