
RIGHTS OF PERSONS WITH DISABILITIES IN THE DIGITAL AGE: ACCESSIBILITY, ARTIFICIAL INTELLIGENCE, AND CONSTITUTIONAL EQUALITY IN INDIA

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ABSTRACT

The migration of everyday life onto digital platforms has created a new frontier for the rights of persons with disabilities. Government services, banking, education, and employment now depend on websites, mobile applications, biometric authentication, and, increasingly, on artificial intelligence. For a citizen who cannot see a screen, hear an alert, or operate a touch interface in the conventional way, this migration can be either liberating or exclusionary, depending on whether accessibility is designed in from the outset. This article examines how constitutional guarantees of equality and dignity in India and the United States have been extended, through statute and judicial interpretation, to the digital and algorithmic environment. It compares the Rights of Persons with Disabilities Act, 2016 with the Americans with Disabilities Act, 1990 and its recent digital-accessibility rulemaking, traces the judicial reasoning that has shaped both systems, and identifies the distinctive challenges that artificial intelligence poses for persons with disabilities, including automated hiring tools, biometric identity verification, and generative content created without accessibility in mind. It concludes that while India has moved, through the Supreme Court's 2024 ruling in *Rajive Raturi v. Union of India*, toward treating accessibility as a facet of the fundamental right to life under Article 21, both jurisdictions continue to struggle with enforcement, and neither has yet built a regulatory architecture designed specifically for the risks that artificial intelligence introduces.

Keywords: Disability Rights; Digital Accessibility; Artificial Intelligence; Constitutional Equality; Right to Dignity; India–United States; Algorithmic Discrimination.

I. INTRODUCTION

Disability rights law was built for a world of ramps, buses, and printed forms. Over the past two decades that world has been overtaken by a digital one. A person who cannot climb a step can now be excluded just as effectively by a website that a screen reader cannot parse, a mobile banking application with no voice-over labels, or a facial-recognition gate that fails to register a face affected by paralysis. The exclusion is less visible than a flight of stairs, but it is no less real, and in a country where identity, welfare, banking, and education are increasingly mediated through digital infrastructure, it can be more consequential.

Artificial intelligence adds a further layer of complexity. Where earlier digital-accessibility debates centred on whether a website could be read by assistive technology, the current generation of tools raises a different question: whether the decision-making systems themselves, from resume-screening algorithms to fraud-detection models used in welfare disbursement, treat disabled users fairly at all. A system trained on the typing speed, gaze pattern, or voice cadence of a *typical* user may flag an atypical, disabled user as suspicious, incomplete, or unemployable, not because of any deliberate animus but because the system was never tested against the full diversity of human bodies and minds.

This article asks how constitutional law in India and the United States has responded to this shift, and where the response remains incomplete. Part II sets out the constitutional foundations of disability rights in the two jurisdictions, noting the structural difference between India's rights-plus-directive-principles model and the United States' equal-protection-plus-statute model. Part III undertakes a comparative study of digital disability rights and artificial intelligence, examining the regulatory instruments each country has produced. Part IV traces the judicial interpretation that has given these instruments practical meaning, from *Jeeja Ghosh* and *Rajive Raturi* in India to *Cleburne* and *Robles* in the United States. Part V identifies the contemporary challenges that persons with disabilities continue to face in the digital world, and Part VI offers a comparative assessment and recommendations before the article concludes.

this is a doctrinal and comparative study. It relies on the constitutional text, legislation, delegated regulation, and reported judicial decisions of both jurisdictions, supplemented by secondary commentary. It does not offer an empirical account of how accessible Indian or American digital platforms actually are; that is a task for field audits and usability studies. Its aim is narrower and, it is hoped, useful: to map the legal architecture within which such audits

must operate, and to show where that architecture still has gaps that artificial intelligence is widening rather than closing.

II. CONSTITUTIONAL RIGHTS IN INDIA AND THE UNITED STATES

A. India: Equality, Dignity, and the Directive Principles

The Constitution of India does not mention disability by name in its equality provisions. Article 14 guarantees equality before the law and the equal protection of the laws to *any person*, without qualification.¹ Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, and place of birth, a list that, on its face, omits disability.² The textual gap has never stopped the Supreme Court from reading disability into the equality guarantee, because Article 14 is not confined to the enumerated grounds of Article 15; it independently forbids arbitrary and unreasonable classification, and a rule that disadvantages persons with disabilities without justification falls within its reach.

