THE SOCIAL MODEL OF DISABILITY AND THE RIGHT TO DIGITAL ACCESSIBILITY UNDER THE RPWD ACT, 2016: A COMPARATIVE LEGAL AND POLICY ANALYSIS ACROSS COMMON LAW JURISDICTIONS AND GLOBAL ACCESSIBILITY LEADERS

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ABSTRACT

India's digitizing economy holds enormous promise for its estimated 26.8 million persons with disabilities (PwDs), but only if digital infrastructure is built to include them. This article examines the Social Model of Disability as the conceptual foundation for inclusive digital policy, traces the evolution of digital accessibility for specially abled persons in India, and undertakes a detailed analysis of the Rights of Persons with Disabilities (RPwD) Act, 2016, as India's primary legislative instrument. Drawing on statistical data from the Census 2011, NFHS5, and DEPwD reports, it documents the gap between India's progressive legal framework and its implementation realities. Through comparative analysis of common law jurisdictions, such as the United States, United Kingdom, Canada, and Australia, and nations with the world's most advanced accessibility systems, Norway, Sweden, Finland, and Germany, the article identifies structural lessons for India. It concludes with a policy roadmap for embedding the Social Model into India's digital governance architecture, addressing the urgent need for dedicated enforcement institutions, universal design education, and adequately funded accessibility programmes.

I. INTRODUCTION

The internet has ceased to be a convenience and become a utility, a foundational infrastructure through which citizens access government services, exercise economic rights, participate in civic life, and obtain education and healthcare. For the approximately 1.3 billion persons with disabilities worldwide, constituting roughly sixteen percent of the global population,[1] the design of this digital infrastructure determines the extent of their social inclusion. An inaccessible website is not a technical failing; it is a structural barrier, and it is precisely this insight that the Social Model of Disability demands we confront.

India, the world's most populous nation and one of its fastest digitalizing economies, is home to an estimated 26.8 million persons with disabilities as recorded in the Census of 2011[2], a figure widely recognized as a significant undercount given prevailing stigma and definitional inconsistencies. As a State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), India has made binding international commitments to ensure equal access to information and communications technology for all its citizens.[3] The Rights of Persons with Disabilities (RPwD) Act, 2016, is the domestic legislative expression of that commitment.

Yet the gap between legislative aspiration and lived reality is stark. As of 2024, the number of accessible central government websites had remained stagnant at ninety-five, a number that has not grown since 2020.[4] This article maps that gap, explains its causes through the lens of comparative law and policy, and charts a path toward a genuinely accessible digital India.

II. DISABILITY IN INDIA: THE STATISTICAL LANDSCAPE

A. Scale, Composition, and Undercounting

The National Statistical Office's 2021 Statistical Profile on Persons with Disabilities[5], drawing

[1]World Health Organization, Disability, https://www.who.int/health-topics/disability (last visited Apr. 4, 2025).
[2]Office of the Registrar General & Census Commissioner, India, Census of India 2011: Disability in India – A Salient Features (2013), https://censusindia.gov.in.
[3]Deque Systems, India Digital Accessibility Compliance, https://www.deque.com/apac-digital-accessibility-laws/india/ (last visited Apr. 4, 2025) (stating that the RPwD Act mandates equitable access to digital platforms for India's 26.8 million persons with disabilities).
[4]Newslaundry, Why Does India Fail to Address Digital Accessibility Gaps? (Sept. 6, 2024), https://www.newslaundry.com/2024/09/06/why-does-india-fail-to-address-digital-accessibility-gaps [hereinafter Newslaundry 2024].
[5]National Statistical Office, Ministry of Statistics and Programme Implementation, Persons with Disabilities (Divyangjan) in India – A Statistical Profile: 2021 (2021),

primarily on Census 2011 data, records 2.68 crore persons with disabilities, constituting 2.21 percent of India's total population. The National Family Health Survey 5 (NFHS5, 2019-21), which for the first time included five disability statuses: hearing, speech, visual, mental, and locomotor, provided a more granular picture of disability prevalence.[6] Research analyzing 2.79 million NFHS5 respondents confirmed pronounced socioeconomic gradients, with disability concentrated disproportionately among the poorest wealth quintiles and in rural geographies.[7]

Disability Type	Census 2011 (Lakh)	% of PwD Pop.	Primary Digital Barrier
Visual Impairment	50.32	18.8%	Screen reader incompatibility
Hearing Impairment	50.71	18.9%	Absence of captions/sign language
Speech Disability	19.98	7.5%	Lack of AAC and text alternatives
Locomotor Disability	54.32	20.3%	Motor inaccessible UX / keyboard nav
Mental Illness / Retardation (Intellectual Disability)	22.26	8.3%	Cognitive overload; nonplain language
Multiple / Other Disabilities	70.53	26.3%	Multimodal access failures

Table 1: Disability Composition in India and Primary Digital Barriers (Census 2011, GoI)

B. Socioeconomic Dimensions

Disability in India intersects deeply with poverty, illiteracy, and geographic isolation.

https://ruralindiaonline.org/en/library/resource/persons-with-disabilities-divyangjan-in-india---a-statistical-profile-2021/.

[6]Rashmi R. & Mohanty S.K., Socioeconomic and Geographic Variations of Disabilities in India: Evidence from the National Family Health Survey, 2019–21, 23 Int'l J. Health Geographics 4 (2024), https://doi.org/10.1186/s12942-024-00363-w.

[7]Pattnaik et al., Prevalence, Pattern and Determinants of Disabilities in India: Insights from NFHS-5 (2019–21), 11 Frontiers Pub. Health (2023), https://pmc.ncbi.nlm.nih.gov/articles/PMC10009251/.

Government data reveals that over forty percent of posts reserved for PwDs in central government services remained vacant as of 2023,[8] while public spaces, transport systems, and digital platforms remain largely noncompliant with accessibility norms. The SIPDA (Scheme for Implementation of Rights of Persons with Disabilities Act), the primary vehicle for the Sugamya Bharat Abhiyan's digital accessibility mandate, has faced consistent budget cuts rather than expansion, with only 95 government websites remaining on the accessible list and no additions since 2020.[9]

C. The Digital Dimension

India's digital transactions grew by 56% in FY 202223, and 79% of India's web traffic originates from mobile devices.[10] This rapid digitalization of public services, through platforms like Aadhaar, DigiLocker, UPI, and e-governance portals, has made digital accessibility a matter of urgent social justice. When an essential government service is exclusively delivered through an inaccessible digital portal, PwDs are not merely inconvenienced: they are effectively excluded from the exercise of citizenship.

