

# The Road to Compliance with Digital Accessibility Standards: Regulatory and Judicial Approach

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## INTRODUCTION

India's digital economy is racing ahead with cutting-edge technologies - platforms increasingly deploying agentic AI, voice assistants, predictive algorithms, and immersive interfaces. Yet, even as the tech landscape modernises at breakneck speed, accessibility often remains an afterthought. Many platforms continue to exclude users with disabilities: Lack of compatibility of mobile banking apps with screen readers making it difficult for visually impaired users to authenticate transactions. CAPTCHA systems often require solving image puzzles without an audio alternative, blocking access for blind or low-vision users. Fintech apps use biometric/gesture-based login that excludes users with certain physical disabilities or motor impairments. The issue goes beyond just missing subtitles and audio captions.

In comparison, the European Accessibility Act, which came into force in June 2019, with an implementation deadline of June, 2025, establishes legally binding obligations for private entities, ensuring that products and services are designed with accessibility built in, rather than added as an afterthought. By mandating accountability, it encourages innovation that considers the needs of all users from the outset, creating inclusive digital experiences. For India, embracing a similar approach would not only meet ethical and legal expectations but also align with market demand. Inclusive design signals to users that the company values all customers, including those with disabilities, and can become a key differentiator in a competitive market.

As the *Rights of Persons with Disabilities Act, 2016*, ("**RPWD Act**") approaches the 10-year mark, Indian regulators and courts are increasingly enforcing accessibility requirements. A series of directions by Indian courts, quasi-judicial bodies, and regulators have been issued enforcing digital accessibility requirements on private entities, such as OTT platforms, online travel booking applications, ride-booking platforms, delivery platforms, amongst others.

Most recently, on August 29, 2025, the Securities and Exchange Board of India ("**SEBI**") issued a circular<sup>1</sup> extending digital accessibility compliance timelines and updating the authority to whom compliances are to be reported, for certain regulated entities.

In this article, we discuss Indian law obligations around accessibility of information and communication technology (“ICT”) products such as to websites, applications, hardware, digital content

### **What is accessibility?**



While the term “accessibility” has not been explicitly defined under law, it has been described by Indian courts as the design of products, services, environments and systems to ensure that all individuals, including those with disabilities, can access, use and benefit from them fully and independently. This includes physical access, as well as access to information, communication, and digital platforms.<sup>2</sup>

### **What is the legal framework governing accessibility and disability rights in India?**

The Supreme Court has recognized<sup>3</sup> accessibility as a fundamental right under Article 14 (equal access to spaces, services, and information), Article 19 (freedom of expression), and Article 21 (right to live with dignity).

The RPWD Act is the central Indian legislation dealing with inclusion of, and non-discrimination against persons with disabilities. The *Rights of Persons with Disabilities Rules, 2017* (“**RPWD Rules**”) operationalize various provisions of the RPWD Act.

The RPWD Act and RPWD Rules (collectively, “**RPWD Law**”):

- (i) prescribe rights and entitlements of persons with disabilities, such as equality of opportunity and adequate accessibility, and;
- (ii) prohibit certain activities against persons with disabilities such as various forms of discrimination, cruelty, degrading treatment, etc.

### **What is the accessibility standard applicable for ICT products and technologies under Indian law?**

Accessibility standards are prescribed for ICT products under various Indian legislations.

#### **1. Under RPWD Act**

The RPWD Act empowers<sup>4</sup> the Central Government to set standards for accessibility along with the Chief Commissioner for Persons with Disabilities (“**CCPWD**”) for, among others, ‘*information and communications, including appropriate technologies and systems.*’ These include hardware, websites, apps, electronic goods and equipment and other ICT.

Rule 15 of the RPWD Rules requires every establishment<sup>5</sup>, (which includes private establishments) to comply with standards relating to ICT. Accessibility standards for<sup>6</sup> ICT,

sports, healthcare, aviation, amongst others<sup>7</sup> have been issued under Rule 15. Sectoral Ministries and departments are required to ensure compliance with accessibility standards specified under this rule<sup>8</sup>.

