

BREAKING BARRIERS: FREEDOM OF EXPRESSION FOR PERSONS WITH DISABILITIES IN THE DIGITAL ERA

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ABSTRACT

Freedom of expression is one of the important aspects of a democratic country and India being one of them provides for freedom of expression as a fundamental as well as human right in the Constitution of India. Freedom of expression allows people to share their thoughts, opinions, exchange ideas and take part in public life giving all the opportunities to a person to put his/her feelings out to everyone in the society. With the rapidly growing digitalization, freedom of expression is now not only limited to newspaper, books and articles rather it has also extended to internet, social media and digital platforms which has made this freedom even more powerful. A needy section of the society which is Persons with Disabilities (PWDs) will now have new opportunities to speak up and be heard without facing any physical barrier which limits their participation in the mainstream of the society.

This Research Paper will look at how the growing technology would help the persons with disabilities (PWDs) to shape their freedom of expression in the digital world. It will include a comprehensive study of international rules like United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), especially Article 21, which guarantees the right to share and receive information equally. At the same time, this paper will also examine Rights of Persons with Disabilities Act (2016), a prominent disability law in India, which makes it a duty for the State and Private actors to ensure digital accessibility for persons with disabilities (PWDs) so that they feel included without facing any discrimination.

This paper will also show that how tools such as screen readers, voice-to-text apps, subtitles, and accessible website design have helped many PWDs take part in digital discussions, education, and activism. Despite these tools, the digital platforms are still not properly accessible and the persons with disabilities (PWDs) face harassment and feel unsafe in these online spaces. This shows the problem of enforcement of law which is poor despite India having a comprehensive law for disabled people.

This research paper not only deals with the Indian legal framework but will also include legal frameworks of other countries such as Qatar, Israel and Australia that have performed and scored really well in the area of digital accessibility for PWDs as per 'DARE INDEX 2020'¹ (Digital Accessibility Rights Evaluation Index) published by G3ict (Global Initiative for Inclusive Information and Communication Technologies).

This paper argues that freedom of expression will only make sense for PWDs only if the digital platforms or online spaces are made accessible to them where they can be heard, express themselves and contribute equally in the society. This requires not only making good laws but also enforcing those laws strictly, making more awareness on the digital platforms both in public and private sectors and active involvement of PWDs in making policies because accessibility is not just about technology but a matter of human rights.

I. Introduction

In the world of growing digitalization, India has seen many changes in the areas of education, work, healthcare and even government services. Government, through programmes like Digital India has tried to bridge the gap between people who can access these services easily and those who cannot but not everyone has gained equal advantage of these programmes including PWDs. Despite the fact that India has signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and passed Rights of persons with disabilities Act, 2016, digital exclusion is still a serious concern for PWDs. There still exists absence of full digital accessibility which keeps inequality alive in digital spaces². The scale of this exclusion is empirically documented rather than hypothetical: data from the Department of Empowerment of Persons with Disabilities, analysed in press reporting in 2024, indicates that a substantial proportion of live government websites remain unusable with assistive technologies such as screen readers.³ An earlier audit of several thousand government websites by the Centre for

¹ G3ict, *Accessible DARE Index 2020: Top Performing Countries 2* (Global Initiative for Inclusive Information and Communication Technologies 2020).

² Aditi Rana, *Bridging the Digital Divide: Supreme Court Affirms Right to Accessible Digital Services for Persons with Disabilities*, India Law (last visited on September 8, 2025), <https://www.indialaw.in/blog/civil/sc-digital-service-person-disabilities>.

³ Why Does India Fail to Address Digital Accessibility Gaps?' (*NewsLaundry*, 6 September 2024) <https://www.newsLaundry.com/2024/09/06/why-does-india-fail-to-address-digital-accessibility-gaps> accessed June 6, 2026

Internet and Society reached a similar conclusion, finding that only a small fraction complied with the prescribed accessibility guidelines.⁴

Having access to digital platforms is not just about having technology but it is also about dignity, equality and participation. Having proper access to digital platforms such as government websites, apps, assistive tools is not an extra benefit for PWDs but a basic need in making their day-to-day life activities easy. Without accessibility, they will not be able to achieve their human as well as fundamental rights granted to them. Denying internet access to individuals with disabilities leads to systematic exclusion and violates the Constitution's fundamental principles of equality, justice, liberty, and fraternity⁵.

With the passing time, Courts have given a wider and inclusive meaning to the terms equality and dignity, emphasizing as to why digital accessibility is important⁶. In an important case of *Rajive Raturi v. Union of India*⁷, the Supreme Court highlighted the fact that in order to live with dignity and take part in the society, accessibility is essential for persons with Disabilities. In another case of *Vikash Kumar v. Union Public Service Commission*⁸, the court focussed on the word 'Reasonable accommodation' and stated that right to equality under Article 14 also means providing reasonable accommodation⁹. These cases show that accessibility is a matter of right and not a charity or a policy choice¹⁰. The current problem is to establish digital accessibility as a fundamental right so that its denial is viewed as a breach of those rights rather than merely a technical limitation.

Digital accessibility is very important because it allows PWDs to enjoy other basic rights. For example, students with disabilities will not be able to avail the right of education provided under Article 21 of the Constitution of India if online learning systems are not accessible.

⁴ Centre for Internet and Society, *Accessibility of Government Websites in India: A Report* (CIS India) <https://cis-india.org/accessibility/accessibility-of-govt-websites.pdf> accessed June 6, 2026

⁵ Amit Anand Choudhary, *Digital Access Part of Fundamental Right to Life and Liberty, Says SC*, *Times of India* (last visited on September 8, 2025), <https://timesofindia.indiatimes.com/india/digital-access-part-of-fundamental-right-to-life-and-liberty-says-sc>.

