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CONSTITUTIONALISING DIGITAL ACCESSIBILITY: REIMAGINING THE RIGHTS OF PERSONS WITH DISABILITIES

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ABSTRACT

The rapid digitalisation of governance, education, healthcare, banking, and other essential services has transformed digital access into an indispensable aspect of daily life. However, this transition has also created significant barriers for persons with disabilities, particularly where digital platforms fail to comply with recognised accessibility standards. Although India has enacted the Rights of Persons with Disabilities Act, 2016 and is a State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), effective implementation of digital accessibility obligations remains inadequate. This paper examines the existing legal framework governing digital accessibility in India and analyses its constitutional significance in light of Articles 14, 19, and 21 of the Constitution of India. The study further evaluates the contribution of judicial decisions in expanding the scope of equality, dignity, and accessibility, while also drawing a comparative analysis with the legal frameworks of the United Kingdom and the United States. It argues that digital accessibility should not be viewed merely as a statutory obligation but as an integral component of the fundamental rights guaranteed under the Constitution. The paper concludes that constitutional recognition of digital accessibility would strengthen the enforcement of accessibility standards, promote substantive equality, and ensure the meaningful inclusion and participation of persons with disabilities in India's increasingly digital society.

Keywords: Digital Accessibility; Persons with Disabilities; Fundamental Rights; Constitution of India; Rights of Persons with Disabilities Act, 2016.

1. Introduction

The rapid digital transformation witnessed in India has fundamentally altered the manner in which public services are delivered and accessed. Through initiatives such as Digital India, governance, education, healthcare, banking, taxation, welfare schemes, and numerous other public services have

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increasingly shifted to digital platforms, making technology an integral part of everyday life thereby marking the importance of digital accessibility for the effective implementation of digital rights.[2]

The increasing dependence on digital technologies is reflected in recent official statistics. According to the Comprehensive Modular Survey: Telecom (2025), the Indian households which have availability of internet are approximately86.3%, while 85.5% of households have at least one smartphone, demonstrating the widespread penetration of digital technologies across the country.[3] Among individuals aged 15–29 years, 94.3% reported using the internet, with a significant proportion relying on digital platforms for activities such as online banking through the Unified Payments Interface (UPI). Further, the Government of India reported that, as of March 2024, the country had 954.4 million internet subscribers[4], with wireless broadband connectivity extending to more than 95% of Indian villages, highlighting the growing dependence of governance and public administration on digital infrastructure.

While this digital transformation has significantly improved efficiency and accessibility for a large section of the population, it has simultaneously created new barriers for persons with disabilities. Digital platforms that are developed without the accessibility guidelines provided under the Web Content Accessibility Guidelines (WCAG) effectively exclude persons with disabilities from accessing services that have become essential for education, employment, healthcare, financial transactions, and interaction with public authorities. As a result, the exclusion of persons with disabilities from using digital platforms creates in them a feeling of unequal access to opportunities and their participation in society.

Although the Rights of Persons with Disabilities Act, 2016[5] considers digital accessibility and inclusion as basic legal rights and India is a State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)[6], the enforcement of digital rights remains inadequate. The inability to create an inclusive digital framework has created hindrance to the enjoyment of constitutional rights despite the existence of statutory protection.

This paper argues that digital accessibility should no longer be viewed merely as a statutory protection but should receive constitutional recognition. It should be recognised as an integral component of the

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[2] Ministry of Electronics and Information Technology, Digital India, Govt of India, https://www.digitalindia.gov.in/ (last visited Aug. 3, 2026).
[3] Ministry of Statistics and Programme Implementation, Government of India, *Comprehensive Modular Survey: Telecom, 2025* (May 29, 2025).
[4] TELECOM REGUL. AUTH. OF INDIA, THE INDIAN TELECOM SERVICES PERFORMANCE INDICATORS (APRIL–JUNE 2024) 43 (2024).
[5] Rights of Persons with Disabilities Act, No. 49 of 2016, India Code (2016).
[6] G.A. Res. 61/106, Convention on the Rights of Persons with Disabilities (Dec. 13, 2006).

fundamental rights guaranteed under Articles 14, 19 and 21[7] of the Constitution of India. Through an examination of the existing legal framework, judicial developments, comparative legal approaches and constitutional principles, the paper seeks to demonstrate that recognising digital accessibility as a constitutional entitlement is necessary to ensure equal rights for persons with disabilities in India's increasingly digital society.