III. THE SOCIAL MODEL OF DISABILITY: CONCEPTUAL FOUNDATIONS

A. Origins and Core Thesis

The Social Model of Disability was crystallized in the 1976 manifesto of the Union of the Physically Impaired Against Segregation (UPIAS), which drew a fundamental distinction between impairment, a physical or mental difference, and disability, the disadvantage or restriction of activity caused by a contemporary social organization that takes no or little account of people who have physical impairments.[11] Mike Oliver, coining the formal term 'social model' in 1983,[12] articulated its transformative implication: the problem is not the person, but the environment.

[8] Department of Personnel & Training (DoPT), Annual Data on Reservation for Persons with Disabilities in Central Government Services (2023) (noting that over 40% of reserved posts for PwDs in central government remained vacant as of 2023).
[9] Newslaundry 2024, supra note 4 (documenting that the number of accessible central government websites has remained stagnant at 95 since 2020).
[10] Deque Systems, supra note 3 (noting that digital transactions in India grew by 56% in FY 2022-23 and that 79% of India's web traffic comes from mobile devices).
[11] Union of the Physically Impaired Against Segregation (UPIAS), Fundamental Principles of Disability 3–4 (1976).
[12] Mike Oliver, Social Work with Disabled People 23 (1983) (coining the term 'social model of disability').

> *Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society.*[13]

Applied to the digital domain, this proposition has powerful legal consequences: an inaccessible website is not a technical limitation but a socially constructed barrier, one for which the designer, developer, and procuring institution bear responsibility, not the person with an impairment.

B. From Social Model to Human Rights Model

The UNCRPD (2006) builds upon the Social Model by grounding disability inclusion in the language of inherent human dignity and autonomous rights.[14] The Human Rights Model, elaborated in UNCRPD General Comment No. 6 on Equality and Non-Discrimination,[15] treats PwDs not merely as a group facing social barriers but as independent, rights-bearing individuals whose dignity is directly implicated by exclusionary design. India's ratification of the UNCRPD in 2007 incorporated this model into its international legal obligations, and the RPwD Act, 2016, is explicitly framed around both models.

C. Operationalizing the Social Model in Digital Policy

The Medical Model, which dominated pre2016 disability policy in India, locates the 'problem' within the individual, treating inaccessible digital services as a limitation to be worked around by the PwD through assistive technology. The Social Model inverts this: it demands that digital services be designed accessibly from inception, as a default, not as an accommodation. The United Kingdom government formally endorsed the Social Model for use across all government departments in 2014,[16] providing an instructive template for India.

Dimension	Medical Model	Social Model

[13]Mike Oliver, Understanding Disability: From Theory to Practice 32 (1996).
[14]Convention on the Rights of Persons with Disabilities art. 1, Dec. 13, 2006, 2515 U.N.T.S. 3 [hereinafter CRPD].
[15]UN Committee on the Rights of Persons with Disabilities, General Comment No. 6 on Equality and Non-Discrimination, U.N. Doc. CRPD/C/GC/6 (Apr. 26, 2018).
[16]Government Equalities Office, Equality Act 2010: Guidance, https://www.gov.uk/guidance/equality-act-2010-guidance (2014) (confirming adoption of the social model for all government departments).

Locus of 'problem.'	The individual's impairment	Society's inaccessible design
Goal	Fix or rehabilitate the person	Remove barriers; redesign systems
Digital application	Assistive tech as a workaround	Accessible by design as the norm
Legal framing	Welfare/charity	Rights / antidiscrimination
Policy instrument	Grants, rehabilitation schemes	Mandatory standards, enforcement

Table 2: Medical Model vs. Social Model - Implications for Digital Accessibility Policy

IV. THE HISTORY OF DIGITAL ACCESSIBILITY FOR PWDS IN INDIA

A. The Pre2016 Framework: A Welfare Paradigm

India's first disability legislation, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995,[17] was a welfare-oriented statute rooted in the Medical Model. Recognizing only seven categories of disability, it made no provision for digital or ICT accessibility, a reflection of the era's limited engagement with the internet as a public space. The National Policy for Persons with Disabilities (2006)[18] acknowledged ICT access in passing, and the GIGW (Guidelines for Indian Government Websites) 2009[19] established rudimentary accessibility norms for government websites, though compliance remained entirely voluntary.

B. The Pivotal Transition: UNCRPD Ratification and the RPwD Act

India's ratification of the UNCRPD in 2007[20] signaled an aspirational shift from charity to rights, but legislative operationalization was slow. It was not until the RPwD Act, 2016, was

[17]Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, No. 1 of 1996, India Code (1996).
[18]Ministry of Social Justice and Empowerment, National Policy for Persons with Disabilities (2006).
[19]Department of Electronics and Information Technology (DEITY), Guidelines for Indian Government Websites (GIGW) Version 1 (2009) [hereinafter GIGW 2009].
[20]India ratified the CRPD on October 1, 2007. See United Nations Treaty Collection, Convention on the Rights of Persons with Disabilities, https://treaties.un.org (last visited Apr. 4, 2025).

enacted on December 28, 2016, and brought into force on April 19, 2017, that digital accessibility became a legal obligation. The Act expanded recognized disability categories from seven to twenty-one, mandated accessibility in both physical and digital spaces, and for the first time gave PwDs a statutory right to access electronic media, public websites, and digital services.