⁶ *Access Denied? Disability and Digital Identification in India: Reflections After Pragya Prasun and Amar Jain*, *OxHRH* (last visited on September 8, 2025), <https://ohrh.law.ox.ac.uk/access-denied-disability-and-digital-identification-in-india-reflections-after-pragya-prasun-and-amar-jain>.

⁷ Supra note 1

⁸ Supra note 2

⁹ *Vikash Kumar v. UPSC: An Important Judgment on Disability and Reasonable Accommodation*, *IndConLawPhil* (last visited on September 8, 2025), <https://indconlawphil.wordpress.com/2021/02/23/vikash-kumar-v-upsc-an-important-judgment-on-disability-and-reasonable-accommodation>.

¹⁰ *Bridging the Digital Gap: Supreme Court's Vision for an Accessible India*, *New Indian Express* (last visited on September 8, 2025), <https://www.newindianexpress.com/explainers/2025/May/25/bridging-the-digital-gap-supreme-courts-vision-for-an-accessible-india>.

Similarly, when online job applications or digital workplaces are not inclusive, their right to livelihood is denied. All of this leads to lack of accessibility which increases exclusion of PWDs from the mainstream of the society¹¹.

Being a signatory of UNCRPD, India must follow Article 9 which says that countries should make sure everyone has equal access to information and communication technologies (ICTs). Numerous nations offer helpful examples. For example, Qatar implemented an e-Accessibility Policy in 2011 mandating the accessibility of online platforms and government websites¹². Israel has one of the best systems in this regard as well. Both governmental and private websites must be digitally accessible in accordance with the Equal Rights for Persons with Disabilities Law, 1998, and its regulations¹³.

The Disability Discrimination Act of 1992 mandates that government organizations and service providers in Australia adhere to the international Web Content Accessibility Guidelines (WCAG). The Web Accessibility National Transition Strategy, which guarantees that digital services are available to all, strengthens this need. Australia and other nations treat internet accessibility as a legal right, which holds organizations more accountable than India, which primarily depends on policies¹⁴.

Having one's opinion and voice and being able to express it is one of the basic foundations of democracy and this particular right is protected under Article 19(1)(a) and Article 21 of the United Nations convention on the rights of persons with disabilities (UNCRPD) which allows a person to seek, receive and share information through all forms of communication. In today's time a lot of communication takes place on social media and digital platforms, therefore, it is very important to make these digital platforms accessible for PWDs so that their right of expression is not hindered.

II. Constitutional and Fundamental Rights Framework

From Charity to Rights Based Approach

¹¹ Jonathan Lazar & Paul Jaeger, Reducing Barriers to Online Access for People with Disabilities, *Issues in Science and Technology*, (last visited on September 8, 2025), at <https://issues.org/lazar-online-internet-access-people-with-disabilities>.

¹² Pathfinders for Peaceful, Just and Inclusive Societies, E-Accessibility for People with Disabilities: Qatar (last visited on September 9, 2025), <https://www.sdg16.plus/policies/e-accessibility-for-people-with-disabilities-qatar>.

¹³ Bureau of Internet Accessibility (BOIA), *Israel's Digital Accessibility Laws: An Overview*, BOIA (last visited on September 9, 2025), <https://www.boia.org/blog/israels-digital-accessibility-laws-an-overview>.

¹⁴ Polina Komendantova, *Web Accessibility Laws in Australia & New Zealand* (siteimprove.com, updated last visited on September 9, 2025), <https://www.siteimprove.com/blog/web-accessibility-laws-in-australia-new-zealand>.

The impact of the Indian Constitution's equality and dignity values has given rise to the discussion of disability rights. The courts have begun to view disability issues as a matter of rights that people with disabilities must have, rather than as a welfare or charitable concern as they once were. Courts have attempted to clarify in a number of important rulings that accessibility is a fundamental requirement for equality and non-discrimination, not an additional aid.

Fundamental rights such as Article 14 (Right to equality), Article 19 (Right to freedom), Article 21 (Right to life and personal liberty), and Article 21A (Right to education) are now associated with accessibility. This shift in viewpoint demonstrates that handicap issues are now viewed as matters of justice rather than welfare or charity¹⁵. Article 19(1)(a) broadens the scope of right based approach by making sure that the right to freedom of expression is extended to PWDs equally. For this to happen, the digital platforms must be made accessible so that the voice of PWDs is not silenced and they are not excluded from public disclosure.

Transformative Constitutionalism and Substantive Equality

Recent Indian court decisions have attempted to strike a balance between the country's constitutional duties and international human rights standards, particularly the 2007-ratified United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD's Article 9 highlights accessibility as a fundamental right and calls on countries to guarantee that people with disabilities can engage in society on an equal basis and without facing discrimination¹⁶. Also, this strategy reflects the concept of "transformative constitutionalism," which holds that courts should serve as social change agents to create a more democratic and inclusive society.

Judicial Developments

It's critical to realize that accessibility encompasses both digital and physical accessibility on digital platforms, including buildings and transportation. Access to the internet and digital platforms is crucial for PWDs in today's world, since they would otherwise be excluded from

¹⁵ Supra Note 6

¹⁶ *Disability Law Initiative, UNCRPD on Access*, Disability Law Initiative (last visited Sept. 10, 2025), <https://disabilitylaw.org.in/disability-law/access/uncrpd-on-access>.

government services, education, and other facets of life that are increasingly conducted online.¹⁷ In the recent case of *Amar Jain v. Union of India*¹⁸ and *Pragya Prasun v. Union of India*¹⁹, the court emphasized that without internet accessibility, the constitutional rights to education and dignity cannot be fully enjoyed²⁰. The practical reach of this April 2025 ruling lay in its operative directions: the Court did not stop at a declaration of principle but required financial and telecommunications regulators, including the Reserve Bank of India, SEBI, IRDAI and the Department of Telecommunications, to redesign digital KYC procedures so that liveness checks and verification steps do not exclude users with visual impairments or facial disfigurement.²¹

This ruling demonstrates a progressive approach that applies fundamental rights to the new issues brought about by technological advancement and societal change. These instances demonstrate the close relationship between accessibility and freedom of expression. In addition to undermining PWDs' professional and social possibilities, denying them access to digital platforms pertaining to education, employment, or civic engagement also goes against the fundamental principles of Article 19(1)(a) of the Indian Constitution.