In relation to ICT, in May, 2023, Rule 15 was amended to introduce detailed accessibility standards for websites, apps, electronic goods and equipment and other ICT, i.e. the ICT Standards (as defined below).

These amended rules require every establishment, including private establishments, to adhere to the following accessibility standards:

- (i) website standards as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India (“**GIGW**”)<sup>9</sup>;
- (ii) documents placed on websites are required to be in electronic publication (ePub) or optical character reader (OCR) based pdf format (“**Document Requirement**”);
- (iii) All websites, apps, ICT-based public facilities and services, electronic goods, consumer products, and other ICT-based products or services must comply with the Indian standards IS 17802 (Part 1), 2021 (“**ICT Standard I**”) and IS 17802 (Part 2), 2022 (“**ICT Standard II**”) (together, the “**ICT Standards**”).

These ICT Standards form the core of India’s ICT accessibility framework under the RPWD Rules.



However, the Supreme Court has recently called the standards issued under Rule 15 into question, since they only appear to set out recommendatory standards. The Court observed that the intention of the RPWD Act and the usage of the word “shall” in Rule 15 envisaged a mandatory compliance framework.<sup>10</sup>

The Court directed the Union Government to delineate non-negotiable, mandatory standards through a consultative exercise within a three-month period, and to prescribe consequences for non-compliance. The Court laid down certain accessibility principles to be considered by the Government while conducting the aforementioned exercise, including Universal Design, Comprehensive Inclusion Across Disabilities and Integration of Assistive Technology such as screen readers, audio description, accessible digital interface etc. The matter is still ongoing with the Committee expected to file its report before the Court by October, 2025.<sup>11</sup> However, in the interim, the Court clarified that compliance with the prescribed standards under the RPWD Rules must continue unabated.

The RPWD Act also requires the Government to ensure that<sup>12</sup>:

- (i) all contents available in audio, print and electronic media are in accessible format;

- (ii) persons with disabilities have access electronic media by providing audio description, sign language interpretation and close captioning;
- (iii) electronic goods and equipment which are meant for everyday use are available in universal design.

Indian courts have enforced these requirements in relation to inaccessibility of film content, by directing the MIB to issue guidelines providing accessibility features<sup>13</sup>.

Pursuant to these provisions, and the courts' directions, the Central Government through the Ministry of Information and Broadcasting ("**MIB**") has issued various accessibility guidelines from time to time:



For instance, the Accessibility Standards for Persons with Disabilities in Television Programmes ("**TV Programs Accessibility Standards**") are applicable to television programming intended for reception by the public, including *retransmission of their television programmes on the internet*. Reportedly, as of November, 2024, only 5% of general entertainment content is accessible on television.<sup>14</sup>

The Accessibility Standards in the Public Exhibition of Feature Films in Cinema Theatres ("**Public Theatre Accessibility Standards**")<sup>15</sup> impose obligations on film producers and theatre owners.<sup>16</sup> These were notified pursuant to a case on the inaccessibility of films in traditional theatres and OTT platforms<sup>17</sup>. The implementation of these guidelines will be monitored by a MIB- appointed committee.



## 2. Under the IT Rules

- (i) **For Intermediaries:** The Information Technology (Intermediary Guidelines and Digital Media, Ethics Code) Rules, 2021 ("**IT Rules**") issued under the Information Technology Act, 2000 ("**IT Act**") require intermediaries to take reasonable measures to ensure accessibility of its services, as part of its due diligence obligations.<sup>18</sup>
- (ii) **For Publishers:** The IT Rules provides for a Code of Ethics for publishers of news and current affairs content and publishers of online curated content ("**OCCPs**"). The Code of Ethics requires OCCPs to take reasonable efforts to the extent feasible to improve accessibility of online curated content, through the implementation of access services.<sup>19</sup> Access services have been defined to include measures such as closed captioning, subtitles and audio descriptions.<sup>20</sup>