2. From Welfare to rights: the evolution of concept of disability

The understanding of disablement has undergone significant changes, evolving from welfare oriented to right oriented approach.[8] The concept of disability has itself changed overtime and altered people's perspective towards physically challenged individuals.

Charity Model also called initial model perceived persons with disabilities as victims and assigned the trait of victimhood to them. The approach was based on treating persons with disabilities as unfortunate and saw them as passive, tragic or suffering and requiring care. It assumes that was community and society's responsibility to arrange all services for these vulnerable people and know what was good for them.[9]

The welfare model was designed to support individuals with disabilities. It is based on welfare approach and provides support and protection needed to people with disabilities by giving equal and fair access to resources.

The medical model perceived persons with disabilities as different from what is considered normal. It sees disability as a defect located within the individual.[10] In this model a person with a disability is seen as a patient requiring medical intervention. Medical model demands curing the disabled individual and bring him to an equal footing with others.

A significant shift was marked by the social model as it suggested that the society created obstruction for persons with disabilities and that they could be treated equally by overcoming societal shortcomings. This approach advocated that reforming society and removing barriers can change the dynamics for persons with disabilities.

The human rights model asserts that persons with disabilities are entitled to the same universal and inalienable human rights as everyone else. It posits that disability is a natural aspect of human

[7] INDIA CONST. art. 14, 19, 21.
[8] Michael Oliver & Colin Barnes, *Understanding Disability: From Theory to Practice* 12–25 (2d ed. 2012).
[9] *CBM Global Disability Inclusion, Models of Disability*, CBM Global, https://participation.cbm.org/why/disability-participation/models-of-disability (last visited Aug. 3, 2026).
[10] World Health Organization, *International Classification of Functioning, Disability and Health* (2001).

diversity, focusing on dignity, agency, and the removal of environmental and systemic barriers.[11] This approach puts the duty on the state to provide equal and non-discriminatory treatment to every class of society as laid by United Nation Convention on the Rights of Persons with Disabilities (UNCRPD).[12]

Although disability has evolved conceptually from a welfare-oriented to a human rights-based approach, the practical implementation of these protections remains incomplete. The current situation concerning the rights of persons with disabilities is still similar to that envisaged under the charity or welfare model. Although the Convention on the Rights of Persons with Disabilities lays down that all human rights should be protected for persons with disabilities, they are often not treated as equal to others.

The ICCPR and the ICESCR adopted to give basic human rights to people across the world, ensure that the State shall provide the rights guaranteed under these Conventions to its citizens without discrimination, and the exclusion of any class results in a violation of this principle.[13]

The rights provided under these Conventions are rights and should not be treated as charity or welfare schemes. Instead, they should receive similar recognition as other human rights without treating persons with disabilities as victims or leaving them at the mercy of the State or society.

3. Existing legal framework on rights of Disabled persons

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is an international human rights convention adopted by the United Nations to promote and protect the rights of persons with disabilities. It recognises that persons with disabilities are entitled to the same rights and freedoms as everyone else and calls upon States Parties to ensure equality, dignity, non-discrimination, and full participation in all aspects of society, irrespective of disability.[14]

The Rights of Persons with Disabilities Act, 2016 was enacted by India in furtherance of its commitments under the United Nations Convention on the Rights of Persons with Disabilities

[11] GERARD QUINN ET AL., *HUMAN RIGHTS AND DISABILITY*: THE CURRENT USE AND FUTURE POTENTIAL OF UNITED NATIONS HUMAN RIGHTS INSTRUMENTS IN THE CONTEXT OF DISABILITY (2002), https://www.ohchr.org/sites/default/files/Documents/Publications/HRDisabilityen.pdf .
[12] United Nations Convention on the Rights of Persons with Disabilities, pmbl., arts. 1–5, Dec. 13, 2006, 2515 U.N.T.S. 3; The Rights of Persons with Disabilities Act, 2016, No. 49 of 2016, pmbl., § 3, Acts of Parliament, 2016 (India).
[13] International Covenant on Civil and Political Rights arts. 2(1), 26, Dec. 16, 1966, 999 U.N.T.S. 171; International Covenant on Economic, Social and Cultural Rights art. 2(2), Dec. 16, 1966, 993 U.N.T.S. 3.
[14] Convention on the Rights of Persons with Disabilities, pmbl., arts. 1, 3, adopted Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).