Through its directives and decisions, the court has repeatedly made it plain that the government must not only end discrimination against PWDs but also take proactive measures to guarantee their inclusion in society. This implies that the state needs to build the facilities necessary to enable PWDs to be on an equal footing with everyone else and to participate in society. For example, in the case of *Rajive Raturi v. Union of India*²², the court gave clear instructions that the government must make public transport and public buildings accessible for persons with disabilities (PWDs).

¹⁷ *Digital Access as a Fundamental Right*, Vidhi Legal Policy (last visited Sept. 10, 2025), <https://vidhilegalpolicy.in/blog/digital-access-as-a-fundamental-right>.

¹⁸ *Supra* Note 3

¹⁹ Writ Petition (Civil) No. 289 of 2024

²⁰ John Simte, *Access Denied? Disability and Digital Identification in India: Reflections after Pragya Prasun and Amar Jain*, Oxford Human Rights Hub, (last visited on September 10, 2025), available at <https://ohrh.law.ox.ac.uk/access-denied-disability-and-digital-identification-in-india-reflections-after-pragya-prasun-and-amar-jain>.

²¹ Internet Freedom Foundation, 'When KYC Becomes a Barrier: Supreme Court's Stand for Digital Inclusion' (*Internet Freedom Foundation*, 26 May 2025) <https://internetfreedom.in/when-kyc-becomes-a-barrier-supreme-courts-stand-for-digital-inclusion/> accessed June 6, 2026

²² *Supra* note 1

In another case of *Vikas Kumar v. UPSC*²³, the court said that providing a scribe during examination is not a favour but a legal right for people who need it²⁴. These decisions demonstrate that equality is about respecting individual differences and providing for the needs of people, including those with disabilities, so that their rights are not infringed. It is not about treating everyone identically. This shift in approach highlights the need of affirmative action pledges, which mandate that the State actively remove barriers faced by individuals with disabilities²⁵.

As seen by many court decisions, the courts have now come to recognize accessibility as a fundamental human right. These days, it is connected to other fundamental values like equality, decency, and education.²⁶ Although disability rights are not specifically mentioned in the Constitution, the judiciary has ensured that PWDs' fundamental rights are upheld and they are not excluded. Accessibility is no longer only a government policy or objective; it is now a constitutional right that citizens can demand and have upheld in court. This influences the government's creation of laws and regulations and promotes the inclusion of more disabled people in society²⁷.

The constitutional language on disability rights, however, reflects the larger objective of India's transformational democracy, wherein constitutional morality demands the proactive eradication of social and structural barriers to equality. By situating disability within the framework of fundamental rights, the courts have reframed accessibility as being crucial to the Preamble's tenets of justice, liberty, and fraternity²⁸. Disability is now viewed from a right-based perspective rather than a charity-based one, which not only makes it legally enforceable but also contributes to India's constitutional identity. This demonstrates how the concept of an inclusive republic is incompatible with the exclusion of PWDs from society at large. The manner in which Indian courts have resolved these issues demonstrates how crucial

²³ *Supra* note 2

²⁴ Dhruva Gandhi, *Litigating Reasonable Accommodation in Indian Courts: A Comment on the Transformative Ability of Judicial Review*, *Journal of Indian Law and Society*, vol. 13, no. 2 (Winter 2022).

²⁵ Manish Kumar, *Bridging the Digital Gap: Supreme Court's Vision for an Accessible India*, *New Indian Express* (last visited on September 10, 2025).

²⁶ Anshul Dalmia, *Two Roads Diverged Within Disability Jurisprudence in India, the Supreme Court Took the One Less Travelled By*, *Ox. Hum. Rts. Hub* (last visited on September 11, 2025), <https://ohrh.law.ox.ac.uk/two-roads-diverged-within-disability-jurisprudence-in-india-the-supreme-court-took-the-one-less-travelled-by>.

²⁷ Robobionics Content Writer, *How the Indian Judiciary Has Strengthened Disability Rights Over the Years*, *Robo Bionics* (last visited on September 11, 2025), <https://www.robobionics.in/blog/how-the-indian-judiciary-has-strengthened-disability-rights-over-the-years>.

²⁸ Seema Rani, *Constitutional Morality and Disability Rights*, *3 J. Novel Research & Innovative Dev.* 221 (Aug. 2025).

constitutional decisions have become in advancing equal citizenship for those with impairments²⁹.

How Indian courts are slowly moving towards substantive equality

Making the right to education a fundamental right under Article 21A is one of the key constitutional debates surrounding disability rights. The courts have repeatedly emphasized that without access to inclusive teaching practices, barrier-free facilities, and assistive technologies like screen readers, Braille, or hearing aids, education for people with disabilities is insufficient³⁰. *National Federation of the Blind v. Union Public Service Commission*³¹, a historic ruling in which the Supreme Court maintained the ability of applicants with visual impairments to sit for public exams. This ruling provided evidence that inclusive education is a constitutional need, not just a policy, ensuring that people with disabilities can enjoy this essential right³².

This kind of thinking leads to other decisions that expand the State's obligation to provide enabling conditions that enable students with disabilities to compete and succeed on an equal basis, going beyond simply admitting them to schools and universities. Thus, education is portrayed as an essential component of the fundamental right to life and dignity rather than only a formal entitlement under the Rights of Persons with Disabilities Act, 2016³³.