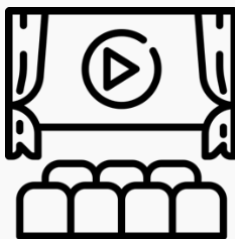


The Ministry of Information and Broadcasting (“**MIB**”) has issued an advisory to OTT platforms<sup>21</sup> directing them to fully comply with the requirements to take reasonable efforts to implement accessibility standards as per the Code of Ethics. However, the operation of the Code of Ethics has been stayed by various High Courts,<sup>22</sup> and is currently pending before the Supreme Court.<sup>23</sup>



Pursuant to a court direction, MIB is also in the process of framing guidelines for accessibility features for OTT platforms.<sup>24</sup> Upon submitting that the draft guidelines are in the process of being finalized, the Delhi High Court has directed this process be expedited, with the next date of hearing scheduled for October 16, 2025.

### 3. Under the Cinematograph Act and Rules



Any film which is sought to be publicly exhibited is required to be certified by the Central Board of Film Certification under the Cinematograph Act, 1952.<sup>25</sup>

The Cinematograph (Certification) Rules, 2024 issued under the Cinematograph Act, 1952 prescribe that applications for examination of films for certification be accompanied with the same language subtitles, same language audio description, or same language closed captions, if any, and any other accessibility features as may be notified, from time to time, by the Central Government.<sup>26</sup> The Public Theatre Accessibility Standards appear to have been issued in this regard.<sup>27</sup>

#### **What do the ICT standards prescribe?**

ICT Standards I sets out what standards persons with disabilities need in relation to ICT, and sets out the technical requirements to meet such standards.

Among others, the ICT Standards I covers accessibility requirements for<sup>28</sup>:

- (i) All web (text, audio, images and video) and mobile apps;
- (ii) Closed and open systems needs to operate with or without assistive technology devices
- (iii) Software;
- (iv) Hardware (including desktops, laptops, mobile, etc.)
- (v) Online (non-web) documents, contents and e-books;
- (vi) Two-way voice including real time text;
- (vii) ICT with video communications; and
- (viii) Support/help desk requirements.



ICT Standards II sets out the test procedures and evaluation methodology to assess compliance with ICT Standards I.

The ICT Standards clarify that they are the technical adoption of the European Standard EN 301 549 v 3.2.1 “Accessibility requirements for ICT products and services” developed by CEN, CENELEC and ETSI.

**What is the compliance deadline for accessibility standards under the RPWD Rules?**

The GIGW and Document Requirement have been applicable on ICT service providers since June, 2019<sup>29</sup>.



The ICT Standards were notified in May 2023 and become enforceable from May 11, 2025.<sup>30</sup> However, the ICT standards have been enforced by the CCPWD before its due date for compliance in several cases<sup>31</sup>.

**What are the consequences of non-compliance with accessibility standards under various laws?**

| Legislation                              | Penalty  |
|--|--|
| RPWD Act and RPWD Rules                  | Fine which may extend to INR 10,000 (approx. USD 114) for the first contravention and a fine not less than INR 50,000 (approx. USD 574) and not more than INR 5,00,000 (approx. USD 5744) for any subsequent contravention. <sup>32</sup>  |
| IT Act and IT Rules (for intermediaries) | Failure of an intermediary to take reasonable measures to ensure accessibility of its services may amount to a violation of its due diligence obligations. <sup>33</sup> An intermediary may lose its safe harbour, i.e., immunity from liability for third party content, if it fails to observe its due diligence obligations. <sup>34</sup> |
| IT Act and IT Rules (for publishers)     | The Code of Ethics requires OCCPs to take reasonable measures to improve accessibility of online content. However, at present the Code of Ethics is stayed.  |

**Which authorities administer the RPWD Act?**

The CCPWD is the authority empowered to inquire into deprivation of rights of persons with disabilities (including deprivation of the right to accessibility) and take up the matter with the appropriate Central Government authority<sup>35</sup> under the RPWD Act, as well as monitor implementation of the RPWD Law.<sup>36</sup>