Year	Milestone	Significance
1995	PwD Act enacted	First disability law; no digital provision; Medical Model dominant
2006	National Policy for PwDs	ICT access acknowledged; no binding standard
2007	UNCRPD ratified by India	Human Rights Model adopted; binding international obligations
2009	GIGW Version 1	First govt website guidelines (voluntary); early WCAG alignment
Dec 2016	RPwD Act enacted	Digital accessibility becomes a legal mandate; 21 categories
Apr 2017	RPwD Act in force	Two-year compliance clock starts for the private sector
June 2019	Private sector compliance deadline	Section 46 deadline; largely unmet due to poor awareness
2019	GIGW Version 2	Updated WCAG 2.0/2.1 alignment for govt websites
Dec 2021	IS 17802 published by BIS	India's official ICT accessibility standard, WCAG 2.1 aligned
May 2023	IS 17802 added to RPwD Rules	Standard becomes legally binding via the Rule 15 amendment
2023	GIGW Version 3	Third iteration: further harmonization with global standards

Aug 2024	CCPD notices to 140+ entities	First systematic enforcement wave
Feb 2025	155 organizations penalized	Landmark enforcement; govt ministries included
Jul 2025	SEBI digital accessibility circular	First sector-specific mandate; model for other regulators

Table 3: Timeline of Digital Accessibility Development in India (1995–2025)

V. THE RPWD ACT, 2016: ARCHITECTURE AND DIGITAL PROVISIONS

A. Structure and Philosophy

The RPwD Act, 2016 is a 102section statute structured around the principles of equality, dignity, and nondiscrimination explicitly aligned with the UNCRPD's human rights framework. It recognizes twenty-one disability categories, creates a national institutional architecture including the Chief Commissioner for Persons with Disabilities and State Commissioners, and establishes rights across education, employment, health, and accessibility. For digital accessibility, the most significant provisions are contained in Sections 40 through 46 and in the subordinate rules.

B. Key Digital Provisions

1. Section 42 - Access to Information and Communication Technology

Section 42[21] is the Act's primary digital provision. It mandates that all content across audio, print, and electronic media be available in accessible formats, including audio descriptions, sign language interpretation, and closed captions. The section applies the POUR framework, content must be Perceivable, Operable, Understandable, and Robust, which mirrors WCAG's core principles and imposes obligations on all media producers and distributors, public and private alike.

[21]RPwD Act, supra note 21, § 42.

2. Sections 40–41 - Standards Setting *Power*

Sections 40 and 41[22] vest in the Central Government the authority to frame accessibility standards for the built environment, transport, and ICT products and services. These sections formed the legal basis for IS 17802[23] India's official ICT accessibility standard and the subsequent Rule 15 amendment that made it legally binding.

3. Section 46 - Two-Year *Compliance Window*

Section 46[24] established a mandatory two-year compliance window from enactment for all service providers, government, and private to align their services with accessibility norms. The practical compliance deadline for private organizations was June 15, 2019.[25] The widespread noncompliance with this deadline, attributable largely to insufficient government outreach and awareness, precipitated the enforcement actions of 2024-2025.

4. Rule 15 and IS 17802 (Amendment, 2023)

The Rights of Persons with Disabilities (Amendment) Rules, 2023[26] incorporated IS 17802[27] under Rule 15, making India's national ICT accessibility standard legally enforceable for the first time. IS 17802 aligns with both WCAG 2.1 and the European EN 301 549 standard, placing India within the global technical accessibility ecosystem.

5. Penalty Provisions

Noncompliance attracts fines ranging from Rs. 10,000 for a first offence to Rs. 5 lakhs for continued violations.[28] Section 92 further provides that persons who intentionally insult or intimidate a PwD may face imprisonment of six months to five years,[29] provisions that

[22]RPwD Act, supra note 21, §§ 40–41.
[23]Bureau of Indian Standards, IS 17802: Accessibility for ICT Products and Services (Parts 1 & 2) (Dec. 2021) [hereinafter IS 17802].
[24]RPwD Act, supra note 21, § 46.
[25]DigitalA11Y, India's Digital Accessibility Laws and Overview (Nov. 2025), https://www.digitala11y.com/indias-digital-accessibility-laws-and-overview/ (noting the compliance deadline for private organizations was June 15, 2019).
[26]Rights of Persons with Disabilities (Amendment) Rules, 2023, Ministry of Social Justice and Empowerment (May 10, 2023) (incorporating IS 17802 into Rule 15 of the RPwD Rules, making the standard legally binding).
[27]IS 17802, supra note 24, pt. 1 (specifying requirements for ICT products and services for persons with specific needs); id. pt. 2 (providing conformance determination procedures).
[28]RPwD Act, supra note 21, § 89.
[29]RPwD Act, supra note 21, § 92.

underscore the Act's rights-based, anti-discriminatory character.

Provision	Section/Rule	Key Obligation
ICT & Media Accessibility	§ 42	Accessible formats (audio desc., captions, sign lang.) -all media
Standards Setting Power	§§ 40–41	Central Govt to frame ICT accessibility rules
Compliance Deadline	§ 46	2year window; private sector: June 15, 2019
ICT Standard (Binding)	Rule 15 (2023 Amend.)	IS 17802 Parts 1 & 2 - WCAG 2.1 aligned
Grievance Redressal Officer	§ 23	Designated officer in all establishments with 20+ employees
Chief Commissioner	Chapter IX	Investigate complaints; order compliance; levy fines
Penalties	§§ 89, 92	Rs. 10,000 to Rs. 5 lakhs (Levied by designated Special Courts or Magistrates following a legal procedure.); imprisonment for insult
Reservation	§ 34	4% reservation in government employment for PwDs

Table 4: Key Digital Accessibility Provisions of the RPwD Act, 2016

VI. SUPPLEMENTARY LEGISLATION AND STANDARDS

A. Guidelines for Indian Government Websites (GIGW)

First issued in 2009 and updated through Versions 2 (2019) and 3 (2023),[30] The GIGW mandates WCAG 2.1 Level AA compliance for all central and state government websites,

[30]GIGW Version 3 (2023), Department of Electronics and Information Technology, Government of India.

supplemented by India-specific requirements for page design, CSS implementation, and information architecture. While the GIGW predates the RPwD Act, it has been progressively aligned with IS 17802 and functions as the operational technical standard for government portals.

B. The Information Technology Act, 2000

The IT Act, 2000[31] India's principal cybercrime and ecommerce statute addresses digital governance broadly and has been interpreted to impose implicit accessibility obligations on public digital services, reinforcing the RPwD Act's explicit mandates.