The more significant textual anchor has proved to be Article 21, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.³ Since the 1978 decision in *Maneka Gandhi v. Union of India*, the Supreme Court has read Article 21 expansively, holding that the right to life includes the right to live with dignity and not merely the right to physical survival.⁴ Successive benches have used this expansive reading as the vehicle for disability rights that have no explicit textual home elsewhere in Part III of the Constitution, culminating, as Part IV of this article discusses, in the recognition that accessibility itself is a precondition for the meaningful exercise of Article 21 rights.

Part IV of the Constitution, the Directive Principles of State Policy, supplies the social-welfare vocabulary that Part III lacks. Article 41 directs the State, within the limits of its economic capacity, to make effective provision for securing the right to work, to education, and to public assistance in cases of disablement.⁵ Article 46 directs the State to promote the educational and economic interests of weaker sections of the people.⁶ Directive Principles are not enforceable in a court of law in the manner of fundamental rights, but the Supreme Court has repeatedly

¹India Const. art. 14.

²India Const. art. 15, cl. 1.

³India Const. art. 21.

⁴*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

⁵India Const. art. 41.

⁶India Const. art. 46.

used them to inform the content of Article 21, so that a directive obligation to assist persons with disabilities becomes, indirectly, a component of the enforceable right to a dignified life.

Parliament gave this constitutional architecture statutory flesh through the Rights of Persons with Disabilities Act, 2016, which repealed the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and gave domestic effect to India's obligations under the United Nations Convention on the Rights of Persons with Disabilities, which India ratified in 2007.⁷ The 2016 Act expanded the recognised categories of disability from seven to twenty-one, introduced the concept of "benchmark disability" for reservation purposes, raised the reservation quota in government employment from three to four per cent, and, most importantly for this article, made accessibility an express statutory obligation rather than a matter of welfare discretion.⁸ Chapter VIII of the Act, comprising Sections 40 to 46, obliges the government to notify accessibility standards for the physical environment, transportation, and information and communication technology, and places a duty on the owner or occupier of any public building or service to make it accessible within a prescribed period.⁹

B. The United States: Equal Protection and a Statutory Overlay

The United States Constitution, like its Indian counterpart, is silent on disability. Its central equality guarantee, the Equal Protection Clause of the Fourteenth Amendment, prohibits any State from denying to any person within its jurisdiction the equal protection of the laws.¹⁰ Unlike India, the United States Supreme Court has developed a tiered system of judicial scrutiny under this clause, reserving the most exacting review for classifications based on race and, to a lesser extent, sex. In 1985, in *City of Cleburne v. Cleburne Living Center, Inc.*, the Court declined to treat disability as a quasi-suspect classification warranting heightened scrutiny, holding instead that classifications affecting persons with intellectual disabilities need only satisfy rational-basis review, the most deferential standard the Court applies.¹¹ That doctrinal choice has had lasting consequences: it means that, as a matter of pure constitutional law, disability discrimination in the United States receives markedly weaker judicial protection

⁷Rights of Persons with Disabilities Act, No. 49 of 2016, India Code (2016); see also Convention on the Rights of Persons with Disabilities, opened for signature Mar. 30, 2007, 2515 U.N.T.S. 3.

⁸See Ministry of Soc. Just. & Empowerment, Press Release, Rights of Persons with Disabilities Bill—2016 Passed by Parliament (Dec. 16, 2016), <https://www.pib.gov.in/newsite/printrelease.aspx?relid=155592>.

⁹Rights of Persons with Disabilities Act, No. 49 of 2016, §§ 40, 42, 45, India Code (2016).

¹⁰U.S. Const. amend. XIV, § 1.

¹¹*City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 442–47 (1985).

than race or sex discrimination, and that the heavy lifting of disability rights has had to be done by Congress rather than by courts applying the Constitution directly.

Congress supplied that statutory response in two principal stages. The Rehabilitation Act of 1973 was the first, prohibiting disability discrimination by the federal government and by recipients of federal financial assistance, and, in its Section 508, mandating that federal agencies' electronic and information technology be accessible to employees and members of the public with disabilities.¹² The Americans with Disabilities Act of 1990 broadened the reach of federal disability law to private employers, state and local governments, and places of public accommodation, prohibiting discrimination in employment under Title I, public services under Title II, and public accommodations under Title III.¹³ Neither statute mentions the internet, for the simple reason that neither was written with a mass digital economy in mind. It has fallen to federal agencies and, more consequentially, to the courts, to decide whether and how these decades-old texts apply to websites, mobile applications, and now to artificial intelligence.