True equality for persons with disabilities will only be decided on the basis that how well they are they able to take part in politics and enjoy full citizenship rights. Courts through its rulings have made it very clear that if electoral processes are not available to PWDs, then their right to vote is hampered. This amounts to disenfranchisement and goes against Articles 14 and 326 of

²⁹ Irin Roshan & Tychicus P. David, *Legislating Equality: India's Path to Inclusive Policies for People with Disabilities*, 30 IOSR J. Humanit. & Soc. Sci. (Series 5) 22, 22-32 (May 2025).

³⁰ Amit Kumar, *Educational Rights of Children with Disabilities in India: With Special Reference to Inclusive Education Approach*, 5 Int'l J. L. Mgmt. & Humanities 19 (2022)

³¹ (1993) 2 S.C.C. 411

³² Citizens for Justice and Peace, *From Policy to Practice: Recent Supreme Court Judgments on Disability Rights Lapses*, CJP (last visited on September 12, 2025), <https://cjp.org.in/from-policy-to-practice-recent-supreme-court-judgments-on-disability-rights-lapses>.

³³ Utkarsh Anand, *Rights of Persons with Disabilities a Landmark Supreme Court Verdict*, Hindustan Times (last visited on September 12, 2025), <https://www.hindustantimes.com/india-news/rights-of-persons-with-disabilities-a-landmark-supreme-court-verdict-101729103035540.html>.

the Constitution³⁴. In order to prevent this, judiciary has issued direction for making voting booths and electronic voting machine accessible to everyone including PWDs³⁵.

This step shows that PWDs must not be treated as someone who receive welfare, infact they must be seen as important citizens taking part in decision making in the democratic process. This ensures that the right to vote, or the right to suffrage, is not blocked by physical barriers, sensory limitations, or intellectual disabilities, but can be exercised equally by all citizens.

III. Legislative and Policy Framework in India

Rights of persons with Disabilities Act, 2016

The prominent law that deals with Persons with Disabilities (PWDs) in India is Rights of Persons with Disabilities Act, 2016 (RPWD Act) which clearly states under section 40-46 that accessibility is a basic right, and both government and public authorities must ensure it³⁶. For example, Section 42 says that all information and communication technology (ICT) services like websites, mobile apps, and electronic documents must be made accessible in formats that persons with disabilities can use. This section directly supports the realization of freedom of expression for PWDs because it ensures their access to information and communication technologies. Without accessible digital formats, the constitutional right to express opinions and participate in discussions remains only theoretical.

Similarly, Section 46 requires that transport services, whether public or private, should have accessible features so that persons with disabilities can travel easily³⁷. By including these rules under the Act, India now aligns with the principles of UNCRPD. It also shows that accessibility is not just about convenience or making lives better but also about equality, dignity and participation in the society³⁸.

³⁴ *Disabled Rights Group v. Union of India*, Writ Petition (Civil) No. 187 of 2004 (Supreme Court of India, last visited on September 12, 2025), available at <https://hindi.eci.gov.in/files/file/168-facilities-to-be-provided-to-electors-with-disability-order-of-the-honble-supreme-court-in-wp-civil-no-187-of-2004-disabled-rights-group-vs-the-chief-election-commissioner-anr>.

³⁵ Press Information Bureau, *Citizens Above 85 Years & PwDs Start Voting from Home*, Press Information Bureau (last visited on September 12, 2025), <https://www.pib.gov.in/PressReleaseIframePage.aspx>.

³⁶ Central Coordination Committee on Disability, Harmonized Guidelines and Standards of Accessibility, CCPD, <https://ccpd.nic.in/harmonized-guidelines-for-standards-of-accessibility> (last visited Sept. 14, 2025).

³⁷ National Human Rights Commission, *Disability Rights* (PDF), available at <https://nhrc.nic.in/sites/default/files/DisabilityRights.pdf> (last visited Sept. 14, 2025).

³⁸ United Nations, Convention on the Rights of Persons with Disabilities, U.N. Doc. A/61/611, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> (last visited Sept. 14, 2025).

Even though the laws in India are very strong but the implementation is really weak. Despite having RPWD Act, the PWDs have to face difficulties in day -to- day life especially when it comes to accessibility of basic needs. For instance, many government websites still lack screen reader support, alternative language for photos, or easily navigable designs for those with visual impairments³⁹. The persistence of these barriers points less to any deficiency in the statute itself than to a failure of execution, since commentators have observed that large parts of public infrastructure and digital services stayed non-compliant long after the governing rules were brought into force.⁴⁰ What is lacking, therefore, is not legislative ambition but the machinery of monitoring, technical expertise and accountability needed to give that ambition effect. There is no universal standard for accessibility in transportation, and buses, trains, and metro services vary from city to city. These issues show that just making laws is not enough there must also be proper planning, monitoring, and accountability to ensure real change⁴¹.

Accessible India Campaign: Goals and Shortcomings

To tackle with such problems, a campaign named Accessible India Campaign (Sugamya Bharat Abhiyan) was started in the year 2015. Its only aim was to make a barrier free environment for PWDs especially in three main areas: buildings, transport and digital services (ICT). The campaign planned to check the infrastructure and see if building are accessible to PWDs or not, if not accessible then make necessary changes and improve accessibility on government websites⁴². This campaign has increased awareness but its progress has been slow. Problems like delays, lack of trained staff, and low public involvement have limited its success. The campaign's targets were repeatedly extended well beyond their original deadlines, and reviews of central government buildings audited under the initiative have reported that only a minority were certified as fully compliant with prescribed accessibility standards, illustrating the

³⁹ CIS India, *Accessibility of Government Websites in India: A Report*, CIS-India (PDF), <https://cis-india.org/accessibility/accessibility-of-govt-websites.pdf> (last visited Sept. 14, 2025).

⁴⁰ 'Understanding Recent Amendments to RPwD Rules, 2017' (*LiveLaw*, 28 June 2023) <https://www.livelaw.in/articles/understanding-recent-amendments-to-rpwd-rules-2017-231269>, accessed June 6, 2026

⁴¹ "Poor Accessibility Standards, Lack of Govt Interest Mars Progress": Disability Rights Activists, *The Wire*, <https://thewire.in/government/disability-rights-activists-poor-accessibility-standards-lack-of-govt-interest> (last visited Sept. 14, 2025).