C. Sugamya Bharat Abhiyan - The Flagship Programme

Launched in December 2015, the Sugamya Bharat Abhiyan (Accessible India Campaign)[32] is the government's primary vehicle for implementing physical and digital accessibility. Its Digital Accessibility pillar targets government websites, applications, and public digital kiosks. However, funding for the Scheme for Implementation of Rights of Persons with Disabilities Act (SIPDA) which finances the Campaign was cut by 37.5 percent between 2022-23 and 2024-25,[33] severely constraining implementation capacity at precisely the moment when enforcement was escalating.

D. SEBI Circular on Digital Accessibility (July 2025)

In July 2025, the Securities and Exchange Board of India (SEBI) issued a landmark circular[34] mandating all Regulated Entities brokers, depositories, mutual funds, and other market participants to conduct comprehensive IAAP accredited accessibility audits of all digital platforms, implement remediation plans, designate a Nodal Officer, and establish a dedicated grievance redressal mechanism. This represents India's first sector-specific digital accessibility enforcement mandate and provides a replicable model for other regulators.

[31]Information Technology Act, 2000, No. 21 of 2000, India Code (2000).
[32]Department of Empowerment of Persons with Disabilities (DEPwD), Accessible India Campaign (Sugamya Bharat Abhiyan) (2015), https://www.accessibleindia.gov.in.
[33]Newslaundry 2024, supra note 4 (reporting the SIPDA allocation was reduced by 37.5% from Rs. 240.39 crore in 2022-23 to Rs. 150 crores in 2024-25).
[34]SEBI Circular No. SEBI/HO/OIAE/OIAE_IAD/CIR/P/2025, Mandating Digital Accessibility for Regulated Entities (July 31, 2025), L&E Global, https://leglobal.law/2025/09/19/india-sebi-mandates-digital-accessibility-for-all-regulated-entities/.

VII. JUDICIAL DEVELOPMENTS AND LANDMARK CASES

A. Rajive Raturi v. Union of India (2024)

This Supreme Court judgment is the most significant judicial pronouncement on disability accessibility in India's legal history.[35] The Court held that accessibility is a justiciable legal right, not merely an aspiration and directed the Central Government to frame mandatory accessibility rules for all public spaces within three months. Grounding the right to accessibility in Article 21 of the Constitution (the right to life and personal liberty), the Court effectively elevated digital accessibility from a statutory obligation to a constitutional imperative.

B. Pragya Prasun v. Union of India & Amar Jain v. Union of India (2025)

A two-judge bench comprising Justices J.B. Pardiwala and R. Mahadevan issued twenty binding directions overhauling India's digital service delivery architecture.[36] Most significant for digital accessibility were the directions addressed to the Reserve Bank of India: the Court mandated the issuance of alternative liveness verification guidelines for eKYC processes, and the existing 'blinking of eyes' test had systemically excluded blind and visually impaired users from accessing banking services. The Court further directed that thumb impressions be accepted as valid biometric authentication for visually impaired users, establishing an important principle of alternative access design.

C. CCPD Enforcement Actions (2024–2025)

The Office of the Chief Commissioner for Persons with Disabilities issued notices to over 140 public and private entities in August 2024 for failing to meet accessibility standards. By February 2025, 155 organizations, including central government ministries, had been fined Rs. 10,000 each for noncompliance,[37] ordered to audit their digital platforms, and directed to

[35]Rajive Raturi v. Union of India, W.P. (Civil) No. 243 of 2017 (Supreme Court of India 2024) (holding that accessibility is a justiciable legal right under Article 21 of the Constitution of India and directing the Central Government to frame mandatory accessibility rules within three months).

[36]Pragya Prasun v. Union of India, W.P.(C) No. 289/2024 (Supreme Court of India 2025); Amar Jain v. Union of India, W.P.(C) No. 49/2025 (Supreme Court of India 2025) (two-judge bench comprising JJ. Pardiwala and Mahadevan issuing 20 binding directions on accessible digital service delivery, including alternative e-KYC authentication for visually impaired users).

[37]Pivotal Accessibility, RPWD Act and IS 17802: India's Digital Accessibility Standards (2025 Guide), https://www.pivotalaccessibility.com/2025/06/rpwd-act-and-is-17802-indias-digital-accessibility-standards-2025-guide/ (noting that in February 2025, 155 organizations, including central ministries, were fined for non-compliance with digital accessibility mandates).

submit remediation timelines. While the penalty quantum is modest by international standards, the inclusion of central ministries in the enforcement action signaled an unprecedented willingness to treat digital accessibility as a universally applicable obligation.

D. Seema Girija Lal v. Union of India (2024)

The Supreme Court flagged in this case that several states had not yet appointed Disability Commissioners or established Special Courts as required by the RPwD Act.[38] exposing a systemic failure in the institutional infrastructure for disability rights enforcement. The judgment reinforced that states bear concurrent obligations under the Act and cannot leave enforcement exclusively to central institutions.

VIII. DIGITAL ACCESSIBILITY UNDER COMMON LAW JURISDICTIONS

A. The United States: ADA and Section 508

The Americans with Disabilities Act of 1990[39] is the foundational instrument of American disability rights law, a civil rights statute prohibiting discrimination across employment, transport, and public accommodations. Title III's application to websites was progressively established through litigation, most decisively in Robles v. Domino's Pizza,[40] where the Ninth Circuit held that Title III applies to websites and mobile applications with a nexus to physical public accommodations. In April 2024, the Department of Justice issued a Title II rulemaking explicitly mandating WCAG 2.1 Level AA compliance for all state and local government websites and mobile applications,[41] providing for the first time a legally specified, binding technical standard for the public sector.

Section 508 of the Rehabilitation Act of 1973[42] separately requires all federal agencies to make their electronic and information technology accessible. Administered by the U.S. Access

[38]Seema Girija Lal v. Union of India, SMW(C) No. 2/2024 (Supreme Court of India 2024) (flagging that several states had not yet appointed Disability Commissioners or established Special Courts as required under the RPwD Act).
[39]Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (codified as amended at 42 U.S.C. §§ 12101–12213) [hereinafter ADA].
[40]Robles v. Domino's Pizza, LLC, 913 F.3d 898 (9th Cir. 2019) (holding that Title III of the ADA applies to websites and mobile applications that have a nexus to a physical place of public accommodation).
[41]U.S. Dep't of Justice, Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments (Apr. 24, 2024) (establishing WCAG 2.1 Level AA as the binding compliance standard for Title II entities under the ADA).
[42]Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (codified as amended at 29 U.S.C. § 794d) (§ 508 requiring federal agencies to make electronic and information technology accessible to persons with disabilities).