The contrast between the two constitutional models is therefore one of architecture rather than ambition. India places disability rights within an open-textured fundamental-rights clause, Article 21, that the judiciary has shown itself willing to expand, and supplies content to that expansion through directive principles and a comprehensive disability statute. The United States confines constitutional protection to a deferential rational-basis standard and relies almost entirely on statute, so that the scope of digital disability rights in America is, in practice, a question of statutory and regulatory interpretation rather than constitutional adjudication. This difference determines which institution, in each country, has the last word on how quickly the law adapts to new technology: in India, increasingly, the Supreme Court; in the United States, primarily Congress, the Department of Justice, and the lower federal courts.

III. DIGITAL DISABILITY RIGHTS AND ARTIFICIAL INTELLIGENCE: A COMPARATIVE STUDY

A. The United States: WCAG, Title II, and the EEOC's Response to AI

For most of the ADA's history, its application to digital content was uncertain because the statute predates the World Wide Web. Regulated entities and disability-rights advocates alike

¹²Rehabilitation Act of 1973, 29 U.S.C. §§ 701, 794, 794d (2018).

¹³Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101–12213 (2018).

spent two decades litigating whether Title III's reference to "places of public accommodation" covered a business's website at all. That uncertainty was resolved for state and local government entities in April 2024, when the Department of Justice finalised a rule under Title II requiring that public entities' websites and mobile applications conform to the Web Content Accessibility Guidelines, Version 2.1, Level AA, a technical standard developed by the World Wide Web Consortium.¹⁴ The rule was originally to take effect for larger public entities, those serving populations of 50,000 or more, in April 2026, but the Department issued an interim final rule in April 2026 extending that deadline to April 2027, citing resource constraints and the limits of generative artificial intelligence as tools for remediation, with smaller entities given until 2028.¹⁵ That extension is itself instructive: even a well-resourced federal regulator has concluded that automated tools are not yet a substitute for deliberate, human-supervised accessibility engineering.

Title III, which governs private businesses rather than government entities, has not received an equivalent rule, and the resulting vacuum has been filled by litigation, discussed in Part IV below. Separately, Section 508 of the Rehabilitation Act continues to bind federal agencies' own procurement and use of information technology, and the Health and Human Services Department has imposed parallel WCAG-based obligations on recipients of federal healthcare funding.¹⁶

The distinctly American contribution to this field in the last five years has been regulatory attention to artificial intelligence in employment. In May 2022 the Equal Employment Opportunity Commission and the Department of Justice each issued technical-assistance documents warning employers that algorithmic hiring and performance-monitoring tools can violate the ADA even without any intent to discriminate.¹⁷ The EEOC identified three recurring risks: an algorithm may screen out an applicant because of a disability-related trait it was never designed to accommodate; it may function as an unlawful medical inquiry by inferring a

¹⁴Non-discrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 89 Fed. Reg. 31,320 (Apr. 24, 2024) (codified at 28 C.F.R. pt. 35).

¹⁵Extension of Compliance Dates for Non-discrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 91 Fed. Reg. 20,902 (Apr. 20, 2026) (interim final rule).

¹⁶29 U.S.C. § 794d (2018); see also Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116 (2018) (non-discrimination in health programs receiving federal funding).

¹⁷U.S. Equal Emp. Opportunity Comm'n, *The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees* (May 12, 2022); U.S. Dep't of Justice, Civ. Rights Div., *Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring* (May 12, 2022).

disability from proxy data such as gaps in employment or variations in keystroke pattern; and an employer may fail to offer an alternative, accessible method of assessment when the automated tool itself cannot be adapted for a particular applicant.¹⁸ Crucially, the guidance made clear that a vendor's assurance that its tool is "bias-free" does not discharge the employer's own statutory duty; liability rests with the entity that deploys the algorithm, not only with the entity that built it.