⁴² *Accessible India: State Governments Slow in Accessible India Drive*, *The Economic Times* (Nov. 10, 2017), <https://economictimes.indiatimes.com/news/politics-and-nation/state-governments-slow-in-accessible-india-drive/articleshow/58651983.cms> (last visited Sept. 14, 2025)

distance between the campaign's stated ambitions and measurable outcomes.⁴³ This shows that stronger action and long-term government effort are needed to achieve real accessibility⁴⁴.

Implementation Challenges

When it comes to accessibility in private sector, then RPWD Act does require accessibility but most of its rules apply only to government services. Many private companies, banks and digital platforms are either not aware of the accessibility standards or not motivated enough to take care of PWDs when it comes to inclusion in the work area. This creates a digital divide leading to exclusion of PWDs from social, economic and educational activities⁴⁵. The regulatory landscape governing the private sector has, however, begun to shift: in 2025 the Securities and Exchange Board of India directed regulated entities, including listed companies, brokers and asset managers, to conduct periodic accessibility audits of their websites and applications through certified professionals and to remediate the deficiencies identified.⁴⁶

Taking everything into account, India's legislative and policy framework provides a solid foundation for improving accessibility for those with disabilities. However, a multidimensional approach combining judicial oversight, policy interventions, legislative mandates, and public-private collaboration is needed to turn accessibility into a lived reality rather than a formal ambition. This is emphasized by ongoing implementation gaps, lax enforcement, and little involvement from the corporate sector⁴⁷.

Role of Civil Society and DPOs

Increasing accessibility for PWDs has been greatly aided by advocacy groups, civil society organizations, and disabled persons' organizations (DPOs). Through court battles, public interest litigations (PILs), and awareness campaigns, they have forced the government to take

⁴³ 'Accessibility Policies in India: Progress and Pitfalls' (*Auoow*) <https://www.auoow.com/accessibility-policies-in-india-progress-and-pitfalls/> accessed June 6, 2026.

⁴⁴ *Why Does India Fail to Address Digital Accessibility Gaps?*, *News laundry*, <https://www.newslaundry.com/2024/09/06/why-does-india-fail-to-address-digital-accessibility-gaps> (last visited Sept. 14, 2025).

⁴⁵ *Bridging the Gap: Enabling Disability Inclusion in India's Private Sector Workplaces*, United Nations Development Prog., India (2024), <https://www.undp.org/india/blog/bridging-gap-enabling-disability-inclusion-indias-private-sector-workplaces> (last visited Sept. 14, 2025).

⁴⁶ 'India: SEBI Mandates Digital Accessibility for All Regulated Entities' (*L&E Global*, 19 September 2025) <https://leglobal.law/2025/09/19/india-sebi-mandates-digital-accessibility-for-all-regulated-entities/> accessed June 6, 2026.

⁴⁷ *Revisiting the Conceptual Terrains of the Right to Accessibility in India: The Role of Judicial Enforcement*, *Laws*, Vol. 13, Issue 4 (2024) (India) <https://www.mdpi.com/2075-471X/13/4/54> (last visited Sept. 14, 2025)

accessibility extremely seriously. As a result, some little but significant outcomes have emerged at the grassroots level⁴⁸.

The underrepresentation of people with disabilities in the policymaking process persists. If the government required public hearings or the creation of review committees made up of people with disabilities before accessibility regulations were finalized, the legislation would be more effective and beneficial⁴⁹. The UNCRPD's "nothing about us, without us" principle is upheld by this kind of engagement. It ensures that accessibility efforts are not only symbolic but actually meaningful and impactful⁵⁰.

IV. International and Comparative Framework

One of the most important international Law that deals with disability rights is United Nations Convention on the rights of persons with disabilities (UNCRPD) which was ratified by India in the year 2007. As per Articles 9 and 21 of this convention, the countries that are part of it have to make sure that PWDs can easily access buildings, transport, communication, information and other essential services like everyone else. The aim of these articles is not only to remove barriers but also make PWDs feel inclusive in physical, digital and social areas. The Convention gives a strong base for countries to make laws that treat accessibility as a basic and non-negotiable right.

Comparative Study of Qatar, Israel and Australia

Top three countries that have taken important steps for the inclusion of persons with disabilities in the social and digital areas are Qatar, Israel and Australia. Qatar, mainly through the Qatar National Vision 2030⁵¹ and the Law No.2 of 2004 has taken significant steps to include disability rights in its social reforms. These laws focus on providing education, jobs, healthcare and public facilities to PWDs which is aligned with the principles of UNCRPD. Prior to the

⁴⁸ *Disability Law Initiative, Landmark Cases in Access: Javed Abidi v. Union of India & Others*, DisabilityLaw.org.in, <https://disabilitylaw.org.in/disability-law/access/landmark-cases-in-access/> (last visited Sept. 14, 2025)

⁴⁹ *Inadequate Representation of Persons with Disabilities in Policy Making*, Dhaara Magazine (May 13, 2022), <https://dhaaramagazine.in/2022/05/13/inadequate-representation-of-persons-with-disabilities-in-policy-making/> (last visited Sept. 14, 2025)

⁵⁰ Shashank Pandey, *The Great Omission in the Draft Disability Policy*, The Hindu (July 15, 2022), <https://www.thehindu.com/opinion/op-ed/the-great-omission-in-the-draft-disability-policy/article65640519.ece> (last visited Sept. 14, 2025)

⁵¹ Ministry of Administrative Development, Labour & Social Affairs, Qatar, *Qatar National Vision 2030* (2008), <https://www.mdps.gov.qa/en/qnv1/Pages/default.aspx>

2022 FIFA World Cup, Qatar made significant investments in various areas to make cities accessible to people with disabilities, including ensuring that public transportation, stadiums, and services are accessible to people with disabilities. However, there are still certain issues with the private sector's accessibility to services⁵².