(UNCRPD).[15] The Act recognises the protection of the rights of persons with disabilities as a legal obligation of the State rather than a mere moral responsibility.[16] Section 3 of the Act guarantees the right to equality, dignity, and respect for the integrity of every person with a disability.[17] Further, Section 6 prohibits persons with disabilities from being subjected to cruel, inhuman, or degrading treatment.[18] The Act also provides for the prescription of accessibility standards under Section 40.[19] In addition, Section 42 places a responsibility on the Government to ensure that information and communication technology and other digital services are accessible to persons with disabilities.[20]

The importance of digital accessibility has grown exponentially with the rapid digitalisation of public and private services. Through initiatives such as the Digital India Programme,[21] the Government of India has transformed the delivery of governance, education, healthcare, banking, taxation, and welfare services by increasingly shifting them to digital platforms. While this transformation has enhanced administrative efficiency and public convenience, it has simultaneously increased citizens' dependence on digital technologies for the exercise of their everyday tasks. Consequently, inaccessible digital platforms disproportionately excludes persons with disabilities by restricting their access to essential services, thereby excluding them from performing digital tasks.

. Failure on the part of the Government and society to effectively implement these legal provisions contributes to the continued exclusion of persons with disabilities from the digital environment. Accessibility refers to the ability to make digital platforms and other services available to persons with disabilities, irrespective of the type of disability they have.

India enacted the Rights of Persons with Disabilities Act, 2016 to safeguard the rights of persons with disabilities. However, the objectives of the Act have not been fully achieved because its implementation has remained ineffective.. The Act does not provide effective mechanism for protecting rights of persons with disabilities and digital accessibility standards, and enforcement of accessibility requirements remains weak in practice. As a result, accessibility guidelines are often ignored while designing websites, mobile applications, and other digital platforms. The lack of regular accessibility audits, effective monitoring, and accountability has considerably weakened the application of the Act. Consequently, persons with disabilities are still not given due attention when it comes to making both the digital and physical environment accessible to them.

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[15] The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India), pmbl, Convention on the Rights of Persons with Disabilities art. 9, adopted Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).
[16] Rights of Persons with Disabilities Act 2016, Preamble.
[17] *Id.* § 3.
[18] *Id.* § 6.
[19] *Id.* § 40.
[20] *Id.* § 42.
[21] Ministry of Electronics and Information Technology, Government of India, Digital India Programme, https://www.digitalindia.gov.in (last visited July 26, 2026).

Therefore, although India has enacted a legal framework for the protection of the rights of persons with disabilities, these provisions cannot achieve their intended purpose unless they are effectively implemented and enforced.[22] The continuing shortcomings in accessibility prevent persons with disabilities from participating fully in the digital environment and demonstrate the need for stronger compliance mechanisms to ensure their inclusion and the effective protection of their rights.[23]

4. Judicial Evolution on Right to Internet

The Right to Internet refers to the right of individuals to access and use the internet freely, affordably, and without arbitrary restrictions, as the internet has emerged as an essential medium for exercising various fundamental rights, including freedom of speech and expression, access to information, education, trade, healthcare, and participation in public life.

In India, the Right to Internet is not expressly recognised as a separate fundamental right under the Constitution and has not been declared by the Supreme Court as an independent constitutional guarantee. However, Indian courts have recognised that access to the internet is protected because it has become indispensable for the effective enjoyment and exercise of existing fundamental rights guaranteed under the Constitution.[24]

The judicial development of digital accessibility rights has evolved gradually through the recognition of disability rights, accessibility obligations, internet-based freedoms, and finally the constitutional recognition of the Right to Digital Access.

In Jeeja Ghosh v. Union of India, the Supreme Court emphasised that persons with disabilities are entitled to equal treatment, dignity, and full participation in society.[25] The Court rejected the traditional charity-based approach towards disability and adopted the human rights model reflected in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)[26]. The judgment recognised that persons with disabilities are entitled to equal opportunities and protection against discrimination.