The CCPWD only has recommendatory powers and cannot direct action or impose penalties. <sup>37</sup> Such powers vest with the Special Courts constituted under the RPWD Act.<sup>38</sup> The CCPWD may only recommend to the relevant ministry, department or sectoral regulator to address violation

of the RPWD Law.<sup>39</sup> However, in practice the CCPWD has been imposing penalties under the RPWD Act<sup>40</sup>, and issuing several orders for compliance, such as:

- carrying out digital accessibility audits;
- ordering phased compliance roadmaps for specific features on digital platforms;<sup>41</sup>
- ordering sectoral regulators (such as the RBI) to issue appropriate guidelines to regulated entities to ensure accessibility compliance<sup>42</sup>;
- filing compliance reports<sup>43</sup>; and
- conducting training and sensitization sessions for relevant stakeholders of the platform<sup>44</sup>.

State governments have notified Sessions Courts as Special Courts for each district in the State which are empowered to try offences under the RPWD Act.<sup>45</sup>

Sectoral regulators have also been implementing accessibility standards under the RPWD Act. As mentioned above, SEBI has recently issued circulars<sup>46</sup> mandating that all digital platforms operated by SEBI-regulated entities comply with accessibility standards under the RPWD Act. It outlined timelines for submission of platform details, appointment of IAAP-certified professionals, audits, remediation, and annual reporting to designated authorities.

### ***Indian courts and regulators bridge the digital divide; Platforms must follow***

With the ICT Standards under the RPWD Rules having recently come into force, the regulatory and judicial trajectory is increasingly signalling a shift from recommendatory norms to enforceable obligations. The Supreme Court's recent decisions mark a watershed moment in this shift. Judicial and regulatory responses - whether through the CCPWD's case-specific interventions or through broader judicial mandates - demonstrate a growing willingness to hold public and private stakeholders accountable.

Courts have also started taking note of inaccessibility of digital platforms, with ongoing cases in relation to inaccessibility of various apps, notably major taxi/bike aggregators<sup>47</sup> and food and grocery delivery platforms.<sup>48</sup> In most cases, the concerns are surrounding inaccessibility of apps to visually impaired persons, owing to issues such as unorganized and unlabelled pages which are inaccessible even through screen reader applications. In an ongoing case, the court looked into lack of accessibility features in ticket booking platforms to facilitate independent booking by persons with disabilities.<sup>49</sup>

Courts have also issued directions to make the process of digital KYC accessible to persons with disabilities, especially facial / eye disfigurements due to acid attacks and visual impairments.<sup>50</sup>

In light of the above, digital platforms should proactively begin ensuring their services comply with accessibility standards. They can do this by conducting a gap assessment through an accessibility audit, appointing a nodal officer responsible for accessibility compliance, training design/development teams on accessibility best practices; building accessibility into the design process (not as afterthought); and doing periodic audits to ensure ongoing compliance.

<sup>1</sup> See: <https://www.sebi.gov.in/legal/circulars/aug-2025/extension-of-timelines-and-update-of-reporting-authority-for-ias-and-ras-w-r-t-sebi-circular-for-compliance-to-digital-accessibility-circular-rights-of-persons-with-disabilities-act-2016-and-rules-96353.html>; [https://www.cse-india.com/upload/upload/Jul\\_312025.pdf](https://www.cse-india.com/upload/upload/Jul_312025.pdf).

<sup>2</sup> Rajive Raturi v. Union of India, W.P.(C) No. 228 of 2006 (Order dated April 9, 2025).

<sup>3</sup> Rajive Raturi v. Union of India, W.P.(C) No. 228 of 2006 (Order dated April 9, 2025).

<sup>4</sup> Section 40 (Accessibility), RPWD Act,

<sup>5</sup> Section 2(i), RPWD Act  
"establishment" includes a Government establishment and private establishment.

<sup>6</sup> Rule 15, RPWD Rules.