With its Equal Rights for Persons with Disabilities Law, 1998, which takes a strong rights-based stance, Israel offers yet another significant comparative paradigm. This law clearly ensures accessibility in the workplace, in schools, and on digital platforms, demonstrating a holistic approach that attempts to incorporate accessibility into daily life⁵³. It is worth clarifying that Israel's digital accessibility obligations were given concrete content through subordinate regulations made under the 1998 Law, which set out detailed requirements for the accessibility of online services and which expressly reference internationally recognised technical standards.⁵⁴ The structure of Israeli legislation, which is backed by civil society involvement and public awareness initiatives, demonstrates how cultural and attitudinal shifts can strengthen legal demands. This layered structure, in which a rights-based statute is operationalised through enforceable technical regulations, is precisely the model India's framework currently lacks.

The Disability Discrimination Act, 1992, is a law in Australia that forbids discrimination against people with disabilities in employment, education, public settings, and when obtaining goods and services⁵⁵. Anyone who experiences prejudice has the right to complain and seek redress from administrative agencies or legal authorities. Another noteworthy aspect of Australia's model is how it incorporates the National Disability Strategy and aligns domestic laws with the UNCRPD⁵⁶.

These obligations have been further strengthened by global development objectives. The importance of including people with disabilities is highlighted by the Sustainable Development

⁵² Gulf Times, Qatar Makes Giant Strides in Accessibility in 2022, GULF TIMES (Nov. 22, 2022), <https://www.gulf-times.com/article/652452/qatar/qatar-makes-giant-strides-in-accessibility-in-2022>

⁵³ W3C Web Accessibility Initiative, Israel Policies: Equal Rights of Persons with Disabilities Act, as Amended, W3C (last updated Apr. 4, 2017), <https://www.w3.org/WAI/policies/israel/>

⁵⁴ Bureau of Internet Accessibility, 'Israel's Digital Accessibility Laws: An Overview' (BOIA) <https://www.boia.org/blog/israels-digital-accessibility-laws-an-overview> accessed June 6, 2026.

⁵⁵ Australian Human Rights Commission, *Disability Discrimination Act 1992 (Cth)*: What areas of public life it covers (employment, education, goods/services, access to premises, etc.), available at <https://www.humanrights.gov.au/our-work/disability-rights/disability-discrimination>

⁵⁶ Australia, *International Disability Rights*, Department of Social Services, showing that the Disability Discrimination Act 1992 is among the laws used by Australia to implement its obligations under the UN Convention on the Rights of Persons with Disabilities, available at <https://www.dss.gov.au/international-disability-rights>

Goals (SDGs), especially Goal 10 (reducing disparities) and Goal 16 (building peaceful and inclusive society)⁵⁷. The international community has acknowledged that broader developmental and governance goals cannot be completely realized without addressing disability, which is why accessibility has been incorporated into the SDG framework. In order to guarantee that disability rights are incorporated into its national development plans, India must be in line with these international goals⁵⁸.

Globally, the right of expression is not considered only a political right but also a communication right which obligates countries to make an inclusive environment for persons with disabilities (PWDs) so that they can participate equally in public discourse. Countries like Qatar, Israel and Australia have scored well in the digital accessibility report reflecting that they consider right to free expression on digital platforms an important essential of democracy.

Lessons for India

India can take a number of progressive measures and learn a lot from the disability laws of other nations. Even though India's Rights of Persons with Disabilities Act of 2016 provides a thorough framework for disabled individuals, there is still a gap in how those rules are actually put into practice⁵⁹. India must establish a clear set of accessibility regulations and a robust system to monitor compliance in order to address issue. This will bring India closer to reaching the Sustainable Development Goals (SDGs), achieve its commitments under the UNCRPD, and align with international best practices⁶⁰.

The value of regulatory and enforcement agencies is a crucial lesson that India may also take from other nations. The Equality and Human Rights Commission (EHRC) of the United Kingdom, for instance, ensures that the Equality Act is adhered to by providing guidelines, keeping an eye on compliance, and even assisting in court proceedings. Special bodies within the European Union monitor compliance with the European Accessibility Act, providing

⁵⁷ U.N., *Sustainable Development Goals (SDGs) and Disability*, United Nations Enable, <https://www.un.org/development/desa/disabilities/about-us/sustainable.development-goals-sdgs-and-disability.html> (last visited Sept. 15, 2025).

⁵⁸ U.N. Dep't of Econ. & Soc. Affairs, *#Envision2030 Goal 10: Reduce Inequalities* (2024), <https://social.desa.un.org/issues/disability/envision-2030/envision2030-goal-10-reduce-inequalities>.

⁵⁹ *India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise*, OHRH (Oxford Human Rights Hub), <https://ohrh.law.ox.ac.uk/indias-rights-of-persons-with-disabilities-act-2016-an-unfulfilled-promise/> (last visited Sept. 15, 2025).

⁶⁰ *How India is Strengthening Digital Accessibility Through Legal Mandates*, DigitalA11Y (2025), <https://www.digitala11y.com/how-india-is-strengthening-digital-accessibility-through-legal-mandates/> (last visited Sept. 15, 2025).

periodic reports and sanctions for noncompliance⁶¹. These countries are a proof that making laws alone would not suffice but strong enforcement bodies are required to enforce those laws in practise. Rights of persons with disabilities Act, 2016 have bodies like Chief and State Commissioners for Persons with Disabilities who should be given more powers and not limited so that they can do their duties properly.