The principle of accessibility was further developed in Rajive Raturi v. Union of India, where the Supreme Court recognised that accessibility is indispensable for ensuring equality and meaningful participation of persons with disabilities in society. The Court held that constitutional guarantees

[22] Rights of Persons with Disabilities Act, 2016, Preamble, §§ 3, 40, 42.
[23] Comm. On the Rights of Persons with Disabilities, General Comment No. 2 (2014): Article 9: Accessibility, U.N. Doc. CRPD/C/GC/2 (May 22, 2014).
[24] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637; *Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 1745.
[25] *Jeeja Ghosh v. Union of India*, (2016) 7 S.C.C. 761 (India).
[26] G.A. Res. 61/106, Annex, Convention on the Rights of Persons with Disabilities (Dec. 13, 2006).

under Articles 14 and 21 cannot be effectively realised unless persons with disabilities are able to access public spaces and public services without barriers. The case examined whether the State had fulfilled its constitutional and statutory obligations to provide an accessible environment for persons with disabilities and whether accessibility should be treated as a legal right rather than merely a policy objective.[27]

The recognition of internet access as a constitutional concern emerged in Faheema Shirin R.K. v. State of Kerala, where the Kerala High Court held that the right to access the internet forms an integral part of the right to education and the right to privacy under Article 21[28]. The Court further recognised that restrictions on internet access directly affect the freedom of speech and expression guaranteed under Article 19(1)(a). This was the first Indian judgment to explicitly recognise access to the internet as part of Article 21. The decision acknowledged the changing nature of constitutional rights in the digital age and provided an important foundation for later developments concerning digital governance and digital inclusion.

The constitutional protection of internet-based freedoms was further examined by the Supreme Court in Anuradha Bhasin v. Union of India. In this case, restrictions were imposed in Jammu and Kashmir, including suspension of internet services, which were challenged on the grounds of violation of constitutional rights relating to freedom of speech, press freedom, and trade. The Supreme Court examined whether indefinite internet shutdowns were constitutionally permissible and whether activities conducted through the internet received constitutional protection.[29]

The Court held that freedom of speech and expression through the internet is protected under Article 19(1)(a), while the freedom to carry on trade or profession through the internet is protected under Article 19(1)(g). Although the Court did not recognise a separate fundamental right to internet access, it acknowledged that constitutional freedoms are increasingly exercised through digital platforms and that restrictions affecting internet access must satisfy constitutional principles of legality, necessity, and proportionality.

The connection between digital services and disability rights was further highlighted in In Re: Distribution of Essential Supplies and Services During Pandemic, where the Supreme Court acknowledged that digital platforms had become the principal means of accessing essential public services during the pandemic. The Court observed that persons with disabilities could not be excluded from such services due to inaccessible websites, mobile applications, or digital procedures. It

[27] *Rajive Raturi v. Union of India* (2021) 4 SCC 786 (India).

[28] *Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 1745 (India).
[29] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

emphasised the need for accessible technologies and ensured that digital governance mechanisms comply with constitutional principles of equality and non-discrimination.

The development of accessibility jurisprudence was further strengthened through the later proceedings in Rajive Raturi v. Union of India, where accessibility was understood beyond physical infrastructure and extended towards ensuring effective participation in contemporary society. The recognition of accessibility as an essential requirement strengthened the understanding that digital platforms and services must also be designed in a manner that enables equal participation of persons with disabilities.[30]

The evolution of this jurisprudence culminated in Pragya Prasun v. Union of India & Amar Jain v. Union of India, where the Supreme Court examined whether inaccessible digital systems violated constitutional guarantees of equality and dignity, whether persons with disabilities possess a constitutional right to accessible digital services, and whether digital exclusion amounts to discrimination. The Supreme Court recognised that accessible digital systems are essential for ensuring the effective enjoyment of rights under Article 21 and directed that digital services must be made accessible to persons with disabilities.[31]

T he Court observed that in a society increasingly dependent on digital governance, exclusion from digital systems effectively denies individuals access to essential services, financial inclusion, education, healthcare, and participation in public life. The judgment recognised that digital accessibility is necessary to ensure meaningful equality and inclusion of persons with disabilities and established that digital systems must not create barriers that prevent persons with disabilities from exercising their rights.[32]

The judicial journey relating to digital accessibility reflects a gradual expansion of constitutional rights in response to technological developments. The jurisprudence moved from recognising the dignity, equality, and accessibility rights of persons with disabilities in Jeeja Ghosh and Rajive Raturi, towards recognising internet-based freedoms in Faheema Shirin and Anuradha Bhasin. Subsequently, courts acknowledged the importance of accessible digital services for persons with disabilities, ultimately leading to the constitutional recognition of the Right to Digital Access in Pragya Prasun and Amar Jain.