B. India: The Sugamya Bharat Abhiyan and the Absence of a Binding Digital Standard

India's principal legislative instrument, the Rights of Persons with Disabilities Act, 2016, defines accessibility broadly enough to capture information and communication technology, and Chapter VIII requires the Central Government to notify accessibility standards across the physical, transport, and digital environments within statutorily fixed timelines.¹⁹ The Act is reinforced by an executive programme, the Accessible India Campaign, known in Hindi as the Sugamya Bharat Abhiyan, launched in 2015 to coordinate accessibility improvements across public buildings, transport, and government websites, and by the Guidelines for Indian Government Websites, a technical framework administered by the National Informatics Centre for public-sector web content.²⁰

For nearly a decade, however, the accessibility standards contemplated by Section 40 of the Act existed largely in the form of Rule 15 of the RPwD Rules, 2017, which was worded in permissive rather than mandatory terms. The Union government, when challenged, maintained in litigation that the Rule was nonetheless binding in substance, but declined to amend its language to remove the ambiguity. The consequence, as the Supreme Court found in 2024, was that private and public digital-service providers in India operated for years without a legally certain, enforceable accessibility standard of the kind that WCAG 2.1 AA now provides in American state and local government under the Title II rule.²¹ India has therefore relied more heavily on judicial supervision to compel the executive to legislate accessibility standards than on a detailed, technically specified regulation of the American kind; this is a difference of

¹⁸U.S. Equal Emp. Opportunity Comm'n, *supra* note 22.

¹⁹Rights of Persons with Disabilities Act, No. 49 of 2016, § 40, India Code (2016).

²⁰See Ctr. for Internet & Soc'y, Digital Accessibility in the Rights of Persons with Disabilities Act 2016 (2017), <https://cis-india.org/accessibility/blog/digital-accessibility-in-the-rights-of-persons-with-disabilities-act-2016>.

²¹Rajive Raturi v. Union of India, 2024 INSC 858, ¶¶ 40–52 (India) (discussed further in Part IV.A *infra*).

institutional sequencing rather than of underlying constitutional commitment, and Part IV traces how the Indian judiciary has used that supervisory role.

On the specific question of artificial intelligence, Indian law is markedly less developed than its American counterpart. There is no Indian analogue to the EEOC's 2022 technical-assistance guidance, no statutory equivalent of the ADA's disparate-treatment and disparate-impact framework tailored to algorithmic decision-making, and no binding data-protection obligation requiring an explanation of automated decisions comparable to those found in the European Union's General Data Protection Regulation. India's Digital Personal Data Protection Act, 2023 regulates the processing of personal data, including certain categories relevant to disability, but it is a data-protection statute rather than an anti-discrimination one, and does not by its terms address algorithmic bias against persons with disabilities. NITI Aayog, the government's policy think-tank, has published non-binding principles for the responsible use of artificial intelligence that gesture toward inclusivity, but these carry no statutory force and create no cause of action for an aggrieved individual.

C. AI-Specific Risks Common to Both Jurisdictions

Three risks recur across both systems and deserve separate mention because they are not adequately captured by either country's existing web-accessibility framework, which was designed for static content rather than adaptive, decision-making systems.

First, biometric authentication. Both India's Aadhaar-linked know-your-customer systems and comparable identity-verification tools used by American banks and government agencies increasingly rely on fingerprint or facial matching. Persons whose disability affects the ridges of their fingers, the mobility of their face, or the steadiness of their gaze are disproportionately likely to fail automated liveness or matching checks, and are then routed into fallback processes that are often slower, more intrusive, or simply unavailable. In 2025 the Indian Supreme Court addressed this directly, declaring accessible digital verification a facet of the fundamental right to life under Article 21 and directing that inclusive alternatives to biometric-only verification be made available for persons with disabilities.²²

²²See *In re: Accessibility of Digital KYC Verification for Persons with Disabilities*, Supreme Court of India (2025) (directions on inclusive digital identity verification, building on *Rajive Raturi v. Union of India*, 2024 INSC 858).

Second, CAPTCHA and other proof-of-humanity tests. Distorted text and audio challenges, designed to exclude automated bots, frequently exclude blind, low-vision, and cognitively disabled users as well, because the same features that defeat a bot, ambiguity, noise, and time pressure, also defeat a human relying on assistive technology or extra processing time.

Third, generative artificial intelligence in content creation. As government departments and private businesses increasingly use generative tools to draft web copy, produce images, and summarise documents, accessibility features such as descriptive alternative text, correctly structured headings, and caption accuracy are easy to omit unless accessibility is written into the underlying prompt or workflow. The Department of Justice's own 2026 rulemaking record noted that generative artificial intelligence has, to date, proved an unreliable substitute for deliberate accessibility remediation, a finding equally applicable to the Indian context, where government departments have begun experimenting with generative tools for citizen-facing services without any comparable accessibility audit requirement.²³

D. Enforcement Architecture: Complaint Mechanisms and Remedies

The two systems also diverge in how an aggrieved individual actually seeks a remedy, a difference that matters as much to real-world accessibility as the substantive standard itself. The RPwD Act, 2016 creates a dedicated administrative structure: a Chief Commissioner for Persons with Disabilities at the Central level and State Commissioners in each State are empowered to receive complaints, conduct inquiries, and issue directions to public and private establishments, while the Act also contemplates the designation of a Special Court in each district to try offences under the Act.²⁴ In principle, this gives an Indian complainant a low-cost, non-adversarial first forum, though in practice the Commissioners' offices are frequently under-staffed relative to their caseload, and their orders, unlike a civil decree, sometimes require further proceedings to enforce.