Accessibility is not just about making proper laws and accommodating PWDs as per their needs rather it must be seen as a basic human right and equality issue and not just a welfare matter. These countries take progressive steps like running public awareness campaigns, involve different groups in decision making and engage with private sector to change their perspective towards PWDs⁶². India may take a cue from this and establish collaborations between corporations, NGOs, and the government to advance accessibility. This would foster genuine inclusion and go beyond merely adhering to regulations, supporting the global shift towards a rights-based approach to disability⁶³.

Comparative studies show that digital accessibility is now seen as a basic human right in today's information age. In places like the European Union and Australia, laws clearly say that websites, apps, and new technologies must be accessible for persons with disabilities. This makes sure they are included in the benefits of digital progress⁶⁴. For India, which is quickly growing its digital programs through projects like Digital India, having similar rules is both legally important and necessary for development. By following global standards, India can create an inclusive digital system that protects people's rights while also supporting innovation and economic growth.

V. Conclusion

Digital accessibility in today's world is a basic human as well as fundamental right under Articles 14 and 21 of the Constitution of India is very important. Since equality is covered in Article 14 and the right to life and personal liberty is covered in Article 21, PWDs would be

⁶¹ U.K. Parliament, *Enforcing the Equality Act: The Law and the Role of the Equality and Human Rights Commission, Women & Equalities Committee* (2018), <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1470/1470.htm>

⁶² UNDP India, *Bridging the Gap: Enabling Disability Inclusion in India's Private Sector Workplaces* (Dec. 3, 2024), <https://www.undp.org/india/blog/bridging-gap-enabling-disability-inclusion-indias-private-sector-workplaces>.

⁶³ SLIC Disability Rights Initiative, *Disability Rights — Socio-Legal and Awareness Campaigns* (India) (2023), <https://www.slic.org.in/initiative/disability-rights-initiative>.

⁶⁴ Australian Government, *Accessibility of this Website and Mobile Apps*, ASECA (Australia), <https://www.aseca.gov.au/accessibility-website-and-mobile-apps> (last visited Sept. 15, 2025).

excluded from public life, employment, and education if digital rights were inaccessible. Since this violates the promises of equality and dignity, PWDs will find it easier to enforce their rights and get discrimination-free treatment if accessibility is made a fundamental right.

Judicial supervision is also necessary to promote accessibility compliance. Expanding judicial oversight to include accessibility will ensure continued accountability, whether in government websites, educational institutions, or private service providers. The function of protecting constitutional rights has been progressively acknowledged by Indian courts. Regular compliance reports and the possibility of court orders for corrective action may promote more uniform implementation of accessibility measures. Moreover, RPWD is a strong and comprehensive act but it is ineffective because of its weak implementation. In order to improve this, the authorities must be given enough power and resources to monitor compliance. If adequate penalties are imposed, then people will follow the law and take accessibility rights of PWDs seriously.

The judiciary has already laid a substantial foundation in this area. In *Vikas Kumar v. UPSC* (2021), the Supreme Court decided that the equality principle of Article 14 includes the right to scribes and accessible tests. In a similar spirit, the Court reiterated in *Anuj Goyal v. Union of India* (2022) that accessibility cannot be seen as an administrative convenience and is necessary for substantive equality. By proving that digital accessibility is a fundamental component of constitutional rights rather than an afterthought, these rulings open the door for a broader recognition of digital inclusion as a constitutional obligation.

Accessibility increases best when it is supported by three factors: clear legislative regulations, active business involvement, and a shift in public opinion, according to comparative studies from other countries including Australia, Israel, and Qatar. India should take a cue from this: the government can collaborate with the private sector and ask companies to assess how accessible their services are to people with disabilities. In this manner, accessibility will not only continue to be required by law but also develop into a common and respected aspect of governance and business.

Along with laws and policies, it is very important to create awareness and build skills to make accessibility real in practice. This can be done by training government officials, teachers, and people working in companies about accessibility. At the same time, special outreach programs for persons with disabilities can help them know their rights. Awareness campaigns and

education programs not only help in following the rules but also spread the message that accessibility is everyone's responsibility and is necessary for equal participation in society.

In the end, the accessibility rights of PWDs must be seen as a constitutional right and not merely a welfare or charity done to the PWDs. In today's world, having access to technology means having access to opportunities and services because in this growing digitalized world, most of the services are now available and accessible on digital platforms. Making a world which is barrier free and inclusive by providing accessibility of digital platforms to PWDs would be fairness and justice under the constitution of India. For India to build a rights-based and inclusive society, its digital policies must focus on accessibility. This would assist India in fulfilling its domestic constitutional obligations as well as its international commitments under the Sustainable Development Goals and the UNCRPD.

Since accessibility is seen as a prerequisite for freedom of expression, the right must encompass not only in-person involvement but also online participation, political discourse, and artistic expression. In order to eliminate these obstacles, the State must recognize inaccessible digital places as a clear violation of Article 19(1)(a) and take proactive steps like enacting Web Content Accessibility Guidelines (WCAG) and requiring adherence.

BIBLIOGRAPHY

ARTICLES

1. Aditi Rana, *Bridging the Digital Divide: Supreme Court Affirms Right to Accessible Digital Services for Persons with Disabilities*, *India Law* (last visited Sept. 8, 2025).
2. Amit Anand Choudhary, *Digital Access Part of Fundamental Right to Life and Liberty, Says SC*, *Times of India* (last visited Sept. 8, 2025).
3. Amit Kumar, *Educational Rights of Children with Disabilities in India: With Special Reference to Inclusive Education Approach*, *5 Int'l J. L. Mgmt. & Humanities* 19 (2022).
4. Anshul Dalmia, *Two Roads Diverged Within Disability Jurisprudence in India: The Supreme Court Took the One Less Travelled By*, *OxHRH* (last visited Sept. 11, 2025).
5. Bureau of Internet Accessibility (BOIA), *Israel's Digital Accessibility Laws: An Overview*, *BOIA* (last visited Sept. 9, 2025).