<sup>7</sup> Rule 15(1)(a)-(p), RPWD Rules.

<sup>8</sup> Rule 15(2), RPWD Act.

<sup>9</sup> See: <https://cdnbbsr.s3waas.gov.in/s3c92a10324374fac681719d63979d00fe/uploads/2025/02/2025021775.pdf>

<sup>10</sup> Rajive Raturi v. Union of India, W.P.(C) No. 228 of 2006 (Order dated April 9, 2025).

<sup>11</sup> Rajive Raturi v. Union of India, W.P.(C) No. 228 of 2006 (Order dated April 9, 2025).

<sup>12</sup> Section 42, RPWD Act.

<sup>13</sup> Akshat Baldwa & Ors. vs Yash Raj Films & Ors. W.P.(C) 445/2023.

<sup>14</sup> See: <https://m.thewire.in/article/rights/the-right-to-entertainment-its-time-to-notify-accessibility-standards-for-television-content/amp?utm=relatedarticles>.

<sup>15</sup> See: <https://mib.gov.in/sites/default/files/2024-12/o.m-dated-15.03.2024-regarding-guidelines-of-accessibility-standards-accessible.pdf>

<sup>16</sup> Guideline 11.1, Public Theatre Accessibility Standards.

<sup>17</sup> See: Akshat Baldwa and Ors. Vs. Yash Raj Films and Ors., W.P. (C) 445/2023, CM Appls. 1752/2023 and 67351/2023.

<sup>18</sup> Rule 3(1)(m), IT Rules.

<sup>19</sup> Clause II(e), Code of Ethics, IT Rules.

<sup>20</sup> Rule 2(b), IT Rules.

<sup>21</sup> See: <https://mib.gov.in/sites/default/files/2025-04/advisory-dated-22.04.2025-1.pdf>.

<sup>22</sup> Agij Promotion of Nineteenonea Media Pvt. Ltd. & Ors., vs. Union of India, W.P. (L.) No. 14172 of 2021; Nikhil Mangesh Wagle v. Union of India [PIL (L.) No. 14204 of 2021; Digital News Publishers Association and Mukund Padmanabhan v. Union of India and Other Connected Matters, W.P.Nos.13055 and 12515 of 2021.

<sup>23</sup> Foundation For Independent Journalism & Ors v. Union of India & Anr., W.P.(C) 3125/2021, CM APPL. 9491/2021 & CM APPL. 18918/2021.

<sup>24</sup> Akshat Baldwa & Anr. v. Maddock Films Private Limited, W.P. (C) 16802/2024.

<sup>25</sup> Section 4, Cinematograph Act.

<sup>26</sup> Rule 22(4)(d), Cinematograph (Certification) Rules, 2024.

<sup>27</sup> See: <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2015081>

<sup>28</sup> Standard 0.4, ICT Standards I.

<sup>29</sup> i.e., two years from the notification of the RPWD Rules in June 2017.

<sup>30</sup> Section 46, RPWD Act  
"Time limit for accessibility by service providers:

*The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:*

*Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules."*

<sup>31</sup> Amar Jain v. Ola, Case No. 13532/1102/2022; Suo motu case regarding inaccessibility of websites, mobile applications and other digital platforms of government ministries/ departments and private establishments, Case No. 15519/1101/2024.

<sup>32</sup> Section 89, RPWD Act.

*"(Punishment for contravention of provisions of Act or rules or regulations made thereunder), Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees."*

<sup>33</sup> Rule 3(1)(m), IT Rules.

<sup>34</sup> Section 79, IT Act.

<sup>35</sup>Section 75(1)(a) of RPWD Act  
"Functions of Chief Commissioner shall: identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps."

<sup>36</sup>Section 75(1)(h) of RPWD Act  
"Functions of Chief Commissioner:



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The Chief commissioner shall:  
monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities.”

<sup>37</sup> Section 75, RPWD Act.

<sup>38</sup> Section 84, RPWD Act.