The American model relies more heavily on individual litigation and administrative charge-filing. A Title I employment claim ordinarily requires the complainant first to file a charge with the Equal Employment Opportunity Commission, which investigates and may attempt conciliation before the complainant may sue in federal court, while Title II and Title III claims may generally be brought directly in court, as *Robles* illustrates, without an equivalent

²³Extension of Compliance Dates, 91 Fed. Reg. at 20,904 (Apr. 20, 2026).

²⁴Rights of Persons with Disabilities Act, No. 49 of 2016, §§ 74–75, 84, India Code (2016).

exhaustion requirement.²⁵ Because American disability litigation is largely privately initiated and fee-shifting statutes make prevailing plaintiffs' counsel fees recoverable, enforcement intensity tends to track the litigiousness of a particular market or circuit, which helps explain why website-accessibility suits have concentrated so heavily in California and New York rather than spreading evenly across the country. India's more centralised, commissioner-led model in principle offers more uniform national coverage, but has historically suffered from weaker enforcement teeth; the Supreme Court's willingness, since 2017 and especially since 2024, to retain accessibility litigation on its own docket for continuing supervision can be read as a judicial response to exactly that enforcement deficit.

IV. JUDICIAL INTERPRETATION IN INDIA AND THE UNITED STATES

A. India: From Welfare to Dignity to Digital Access

Indian disability jurisprudence has moved through three broad phases, each traceable to a landmark Supreme Court decision. The first phase treated disability accommodation as a matter of executive welfare policy rather than judicially enforceable right. That phase gave way in 2016 to a rights-based framing in *Jeeja Ghosh v. Union of India*, in which the Court, ruling on the removal of a passenger with cerebral palsy from a flight, held that the dignity of persons with disabilities is integral to their fundamental rights and that they cannot be treated as an object of pity or charity.²⁶ The judgment is significant less for its specific facts than for its adoption of the social model of disability, associated with the disability scholar Mike Oliver, which locates the source of disadvantage in social and environmental barriers rather than in the individual's impairment, a conceptual shift that later judgments, including *Rajive Raturi* in 2024, would make explicit.²⁷

The second phase concerned accessibility of the built and transport environment. In 2017, in the same litigation that would culminate seven years later in the 2024 judgment discussed below, the Court issued an eleven-point set of directions to the Union and the States on making roads, buildings, and public transport accessible.²⁸ Compliance was slow enough that the Court,

²⁵42 U.S.C. § 12117(a) (2018) (incorporating the enforcement procedures of Title VII of the Civil Rights Act of 1964 for ADA Title I claims).

²⁶*Jeeja Ghosh v. Union of India*, 2016 INSC 412 (India).

²⁷*Rajive Raturi v. Union of India*, 2024 INSC 858, ¶ 35 (India) (citing *Jeeja Ghosh v. Union of India*, 2016 INSC 412, and identifying the social model as the conceptual basis of the RPwD Act, 2016).

²⁸*Rajive Raturi v. Union of India*, 2017 INSC 1243 (India).

in the same proceeding, appointed the Centre for Disability Studies at NALSAR University of Law to audit the state of accessibility nationally and to recommend further steps, a supervisory technique that Indian courts have used with increasing frequency in structural-reform litigation.

The third phase, and the one of greatest relevance here, is the extension of accommodation and accessibility principles to examinations, employment, and, most recently, digital infrastructure. In *Vikash Kumar v. Union Public Service Commission* (2021), the Court held that a candidate suffering from dysgraphia, a condition affecting handwriting that was neither a recognised nor a benchmark disability under the 2016 Act, was nonetheless entitled to the assistance of a scribe in a civil-services examination.²⁹ The Court characterised reasonable accommodation as the norm, not the exception, holding that its availability could not be confined to a closed list of certified conditions, and that doing so would defeat the very purpose of the 2016 Act, which was to move Indian law from a medical model that locates disability in the individual to a human-rights model that requires the State and private actors to adapt their systems to human diversity.³⁰