6. Dhruva Gandhi, *Litigating Reasonable Accommodation in Indian Courts: A Comment on the Transformative Ability of Judicial Review*, *Journal of Indian Law and Society*, Vol. 13, No. 2 (Winter 2022).
7. Irin Roshan & Tychicus P. David, *Legislating Equality: India's Path to Inclusive Policies for People with Disabilities*, 30 *IOSR J. Humanit. & Soc. Sci.* (Series 5) 22–32 (May 2025).
8. Jonathan Lazar & Paul Jaeger, *Reducing Barriers to Online Access for People with Disabilities*, *Issues in Science and Technology* (last visited Sept. 8, 2025).
9. Manish Kumar, *Bridging the Digital Gap: Supreme Court's Vision for an Accessible India*, *New Indian Express* (last visited Sept. 10, 2025).
10. Polina Komendantova, *Web Accessibility Laws in Australia & New Zealand*, *Siteimprove.com* (last visited Sept. 9, 2025).
11. Robobionics Content Writer, *How the Indian Judiciary Has Strengthened Disability Rights Over the Years*, *Robo Bionics* (last visited Sept. 11, 2025).
12. Seema Rani, *Constitutional Morality and Disability Rights*, 3 *J. Novel Research & Innovative Dev.* 221 (Aug. 2025).
13. Shashank Pandey, *The Great Omission in the Draft Disability Policy*, *The Hindu* (July 15, 2022).
14. Utkarsh Anand, *Rights of Persons with Disabilities: A Landmark Supreme Court Verdict*, *Hindustan Times* (last visited Sept. 12, 2025).
15. Vikash Kumar v. UPSC: *An Important Judgment on Disability and Reasonable Accommodation*, *IndConLawPhil* (last visited Sept. 8, 2025).

REPORTS

1. Accessible India: *State Governments Slow in Accessible India Drive*, *The Economic Times* (Nov. 10, 2017).
2. Australia, *International Disability Rights*, Department of Social Services, Government of Australia (last visited Sept. 15, 2025).
3. Australian Government, *Accessibility of this Website and Mobile Apps*, ASECA (Australia) (last visited Sept. 15, 2025).
4. Australian Human Rights Commission, *Disability Discrimination Act 1992 (Cth): What Areas of Public Life It Covers* (employment, education, goods/services, access to premises, etc.) (last visited Sept. 15, 2025).
5. Central Coordination Committee on Disability, *Harmonized Guidelines and Standards of Accessibility*, CCPD (last visited Sept. 14, 2025).

6. Citizens for Justice and Peace, *From Policy to Practice: Recent Supreme Court Judgments on Disability Rights Lapses*, CJP (last visited Sept. 12, 2025).
7. CIS India, *Accessibility of Government Websites in India: A Report*, CIS-India (PDF) (last visited Sept. 14, 2025).
8. Digital Access as a Fundamental Right, *Vidhi Legal Policy* (last visited Sept. 10, 2025).
9. Disability Law Initiative, *Landmark Cases in Access: Javed Abidi v. Union of India & Others*, *DisabilityLaw.org.in* (last visited Sept. 14, 2025).
10. Disability Law Initiative, *UNCRPD on Access*, *Disability Law Initiative* (last visited Sept. 10, 2025).
11. G3ict, *Accessible DARE Index 2020: Top Performing Countries 2* (Global Initiative for Inclusive Information and Communication Technologies 2020).
12. Gulf Times, *Qatar Makes Giant Strides in Accessibility in 2022* (Nov. 22, 2022).
13. Inadequate Representation of Persons with Disabilities in Policy Making, *Dhaara Magazine* (May 13, 2022).
14. Ministry of Administrative Development, Labour & Social Affairs, Qatar, *Qatar National Vision 2030* (2008).
15. National Human Rights Commission, *Disability Rights* (PDF) (last visited Sept. 14, 2025).
16. Pathfinders for Peaceful, Just and Inclusive Societies, *E-Accessibility for People with Disabilities: Qatar* (last visited Sept. 9, 2025).
17. Press Information Bureau, *Citizens Above 85 Years & PwDs Start Voting from Home* (last visited Sept. 12, 2025).
18. SLIC Disability Rights Initiative, *Disability Rights — Socio-Legal and Awareness Campaigns (India)* (2023).
19. U.K. Parliament, *Enforcing the Equality Act: The Law and the Role of the Equality and Human Rights Commission*, Women & Equalities Committee (2018).
20. U.N. Dep't of Econ. & Soc. Affairs, *#Envision2030 Goal 10: Reduce Inequalities* (2024).
21. U.N., *Sustainable Development Goals (SDGs) and Disability*, *United Nations Enable* (last visited Sept. 15, 2025).
22. United Nations, *Convention on the Rights of Persons with Disabilities*, U.N. Doc. A/61/611 (last visited Sept. 14, 2025).
23. UNDP India, *Bridging the Gap: Enabling Disability Inclusion in India's Private Sector Workplaces* (Dec. 3, 2024).

24. “Poor Accessibility Standards, Lack of Govt Interest Mars Progress”: *Disability Rights Activists, The Wire* (last visited Sept. 14, 2025).
25. *Why Does India Fail to Address Digital Accessibility Gaps?*, *Newslandry* (Sept. 6, 2024).
26. W3C Web Accessibility Initiative, *Israel Policies: Equal Rights of Persons with Disabilities Act, as Amended* (Apr. 4, 2017).

JOURNALS & ACADEMIC PAPERS

1. *Revisiting the Conceptual Terrains of the Right to Accessibility in India: The Role of Judicial Enforcement*, *Laws*, Vol. 13, Issue 4 (2024).
2. *India’s Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise*, *Oxford Human Rights Hub* (last visited Sept. 15, 2025).
3. John Simte, *Access Denied? Disability and Digital Identification in India: Reflections after Pragya Prasun and Amar Jain*, *Oxford Human Rights Hub* (last visited Sept. 10, 2025).