Board, the Revised Section 508 Standards (2018)[43] Aligned federal ICT procurement requirements with WCAG 2.1, making WCAG compliance a condition of federal contracting.

B. The United Kingdom: The Equality Act, 2010

The Equality Act 2010[44] consolidated existing anti-discrimination law in the United Kingdom, imposing a duty on service providers to make 'reasonable adjustments' for disabled persons. Section 21's application to digital services has been progressively established through regulatory guidance and court interpretation. The Public Sector Bodies Accessibility Regulations 2018 (PSBAR)[45] implementing the EU Web Accessibility Directive mandated WCAG 2.1 Level AA compliance for all public sector websites and mobile applications, with mandatory accessibility statements, formal feedback mechanisms, and regulatory enforcement through the Government Digital Service. The Equality Act's duty to make reasonable adjustments extends to private service providers,[46] creating obligations parallel to those in the public sector.

C. Canada: The Accessible Canada Act, 2019

The Accessible Canada Act (ACA), 2019,[47] is Canada's most progressive recent disability legislation and provides the most instructive international model for India. The ACA applies to all federally regulated organizations, including the federal government, banks, broadcasters, telecom providers, and airlines, and mandates the identification, removal, and prevention of barriers to accessibility. Most distinctively, the ACA established Accessibility Standards Canada, a statutory body with mandatory representation of persons with disabilities to develop enforceable accessibility standards.[48] Covered organizations must publish three-year accessibility plans, submit annual progress reports, and establish public feedback processes. The ACA's explicit endorsement of the Social Model and its requirement that PwDs lead the development of accessibility standards represent the global frontier of disability inclusion

[43]U.S. Access Board, Information and Communication Technology Standards and Guidelines, 82 Fed. Reg. 5790 (Jan. 18, 2017) (Revised Section 508 Standards, aligning federal ICT requirements with WCAG 2.1).
[44]Equality Act 2010, c. 15 (U.K.) [hereinafter Equality Act].
[45]Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018, S.I. 2018/952 (U.K.) [hereinafter PSBAR 2018] (implementing the EU Web Accessibility Directive and mandating WCAG 2.1 Level AA compliance for public sector websites and mobile applications).
[46]Equality Act, supra note 46, § 21 (imposing a duty to make reasonable adjustments to avoid substantial disadvantage to disabled persons, applied to digital services through case law and statutory guidance).
[47]Accessible Canada Act, S.C. 2019, c. 10 (Can.) [hereinafter ACA].
[48]ACA, supra note 49, §§ 9–12 (requiring federally regulated organizations to publish accessibility plans, report annually on progress, and establish feedback processes); id. § 24 (establishing Accessibility Standards Canada).

legislation.

D. Australia: The Disability Discrimination Act, 1992

Australia's Disability Discrimination Act 1992[49] prohibits discrimination in access to goods, services, and facilities, interpreted to include digital services by the Australian Human Rights Commission (AHRC). The Digital Services Standard (DSS), administered by the Digital Transformation Agency,[50] requires all government digital services to conform to AS 301 549, Australia's national ICT accessibility standard, adapted from the European EN 301 549. While DDA enforcement is complaint-based through the AHRC, the combination of mandatory government standards and a statutory complaints mechanism creates a functional compliance ecosystem.

Jurisdiction	Primary Law	Year	Digital Standard	Enforcement
USA	ADA (Titles II & III) + §508	1990 / 1973	WCAG 2.1 AA (2024 mandate)	DOJ; Courts; EEOC
UK	Equality Act + PSBAR 2018	2010 / 2018	WCAG 2.1 AA (EN 301 549)	Equality and Human Rights Commission (EHRC); Tribunals
Canada	Accessible Canada Act 2019	2019	WCAG 2.1 + CAN Standards	Accessibility Commissioner
Australia	DDA 1992 + Digital Services Standard	1992	AS 301 549 (WCAG 2.1)	AHRC; Federal Court
India	RPwD Act 2016	2016	IS 17802 (WCAG 2.1 aligned)	CCPD; State Commrs; Courts

Table 5: Digital Accessibility Legal Frameworks — Common Law Jurisdictions Compared

[49]Disability Discrimination Act 1992 (Cth) (Austl.) [hereinafter DDA].
[50]Digital Transformation Agency (DTA), Digital Services Standard, https://www.dta.gov.au/help-and-advice/digital-service-standard (last visited Apr. 4, 2025) (requiring all government digital services to conform to AS 301 549, Australia's national ICT accessibility standard adapted from EN 301 549).

IX. NATIONS WITH THE MOST ADVANCED DIGITAL ACCESSIBILITY SYSTEMS

A. Norway: Universal Design as Law

Norway ranks consistently at or near the top of European digital accessibility indices. The Digital Trust Index (2025) confirmed that Norway, Finland, and Sweden achieve the best scores in Europe.[51] Norway's preeminence derives from its adoption of universal design not merely as a principle but as a legally mandated obligation. The Equality and Anti-Discrimination Act[52] requires private and public enterprises to make their services universally designed, applying not only to physical infrastructure but to all digital services and information systems. The Norwegian Digitalization Agency serves as a specialized enforcement body for digital accessibility, conducting proactive audits and issuing compliance guidance.

Norway's national strategy 'A Society for All: Government Strategy for Equality for People with Disabilities 2020-2030' and its companion action plan 'Sustainability and Equal Opportunities A Universally Designed Norway 2021-2025.'[53] provides time-bound, accountable frameworks for closing remaining gaps. The combination of a legally enforceable universal design mandate, a dedicated digital enforcement agency, and a multiyear national strategy makes Norway the global benchmark for integrated digital accessibility governance.