That reasoning reached its fullest expression in *Rajive Raturi v. Union of India* (2024), decided by a bench led by then Chief Justice D. Y. Chandrachud. The Court struck down Rule 15(1) of the RPwD Rules, 2017 as ultra vires the parent Act to the extent that it rendered accessibility standards merely recommendatory, holding that Sections 40 and 46 of the 2016 Act mandated binding, time-bound standards and that a rule diluting that mandate could not stand.³¹ The Court articulated two structural principles that this article treats as the clearest Indian judicial statement on digital accessibility to date: first, that accessibility is not a standalone right but a precondition for the meaningful exercise of every other right, so that a right to education, employment, or health care that cannot in practice be accessed is not truly available at all; and second, that ensuring accessibility requires a two-pronged approach, combining non-discrimination in individual cases with the systemic, ex-ante removal of structural barriers, digital ones included, before they cause exclusion.³² The Union was directed to frame binding accessibility rules within three months, in consultation with persons with disabilities and

²⁹*Vikash Kumar v. Union Pub. Serv. Comm'n* (S. Ct. India Feb. 11, 2021) (India).

³⁰See *Vikash Kumar v. Union Pub. Serv. Comm'n* (S. Ct. India Feb. 11, 2021); see also Sushmita Awasthi, *Enforcing Disability Rights: The Indian Supreme Court's Judgment in Vikash Kumar*, I-CONnect Blog (2024), <https://www.iconnectblog.com/special-undergraduate-series-enforcing-disability-rights-the-indian-supreme-courts-judgment-in-vikash-kumar/>.

³¹*Rajive Raturi v. Union of India*, 2024 INSC 858, ¶¶ 78–92 (India).

³²*Id.* ¶¶ 55–58.

disabled persons' organisations, and the matter was retained on the Court's docket for compliance monitoring.³³

The Court returned to digital accessibility specifically in 2025, holding that accessible digital identity verification, including alternatives to biometric-only know-your-customer processes, is itself a facet of the Article 21 right to life, and directing financial institutions and government departments to build inclusive verification pathways for persons unable to complete standard biometric checks.³⁴ Read together with the extension, in the same period, of the right to a scribe to all disabled candidates rather than only those with benchmark disabilities, building on *Vikash Kumar*, these decisions show an Indian judiciary treating digital exclusion as a direct constitutional harm rather than as a matter left to executive or legislative discretion.

B. The United States: Rational Basis, Statutory Interpretation, and the Website Cases

American courts have approached the same set of problems through a narrower doctrinal lens, because *Cleburne* forecloses any argument that disability discrimination is constitutionally suspect in the way race or sex discrimination is. Litigation has therefore concentrated on the interpretation of the ADA and the Rehabilitation Act rather than on the Constitution directly. Two lines of cases are especially significant for digital accessibility.

The first line concerns the scope of Title II's integration mandate, most authoritatively stated in *Olmstead v. L.C. ex rel. Zimring* (1999), where the Supreme Court held that the unjustified institutional segregation of persons with disabilities constitutes discrimination under Title II and that public entities must administer services in the most integrated setting appropriate to an individual's needs.³⁵ Although *Olmstead* arose from institutional placement rather than digital services, its integration principle has been extended by lower courts and by the Department of Justice's own guidance to digital government services, on the theory that routing disabled users into a separate, inferior, telephone-only or in-person-only channel because a website is inaccessible is itself a form of unjustified segregation.

The second and more directly relevant line concerns whether Title III of the ADA, which governs private places of public accommodation, extends to a business's website. This question

³³Id. ¶¶ 95–98; see also Case Report: Rajive Raturi v. Union of India (2024), Kshetry & Assocs. (Nov. 2024).

³⁴See In re: Accessibility of Digital KYC Verification for Persons with Disabilities, Supreme Court of India (2025).

³⁵*Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 597–02 (1999).

divided the federal circuit courts for two decades. The Ninth Circuit's 2019 decision in *Robles v. Domino's Pizza, LLC* is the leading authority answering it in the affirmative. Guillermo Robles, who is blind and uses screen-reading software, could not order food through Domino's website or mobile application because neither was compatible with his screen reader. The Ninth Circuit held that the ADA applies to the website and app of a business that has a nexus to a physical place of public accommodation, reasoning that Title III governs the *services* of a public accommodation and not merely services rendered within its four walls, and that imposing liability on Domino's did not violate its due-process rights merely because the Department of Justice had not yet issued specific technical web-accessibility regulations.³⁶ The Supreme Court declined to review the decision in October 2019, leaving the Ninth Circuit's reasoning as the most authoritative appellate statement on the question, though it remains binding only within that circuit and persuasive elsewhere.³⁷ The practical effect has been a marked increase in private website-accessibility litigation across the United States, since businesses now know that the absence of a specific federal technical standard is no defence to liability, even though the content of the obligation itself, unlike the WCAG 2.1 AA standard now fixed for state and local government under the 2024 Title II rule, remains defined case by case.