Thus, Indian judicial approach demonstrates a transition from viewing accessibility as a physical requirement to understanding it as an essential component of constitutional equality, dignity, and

[30] *Rajive Raturi v. Union of India*, (2021) 4 SCC 786.
[31] *Pragya Prasun v. Union of India, 2025 INSC 599.*
[32] Id.

participation in the digital age.[33] The recognition of the Right to Digital Access represents an important development in ensuring that technological advancement remains inclusive and does not create new forms of exclusion for persons with disabilities.

5. Constitutionalising Digital Accessibility: constitutional perspective

Article 14 of the Constitution of India provides that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." Although Article 14 guarantees protection against unequal treatment to every section of society, the objective of placing everyone on the same pedestal to enjoy equal rights can only be achieved through substantive equality, which seeks to treat differently situated persons differently, where necessary, in order to achieve real and meaningful equality.

The failure to comply with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) creates barriers for persons with disabilities, resulting in their exclusion from digital platforms and depriving them of opportunities that are available to others.[34] A website that does not provide captions or audio instructions may exclude persons with visual or hearing impairments.[35] Therefore, to address such barriers, the World Wide Web Consortium (W3C) and the UNCRPD have laid down accessibility standards, compliance with which contributes to a more inclusive and equal society.[36] [37] At the national level, the Rights of Persons with Disabilities Act, 2016 also lays down provisions to ensure the participation of persons with disabilities and entrusts the Government with the responsibility of prescribing accessibility standards.[38] Despite these efforts to promote digital accessibility, implementation has remained weak, particularly in relation to digital platforms.[39] Ensuring accessibility in the digital environment is essential for the full realisation of the right to equality guaranteed under Article 14 of the Constitution of India.

In this new developing digital era, digital platforms have become the primary means of communication and access to information. However, where such platforms are developed without

[33] Convention on the Rights of Persons with Disabilities art. 9, Dec. 13, 2006, 2515 U.N.T.S. 3.

[34] Convention on the Rights of Persons with Disabilities arts. 4, 9, adopted Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).
[35] Comm. On the Rights of Persons with Disabilities, General Comment No. 2 (2014): Article 9: Accessibility, U.N. Doc. CRPD/C/GC/2 (May 22, 2014).
[36] World Wide Web Consortium, Web Content Accessibility Guidelines (WCAG) 2.2, W3C (Oct. 5, 2023), https://www.w3.org/TR/WCAG22/ .
[37] Convention on the Rights of Persons with Disabilities art. 9, Dec. 13, 2006, 2515 U.N.T.S. 3.
[38] Rights of Persons with Disabilities Act, 2016, §§ 3, 40, 42, No. 49 of 2016.
[39] Dep't of Empowerment of Persons with Disabilities, Ministry of Social Just. & Empowerment, Gov't of India, *Harmonised Guidelines and Standards for Universal Accessibility in India* 2021 (2021).

adhering to the accessibility principles recognised under the UNCRPD, persons with disabilities are prevented from effectively exercising these constitutional freedoms.[40]

In *Faheema Shirin R.K. v. State of Kerala*, the Kerala High Court recognised access to the internet as an important component of the rights to education and privacy under Article 21[41]. The decision is regarded as one of the earliest judicial acknowledgements of the constitutional significance of internet access in India. Therefore, digital accessibility is indispensable for ensuring that persons with disabilities are able to exercise their freedoms under Article 19 on an equal basis with others.[42]

In *Maneka Gandhi v. Union of India*, the Supreme Court significantly expanded the scope of Article 21, laying the foundation for the recognition of several rights, including dignity, livelihood, privacy, and procedural fairness.[43] The right to life under Article 21includes all the rights that are essential to exercise the right to life with dignity, which includes right to education, healthcare, privacy and other essential rights.[44]

The increasing dependence on digital platforms for the delivery of these services poses significant challenges for persons with disabilities where such platforms remain inaccessible. Denial of digital access consequently affects the meaningful enjoyment of the rights guaranteed under Article 21. Further, Articles 14, 19 and 21 are often regarded as the Golden Triangle of the Constitution[45], as the effective exercise of one right is closely connected with the others. Therefore, ensuring digital accessibility is essential for the effective realisation of these interconnected constitutional guarantees.