B. Sweden: Institutionalized Inclusion

Sweden has established the Swedish Agency for Participation (MFD)[54] as a dedicated government body with a statutory mandate to implement, monitor, and follow up on disability policy across thirty government agencies. A national strategy spanning 2021-2031 mandates systematic disability policy follow-up by all thirty agencies. Sweden applies EN 301 549 to all

[51]Craftzing, European Websites Under-Performing on Accessibility for Disabled People on the Eve of the European Accessibility Act (June 2025), https://www.craftzing.com (reporting that Norway, Finland, and Sweden realise the best scores in Europe in the Digital Trust Index).
[52]Act Relating to Equality and a Prohibition Against Discrimination (Equality and Anti-Discrimination Act) ch. 3 (2017) (Nor.) (mandating universal design in public and private enterprises); see also Norwegian Digitalisation Agency (Digitaliseringsdirektoratet), https://www.digdir.no (last visited Apr. 4, 2025).
[53]Norwegian Government, A Society for All: Government Strategy for Equality for People with Disabilities 2020–2030 (2020); id., Sustainability and Equal Opportunities – A Universally Designed Norway 2021–2025 (2021).
[54]Myndigheten för delaktighet (MFD) [Swedish Agency for Participation], https://www.mfd.se (last visited Apr. 4, 2025); see also Swedish Government, National Strategy for Disability Policy 2021–2031 (2021) (mandating 30 government agencies to systematically follow up on disability policy).

public sector digital services under its Act on the Provision of Digital Services,[55] The Swedish Institute for Human Rights (established 2022) provides independent monitoring of CRPD compliance and oversight of the Social Model's application across all sectors.

C. Finland: Constitutional Equality and Legislative Precision

Finland's Act on the Provision of Digital Services (2019)[56] mandates WCAG 2.1 Level AA compliance for public authorities, public enterprises, and private entities providing certain services to the public, one of the broadest applications of digital accessibility standards to the private sector globally. The Finnish National Audiovisual Institute (KAVI) serves as the enforcement body, empowered to receive complaints, conduct investigations, and issue binding remediation orders. Finland's constitutional guarantee of equality provides the normative foundation, enabling individuals to bring constitutional challenges to inaccessible digital services.

D. Germany: Integrated Welfare and Disability Law

Germany's Disability Equality Act (BGG, 2002) and the Barrier Free IT Regulation (BITV 2.0, 2019)[57] mandate WCAG 2.0/2.1 compliance for all federal public sector websites and require compliance with EN 301 549. Germany's integration of digital accessibility within a comprehensive welfare architecture, universal health coverage, extensive rehabilitation support, and a rights-based employment framework reflects the Social Model's demand that accessibility be embedded in all social institutions rather than treated as a standalone technical requirement.

Country	Key Legislation	Digital Standard	Enforcement Body	Distinctive Feature
Norway	Equality &	EN 301 549 /	Digitaliseringsdirektoratet	Universal design is

[55]Lag (2018:1937) om tillgänglighet till digital offentlig service [Act on the Provision of Digital Services] (Swed.) (implementing Directive (EU) 2016/2102 and mandating WCAG 2.1 Level AA compliance for public sector digital services).

[56]Laki digitaalisten palvelujen tarjoamisesta 306/2019 [Act on the Provision of Digital Services] (Fin.) (mandating WCAG 2.1 Level AA for public authorities, public enterprises, and certain private entities); see also Finnish National Audiovisual Institute (KAVI), https://www.kavi.fi (enforcement body).

[58] Gesetz z zur Gleichstellung von Menschen mit Behinderungen (BGG) [Disability Equality Act], BGBl. I S. 1468 (2002) (Ger.); Barrierefreie Informationstechnik-Verordnung (BITV) 2.0 (2019) (Ger.) (mandating WCAG 2.0/2.1 compliance for federal public sector websites).

	AntiDiscrim. Act	WCAG 2.1 AA		legally mandated for the private sector; 10yr strategy.
Sweden	Equal Treatment Act + Digital Services Act	EN 301 549 / WCAG 2.1 AA	DIGG (Agency for Digital Government	30 agencies mandated to follow up; 2021–2031 strategy
Finland	Act on Digital Services (2019)	WCAG 2.1 AA	ESAVI (Regional State Administrative Agency for Southern Finland)	Private sector broadly included; constitutional equality basis
Germany	BGG + BITV 2.0	EN 301 549 / WCAG 2.1	BFIT-Bund (Federal Monitoring Body for Accessibility of Information Technology), supported by equivalent state-level bodies.	Deep welfare integration; universal design in public infrastructure
Canada	Accessible Canada Act (2019)	WCAG 2.1 + national standards	Accessibility Commissioner	PwD led standards; mandatory 3-year plans + annual reporting

Table 6: Nations with the Most Advanced Digital Accessibility Systems — Key Features

X. COMPARATIVE ANALYSIS: INDIA AGAINST GLOBAL MODELS

A. Legislative Strength: India's Underappreciated Breadth

A dispassionate comparison of legislative frameworks reveals that India's RPwD Act, 2016, is not significantly weaker than equivalent statutes in common law jurisdictions. In important respects, it is broader: it covers twenty-one disability categories (exceeding the ADA and Equality Act in their original scope); it applies explicitly to both public and private sectors

(unlike Section 508, which covers only federal agencies); and it provides specific penalty provisions comparable to international antidiscrimination legislation.[58] The incorporation of IS 17802 aligned with WCAG 2.1 and EN 301 549 places India squarely within the global technical standards ecosystem.

B. Institutional Architecture: The Critical Gap

The most significant divergence between India and leading jurisdictions lies not in legislative text but in institutional architecture. Norway's Digitaliseringsdirektoratet, Sweden's MFD, Finland's KAVI, and Canada's Accessibility Commissioner are purpose-built, technically specialized agencies with specific mandates, investigative powers, and the capacity to conduct proactive, systematic compliance monitoring across all digital services.

India's Chief Commissioner for Persons with Disabilities and State Commissioners are multi-mandate offices responsible for the full gamut of disability welfare across twenty-one categories without dedicated digital accessibility divisions, specialized technical staff, or the resources to conduct proactive auditing of India's vast digital service landscape.[59] The CCPD's 2024–25 enforcement actions, while historically significant, are reactive responses to complaints rather than proactive compliance surveillance.

C. Compliance Culture: Law Without Internalization

In Norway, Sweden, and Finland, accessible design is a professional norm embedded in procurement processes, design education, and institutional culture. An organization that launches an inaccessible digital service does not merely risk a fine; it risks reputational damage in an environment where universal design is an expectation. In India, by contrast, the RPwD Act's Section 46 compliance deadline passed in 2019 with widespread organizational unawareness, and the number of accessible government websites has remained stagnant since 2020.