A newer and, for this article, more significant line of authority concerns artificial intelligence directly. In *Mobley v. Workday, Inc.*, a job applicant alleged that an algorithmic applicant-screening product supplied by Workday to numerous employers had disproportionately screened out older applicants and, in related claims, applicants with disabilities, and sued Workday itself rather than only the employers who used its product. The United States District Court for the Northern District of California held, on a motion to dismiss, that Workday could be sued directly as an agent of its employer-clients for the discriminatory effects of the tool it built and operated, rejecting Workday's argument that only the hiring employer, and not the technology vendor, could bear liability under federal anti-discrimination law.³⁸ The decision, still working its way through further proceedings at the time of writing, is significant because it closes off a defence that technology vendors had hoped to rely on, namely that liability for

³⁶*Robles v. Domino's Pizza, LLC*, 913 F.3d 898, 905–06 (9th Cir. 2019).

³⁷*Domino's Pizza, LLC v. Robles*, 140 S. Ct. 122 (2019) (denying petition for writ of certiorari).

³⁸*Mobley v. Workday, Inc.*, No. 23-cv-00770-RFL (N.D. Cal. July 12, 2024) (order denying in part motion to dismiss).

algorithmic discrimination rests solely with the employer that deploys the tool and not with the company that designed it, a defence with no clear counterpart yet tested in Indian courts.

V. CONTEMPORARY CHALLENGES FOR PERSONS WITH DISABILITIES IN THE DIGITAL WORLD

Despite the doctrinal advances traced above, five practical challenges persist in both jurisdictions and deserve to be stated plainly, because litigation and legislation tend to lag behind them.

First, an enforcement gap separates the law on the books from the law in practice. India's own government auditors have found that the vast majority of central and state e-governance websites fail to meet even the non-binding technical standards that existed before *Rajive Raturi*, and that the mandatory four per cent employment reservation for persons with disabilities remains substantially unfilled across government departments.³⁹ In the United States, the extension of Title II compliance deadlines to 2027 and 2028 reflects a candid governmental acknowledgment that even well-resourced public entities are struggling to meet the WCAG 2.1 AA standard on schedule, while private businesses outside Title II remain governed by the less predictable, litigation-driven standard that *Robles* illustrates.

Second, algorithmic opacity makes it difficult for a disabled individual to know when they have been discriminated against at all. Where a physical barrier, a flight of stairs, a lack of Braille signage, is visible and can be pointed to, an algorithmic screening decision is typically communicated only as a rejection, with the underlying model, training data, and scoring criteria withheld as proprietary. The EEOC's guidance and the *Mobley* litigation both illustrate the resulting evidentiary asymmetry: an applicant may suspect that an automated tool screened them out because of a disability-correlated signal, such as a gap in employment history or an atypical response pattern, but will rarely be able to prove it without discovery that the vendor resists on trade-secret grounds.

Third, biometric and CAPTCHA-style verification systems, discussed in Part III.C, continue to function as digital gatekeepers even after judicial intervention, because a court order directing that an inclusive alternative be built does not, by itself, guarantee that the alternative

³⁹See Rights of Persons with Disabilities Act, 2016: Provisions, Significance, Challenges and Way Forward, InclusiveIAS (2026), <https://inclusiveias.com/rights-of-persons-with-disabilities-act-2016-upsc/>.

is built well, quickly, or without additional friction for the very users it is meant to help. The 2025 Indian ruling on digital KYC access illustrates the point: directing an alternative pathway is a necessary first step, but the design of that pathway, whether it is faster or slower, more or less dignified, than the mainstream biometric process, determines whether the right is realised in substance or only on paper.

Fourth, the growing use of generative artificial intelligence to produce web content, government communications, and even legal and educational material risks a new wave of inaccessibility unless accessibility requirements are built into procurement and content-management workflows from the outset. A generative system asked to produce a webpage or a video will not, by default, supply accurate alternative text, captions, or a logically structured heading hierarchy unless specifically instructed to do so and unless a human reviewer verifies the result; the Department of Justice's own 2026 rulemaking record acknowledges that such tools have so far proved an unreliable substitute for deliberate accessibility engineering, a caution equally applicable to Indian government departments now experimenting with generative tools for citizen services.