The increasing digitisation of governance, education, healthcare, financial services and public administration has transformed digital accessibility from a policy concern into a constitutional necessity.[46] While the Rights of Persons with Disabilities Act, 2016 recognises accessibility as a statutory obligation,[47] the absence of an explicit constitutional recognition of digital accessibility limits the effective enforcement of these rights. Inaccessible digital platforms continue to create barriers that prevent persons with disabilities from equally exercising the rights guaranteed under Articles 14, 19 and 21 of the Constitution. Recognising digital accessibility as an integral component of these fundamental rights will result in the more peaceful and meaningful enjoyment of other

[40] CRPD, art. 9.
[41] *Shirin*, 2019 SCC OnLine Ker 1745, ¶ 7.
[42] *Convention on the Rights of Persons with Disabilities a*rt. 9, *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).
[43] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India)
[44] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 (India)
[45]*Minerva Mills Ltd. V. Union of India*, (1980) 3 SCC 625 (India)
[46] Comm. On the Rights of Persons with Disabilities, General Comment No. 2 (2014): Article 9: Accessibility, U.N. Doc. CRPD/C/GC/2 (May 22, 2014).
[47] Rights of Persons with Disabilities Act, 2016, §§ 40–41

interconnected rights by ensuring inclusivity, equal participation and equal opportunities for persons with disabilities in the modern digital era.

6. Global perspective on digital accessibility

The legal frameworks of the United Kingdom and the United States provide useful insights into the regulation of digital accessibility and the protection of the rights of persons with disabilities.

The Equality Act 2010 of the United Kingdom places the State under an obligation to make reasonable adjustments for persons with disabilities to ensure their equal and meaningful participation in society.[48] Further, under the United Kingdom's accessibility framework, the obligations have been formulated in accordance with the principles embodied in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). These obligations extend to a range of digital products and services, including computers, automated teller machines (ATMs), smartphones, television equipment, and other digital technologies.

Similarly, in the United States, the Americans with Disabilities Act (ADA) prescribes technical accessibility requirements for the governments to ensure that their digital services are accessible to persons with disabilities.[49] Additionally, Title III of the Americans with Disabilities Act prohibits discrimination against individuals with disabilities by private places of public accommodation.[50] It further establishes minimum accessibility standards for alterations and the construction of new facilities.

These legislative developments indicate that both the United Kingdom and the United States have adopted enforceable legal measures to ensure accessibility in both public and private spheres. In contrast, although India recognises accessibility under the Rights of Persons with Disabilities Act, 2016 and related policy initiatives, the legal framework governing digital accessibility remains comparatively less comprehensive and its implementation continues to face significant challenges.

Conclusion

The shift from the physical to the digital world has resolved many challenges and has made services more convenient across almost every sector. However, it has also unintentionally excluded persons

[48] Equality Act 2010, c. 15, § 20 (U.K.).
[49] Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101–12213; U.S. Department of Justice, Guidance on Web Accessibility and the ADA, available at https://www.ada.gov .
[50] Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12181–12189.

with disabilities, who are entitled to the same access, opportunities, and legal protection as others. India is a State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and has enacted the Rights of Persons with Disabilities Act, 2016 to recognise and protect the rights of persons with disabilities. Nevertheless, the continued failure to effectively implement these legal obligations has posed a significant challenge to the realisation of their right to equality. Effective implementation is as important as the enactment of legislation for ensuring the smooth and balanced functioning of society. Through various judicial pronouncements, the judiciary has expanded the scope of equality and accessibility by recognising and protecting the rights of persons with disabilities in the digital era.

This paper concludes that digital accessibility should be recognised as an integral component of the fundamental rights guaranteed under Articles 14, 19, and 21 of the Constitution of India. Such recognition would strengthen the enforcement of accessibility standards and promote equality, dignity, and inclusion for persons with disabilities. As India continues to progress as a digital nation, ensuring compliance with accessibility standards is essential for building an inclusive society in which persons with disabilities can participate on an equal basis with others.