> *Accessibility in India is often seen through the lens of the individual, and the collective or societal approach is missing. It is not surprising that it is disabled*

[58]Deque Systems, supra note 3; Bureau of Internet Accessibility, India Digital Accessibility Laws: An Overview (July 2023), https://www.boia.org/blog/india-digital-accessibility-laws-an-overview.

[59]Newslaundry 2024, supra note 4 (finding that funding and expenditure for making government websites accessible under the Sugamya Bharat Abhiyan have been stagnant since 2020 and that no new websites were added to the accessible list between 2020 and 2024).

individuals who have to take the onus on themselves and turn into activists and serial petitioners in courts.[60]

D. Comparative Scorecard

Criterion	Norway / Sweden / Finland	USA / UK	India
Dedicated digital accessibility agency	Yes - specialized, technical	Partial (multi-mandate in the USA; GDS in the UK)	No - CCPD is multi-mandate
Mandatory private sector digital standard	Yes (Universal Design / WCAG 2.1)	Partial (USA: public accom. only; UK: public sector mandatory)	Yes (IS 17802) - underenforced
Legally specified WCAG version	WCAG 2.1 AA (EN 301 549)	WCAG 2.1 AA (USA: 2024; UK: 2018)	IS 17802 (WCAG 2.1 aligned, 2023)
Accessible govt websites (approx.)	70–80% public sector	~60–70% federal / state sites	95 websites out of thousands
Proactive accessibility audits	Yes - systematic and annual	Section 508: agency self-reporting	Reactive; complaint-driven
PwD involvement in standards	Mandatory (Norway/Canada model)	Advisory (USA ACCESS Board)	No formal mechanism
Time-bound national strategy	Yes - 510-year strategies	Section 508 refresh cycles	Sugamya Bharat underfunded
Accessibility budget trend	Stable / increasing	Substantial (federal agencies)	Declining (SIPDA cut 37.5%)

Table 7: Comparative Digital Accessibility Scorecard — India vs. Global Models

[60]MoneyControl, There Are Too Many Barriers for Persons with Disabilities (2022), https://www.moneycontrol.com (quoting disability activist: 'Accessibility in India is often seen from the lens of the individual and the collective or societal approach is missing').

XI. RECENT DEVELOPMENTS AND EMERGING DIRECTIONS IN INDIA

A. The 2025 Enforcement Momentum

February 2025 marked a qualitative shift in India's digital accessibility governance. For the first time, financial penalties were imposed on 155 organizations, including central government ministries, signaling that no institution, however elevated, is exempt from the RPwD Act's obligations.[61] This enforcement action, combined with the Supreme Court's 2025 judgment in Pragya Prasun and Amar Jain, has created a legal and political environment in which digital inaccessibility carries genuine institutional risk.

B. SEBI's Sector-Specific Mandate - A Replicable Model

The SEBI circular of July 2025[62] establishes a prescriptive, time-bound compliance framework for the securities sector that goes significantly beyond the RPwD Act's general provisions. Its requirements are IAAP-accredited audits, mandatory usability testing by PwDs, remediation plans with defined timelines, Nodal Officers, and accessible procurement criteria, which represent the most operationally detailed digital accessibility mandate yet issued by an Indian regulator. This circular provides an immediately replicable template for the RBI, TRAI, IRDA, and other sectoral regulators.

C. The 2024 RPwD Amendment

The June 2024 amendment to the RPwD Act[63] introduced updates to Rule 15 concerning accessible education infrastructure for children with disabilities. While modest in immediate scope, the amendment signals ongoing legislative engagement with the Act's implementation. More impactful was the 2024 RPWD Gazette's revised assessment guidelines, which, though criticized for gaps in multidisciplinary evaluation protocols, reflect continuing institutional attention to standards refinement.

[61] Pivotal Accessibility, supra note 38.
[62] SEBI Circular, supra note 35, at §§ (f)–(i) (mandating IAAP-accredited accessibility audits, annual reviews, remediation plans, designation of Nodal Officers, and accessible procurement requirements for all Regulated Entities).
[63] Rights of Persons with Disabilities (Amendment) Rules, 2024 (introducing updated Rule 15 clause on accessible education infrastructure for children with disabilities).

D. Digital Public Infrastructure and ByDesign Accessibility

India's Digital Public Infrastructure (DPI) stack, comprising Aadhaar, UPI, DigiLocker, ONDC, and the proposed Digital India stack, presents a structural opportunity: if accessibility is embedded into these foundational systems at the design stage, it will cascade through the entire digital service ecosystem. The Supreme Court's 2025 eKYC directions[64] illustrate the consequence of design failure: a biometric system built without considering blind users had systemically excluded millions from essential financial services.

E. Artificial Intelligence and Disability

Artificial intelligence presents both opportunity and risk for digital accessibility. AI-powered real-time captioning, screen readers, sign language interpretation, and cognitive accessibility tools can dramatically lower barriers for PwDs. However, AI systems trained on nonrepresentative datasets can perpetuate or amplify exclusion. India's National AI Strategy and emerging AI governance discussions have yet to incorporate disability accessibility as a design requirement.[65] A gap that requires urgent attention as AI becomes the interface layer of India's digital services.

XII. STRENGTHENING THE SOCIAL MODEL THROUGH DIGITAL INCLUSION: A POLICY ROADMAP

A. Institutionalizing a Dedicated Digital Accessibility Authority

India's most urgent institutional need is a technically specialized Digital Accessibility Authority modelled on Norway's Digitaliseringsdirektoratet and Canada's Accessibility Commissioner. This body should be established by statute, with mandates for proactive auditing of all government digital services on an annual cycle, standard-setting powers, and the authority to impose remediation orders with escalating financial consequences. It should be constituted with mandatory representation of persons with disabilities across all recognized

[64]Pragya Prasun, supra note 37 (directing the RBI to issue alternative liveness verification guidelines for visually impaired users in e-KYC processes; mandating thumb impressions as valid biometric authentication).
[65]Ministry of Electronics and Information Technology (MeitY), National Strategy for Artificial Intelligence (2021); see also European Parliament & Council, Regulation (EU) 2024/1689 of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (EU AI Act) (including accessibility obligations for certain AI systems).

categories.