<sup>39</sup> Section 76, RPWD Act  
“Action of appropriate authorities on recommendation of Chief Commissioner:

*Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) 1 [of subsection (1)] of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation: Provided that where an authority does not accept a recommendation, it shall convey reasons for nonacceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person”*

<sup>40</sup> Suo motu case regarding inaccessibility of websites, mobile applications and other digital platforms of government ministries/ departments and private establishments, Case No. 15519/1101/2024, Case no. 15530/1101.

<sup>41</sup> Amar Jain v. Ola, Case No. 13532/1102/2022.

<sup>42</sup> Rahul Bajaj v. Radisson Blue Hotel and Ors., Case No. 13729/1101/2023.

<sup>43</sup> Rahul Bajaj v. Practo, Case No. 13205/1102/2022.; Amena Kanchwala v. MakeMyTrip, Case No. 13242/1101/2022; Rahul Bajaj v. Radisson Blue Hotel and Ors., Case No. 13729/1101/2023; Amar Jain v. Director General of Civil Aviation and Ministry of Civil Aviation, Case No. 13732/1102/2023/11745534.

<sup>44</sup> Amar Jain v. Ola, Case No. 13532/1102/2022.

<sup>45</sup> Section 84, RPWD Act.

<sup>46</sup> See: <https://www.sebi.gov.in/legal/circulars/aug-2025/extension-of-timelines-and-update-of-reporting-authority-for-ias-and-ras-w-r-t-sebi-circular-for-compliance-to-digital-accessibility-circular-rights-of-persons-with-disabilities-act-2016-and-rules-96353.html>.

<sup>47</sup> Amar Jain and Ors. V. Roppen Transportation Services Pvt Ltd (Rapido) and Ors, W.P. (C) 14735/ 2023, Delhi High Court.

<sup>48</sup> Mission Accessibility v. Swiggy Limited And Ors., W.P.(C) 5153/2025.

<sup>49</sup> Rahul Bajaj v. Mythri Movie Makers & Ors., W.P.(C) 16833 / 2024.

<sup>50</sup> Pragya Prasun v. Union Of India, writ Petition (Civil) No. 289 of 2024 (Supreme Court).



# MILESTONES IN INDIA'S DIGITAL ACCESSIBILITY JOURNEY

## 30 YEARS OF PROGRESS



1995

The Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995

1

2007

UN Convention on Rights of Persons with Disabilities

Focus on physical access. No recognition of ICT (information and communication technology) accessibility

2

India ratifies the UN convention, creating international law obligation to ensure accessibility in ICT and digital services.

2009

Guidelines for Indian Government Websites (2009)

Accessibility requirements for Government websites.

3

2015

Accessible India Campaign

National flagship initiative to introduce inclusivity for ICT, built environment, and transport.

4

2016

The Rights of Persons with Disabilities Act, 2016 ("RPWD Act")

Required the Government to:

- Frame rules for accessibility for PwDs, including ICT accessibility;
- Ensure accessibility in electronic media

5

2017

RPWD Act brought into force; Rights of Persons with Disabilities Rules, 2017 ("RPWD Rules") notified

6

RPWD Rules introduced GIGW standards for all establishments' websites (private and public), and all web documents to be in ePUB or OCR based pdf form, under Rule 15.

2019

ICT Accessibility obligations come into force

Compliance deadline under Rule 15 to ensure website accessibility.

7

2023

ICT Standards; Guidelines for Accessibility

- ICT Standards introduced under RPWD Rules, on par with EU Standard EN 301 549 v 3.2.1
- Sectoral guidelines for accessibilities introduced by several Ministries.

8

MAY 2025

Deadline for compliance with ICT Standards

9

NOV 2025

Supreme Court orders in Rajive Raturi v Union of India (CWP 243/2005)

- Supreme Court holds guidelines framed under Rule 15 insufficient; directs Government to delineate mandatory rules.

10

2025

Enforcement continues

- CCPWD penalises digital apps and websites for inaccessibility;
- Courts direct films to be made accessible;
- Regulators enforce accessibility 1

11