Fifth, the digital divide compounds every barrier described above. Persons with disabilities in both countries are statistically more likely to live in poverty and less likely to own the up-to-date devices and reliable broadband connections that many accessibility features, screen-reader compatibility, high-contrast display, voice control, in fact require in order to function. A legally accessible website is of limited value to a person who cannot afford the smartphone or the data plan needed to reach it, and neither the RPwD Act nor the ADA, both aimed at the accessibility of the digital product itself, squarely addresses the prior question of digital access as a matter of economic capability.

Sixth, and cutting across all of the above, digital and algorithmic exclusion is rarely experienced in isolation from other axes of disadvantage. A rural Indian woman with a visual impairment is considerably less likely to have reliable electricity, a smartphone in her own name, or functional literacy in the language a given application supports, than an urban, salaried, male counterpart with the same impairment; the same compounding pattern, differentiated by race, income, and geography rather than by gender and rurality specifically, recurs in the United States. Neither the RPwD Act nor the ADA is drafted with this intersectional reality squarely in view, since both statutes define disability and accessibility

obligations without reference to the additional barriers that poverty, gender, caste, or race place in front of a disabled person seeking to exercise a nominally guaranteed digital right. A regulatory or judicial standard that treats "accessibility" as satisfied once a website passes an automated WCAG scan risks certifying compliance while leaving the users furthest from digital infrastructure, the ones intersectional disadvantage affects most severely, no better off than before.

VI. COMPARATIVE ASSESSMENT AND THE WAY FORWARD

The comparison undertaken in this article suggests that India and the United States have arrived at broadly similar practical outcomes, judicial or regulatory recognition that digital and algorithmic exclusion is a form of disability discrimination, by different constitutional routes. India's route runs through an expansive, judicially developed fundamental right under Article 21, reinforced by directive principles and given statutory content by the RPwD Act, with the Supreme Court itself supplying much of the urgency through structural litigation. The American route runs through a comprehensive but ageing pair of statutes, the Rehabilitation Act and the ADA, interpreted by federal agencies and lower courts in the continued absence of an amendment from Congress addressing digital technology or artificial intelligence by name.

Three recommendations follow from this comparison. First, India would benefit from adopting a technical standard as specific as WCAG 2.1 AA, incorporated by binding regulation as the Title II rule has done in the United States, so that the accessibility obligation the Supreme Court identified in *Rajive Raturi* translates into a measurable compliance benchmark rather than a general directive capable of inconsistent interpretation by different public authorities. Second, the United States would benefit from legislative clarification of Title III's application to private websites, since relying on circuit-by-circuit judicial interpretation, as *Robles* illustrates, leaves businesses outside the Ninth Circuit without clear guidance and leaves disabled consumers in those circuits with a correspondingly less certain right. Third, both jurisdictions require an AI-specific accountability framework that assigns clear responsibility to technology vendors as well as to the entities that deploy their tools, on the model that *Mobley v. Workday* has begun to develop in the employment context, and that extends that model to public-sector and welfare-related automated decision-making, where the consequences of algorithmic exclusion for a disabled citizen can be more severe than the loss of a single job opportunity.

VII. CONCLUSION

The rights of persons with disabilities have always depended on how a society designs its physical environment. In the digital age, they depend just as much on how a society designs its code. India and the United States have each recognised, through different constitutional vocabularies, that inaccessible digital infrastructure is not a neutral technical failing but a form of exclusion capable of nullifying rights that are formally guaranteed on paper. The Indian Supreme Court's 2024 and 2025 rulings have gone furthest in stating this proposition as a matter of constitutional principle, treating accessibility as inseparable from the right to life itself. American law has reached a functionally similar destination through statutory interpretation and agency rulemaking, most visibly in the Title II web-accessibility rule and in the EEOC's warnings against algorithmic discrimination. What neither system has yet achieved is an accountability framework built specifically for artificial intelligence, one that reaches the vendors who build automated decision systems as readily as it reaches the institutions that deploy them, and that treats the accessibility of an algorithm's output as seriously as the accessibility of a webpage's markup. Until that framework exists, the promise of constitutional equality in the digital age will remain, for many persons with disabilities, a right claimed more easily in a judgment than exercised in daily life.

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