B. Updating Standards to WCAG 2.2

WCAG 2.2, released in October 2023,[66] introduces nine new success criteria with particular relevance for users with cognitive, learning, and motor disabilities. India's IS 17802 and GIGW should be updated to align with WCAG 2.2 as an immediate priority, with a standing technical committee established to track the forthcoming WCAG 3.0 and ensure that India's standards remain at the global frontier.

C. Mandatory PwD Participation in Standards Development

Following the model of Canada's Accessible Canada Act,[67] India should legislatively mandate the participation of persons with disabilities in the development and review of all ICT accessibility standards. Accessibility should be a nonnegotiable criterion in government ICT procurement, with vendors required to submit IS 17802 / WCAG conformance reports as part of all tenders. The SEBI circular's model, requiring usability testing by PwDs before deployment, should be generalized to all government digital services.

D. Reversing the SIPDA Funding Decline

The 37.5 percent reduction in SIPDA funding must be reversed and expanded with ringfenced, multiyear budget commitments. India should set measurable targets for all central government websites accessible by 2027; all state government websites by 2029, backed by dedicated annual accessibility allocations and subject to independent audit by the proposed Digital Accessibility Authority.

E. Generalizing Sector-Specific Mandates

The SEBI circular of July 2025 should serve as the template for directives from the Reserve Bank of India (covering all banks and payment platforms), the Telecom Regulatory Authority

[66]World Wide Web Consortium (W3C), Web Content Accessibility Guidelines (WCAG) 2.2, https://www.w3.org/TR/WCAG22/ (Oct. 5, 2023) (introducing nine new success criteria relevant to cognitive, learning, and motor disabilities); W3C, WCAG 3.0 (Silver) Working Draft, https://www.w3.org/TR/wcag-3.0/ (forthcoming).

[67]ACA, supra note 49, § 7 (requiring that persons with disabilities be consulted in the development of all accessibility standards); Accessibility Standards Canada, https://accessible.canada.ca (standards body with mandatory PwD representation).

of India (covering all telecom service interfaces), the Insurance Regulatory and Development Authority, and all other sectoral regulators.[68] Coordination among regulators through the Financial Stability and Development Council or a disability inclusion working group under the DEPwD should ensure consistency of standards across regulated sectors.

F. Digital Accessibility as a Constitutional Right

The Supreme Court's interpretation in Rajive Raturi and subsequent cases that digital accessibility is an aspect of the right to life under Article 21[69] should be operationalized through a constitutional amendment or a binding National Digital Accessibility Policy that explicitly recognizes digital access as a fundamental right for all citizens, with PwDs entitled to barrier-free digital access as a non-derogable component of that right.

Recommendation	International Model	Lead Agency	Priority
Establish Digital Accessibility Authority	Norway (Digitaliseringsdirektoratet); Canada (Accessibility Commissioner)	Parliament / MEITY	Immediate
Update IS 17802 to WCAG 2.2	All leading jurisdictions	BIS + DEPwD	Immediate
Mandatory PwD involvement in ICT standards	Canada ACA model	BIS + DEPwD	Short-term
Restore & expand SIPDA funding (ringfenced)	Nordic ringfenced budgets	Ministry of Finance / DEPwD	Next Budget
All central govt websites accessible by 2027	EU Web Accessibility Directive (timebound)	MEITY + NIC	Short-term
Sectorspecific mandates (RBI, TRAI,	SEBI 2025 circular as template	DEPwD + Sectoral	Short-term

[68]SEBI Circular, supra note 35 (serving as a model for sector-specific digital accessibility mandates by other Indian financial and sectoral regulators, including the RBI, TRAI, and IRDAI).
[69]Rajive Raturi, supra note 36; see also Indian Constitution art. 21 (interpreted by the Supreme Court as encompassing the right to accessible digital services as an aspect of the right to life and personal liberty).

IRDAI)		Regulators	
Accessible by design, DPI stack	EU AI Act (accessibility clauses)	MEITY + DPI Operators	Medium-term
AI accessibility standards	EU AI Act; Canada ACA	MEITY + proposed AI Regulator	Medium-term
WCAG 3.0 readiness strategy	W3C standards pipeline	BIS Standing Committee	Medium-term
Universal Design in professional education	Norway/Sweden curricula mandates	UGC + AICTE + Bar Council	Longterm

Table 8: Policy Roadmap for Digital Accessibility — Recommendations, Models, and Priorities

XIII. CONCLUSION

The Social Model of Disability offers the most powerful conceptual reorientation available to Indian disability policy: it shifts the burden of adaptation from the especially abled individual to the society that has designed exclusionary systems. Applied to the digital domain, it demands that we cease asking what is wrong with the disabled citizen and begin asking what is wrong with the digital environment we have built. In a country where government increasingly governs through digital portals, this reorientation is not merely philosophical; it is an urgent matter of constitutional rights and social justice.

India's RPwD Act, 2016, is, on its face, a progressive and comprehensive statute. Its twenty-one disability categories, dual public-private applicability, and alignment with IS 17802 / WCAG 2.1 compare favorably with equivalent legislation in the United States, United Kingdom, Canada, and Australia. The gap between India and leading jurisdictions, Norway, Sweden, Finland, is not legislative but institutional and cultural: the absence of a dedicated digital accessibility enforcement agency; the decline of SIPDA funding; the reactive rather than proactive character of compliance monitoring; and the insufficient internalization of the Social Model as an operational principle rather than a textual aspiration.

The 2025 enforcement actions and landmark Supreme Court judgments represent a turning point. The legal infrastructure for digital inclusion exists. The political will to enforce it appears

to be emerging. What remains is the institutional architecture to sustain enforcement proactively, the budgetary commitment to fund accessibility at scale, and the cultural shift across government, industry, and design education to make universal design the expectation rather than the exception. When India achieves this, it will have genuinely operationalized the Social Model of Disability in the digital age and fulfilled, at last, the promise of the RPwD Act.

> *The power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect.*
>
> ***— Tim Berners-Lee, Inventor of the World Wide Web***