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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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DISABILITY RIGHTS AND AI – FRIEND OR FOE?

AUTHORED BY - PRIYANSHU YADAV

LLM – Intellectual Property Rights and Technology Law
Jindal Global Law School, Sonipat

ABSTRACT

This research paper brings the spotlight on how People with disability faces problem in daily life e.g. in doing daily life chores, employment and how the fellow citizens treat them etc. it also explores the dual role of Artificial Intelligence (AI) in context of disability rights and simultaneously stress upon perpetuating bias which it can pose to people with disabilities, as with the advancement of technology AI is influencing the daily life of various People with disabilities, this research paper also reviews existing AI tech to improve accessibility such as speech recognition, computer vision, Apple Siri etc. It also focuses on the role of Government of India for the upliftment of People with disabilities, policies formulated by the Indian Government and the statute i.e. Rights of Person with Disability Act 2016 and by ensuring how to bring them into the limelight and bringing out their best potential The role of Indian judiciary and the cases that help in making their life easy through judicial precedents. by analysing case laws, policies, in light of technology by evolving legal discourse, this paper highlights the critical need for disability inclusive approach.

Keywords – Artificial Intelligence, Person with disability, Courts, Government of India

INTRODUCTION

Over 16% population of the world or 1.4 billion people, are suffering from various types of disability. In India alone there are 26.8 million people or 2.21% population of the world is suffering from different types of disabilities such as Blindness, Low vision, Hearing Impairment, Locomotive disability, Mental disability etc. And the number is expected to increase with rise in population, adulterated food, pollution, Genetics etc. People with Benchmark Disability experience various barriers in their day-to-day life, which makes their daily functioning difficult.¹ With the progress of technology how it will make the life of

¹ Sweta Pattnaik and others, 'Prevalence, Pattern and Determinants of Disabilities in India: Insights from NFHS-5 (2019–21)' (2023) 11 Frontiers in Public Health 1036499.

disabled people easy and its bias, what role does the Indian judiciary play for the upliftment of People with disability? In India, the Rights of Persons with Disabilities (PwD) Act, 2016 primarily governs disability rights, aligning with the UN Convention on the Rights of Persons with Disabilities. This legislation guarantees principles like non-discrimination, equality, and quality for people with disabilities, replacing the previous 1995 Act and expanding the definition of disability. Essential elements encompass initiatives for accessibility, education, job opportunities, safeguards against violence, and community integration, alongside continuous government efforts such as the Accessible India initiative and the Unique Disability Identification portal to strengthen these rights²

OBJECTIVE

To examine the interaction between disability rights and Artificial Intelligence in light of human rights.

To analyse how technology can be both a friend and foe.

To examine legal frameworks, government policies, judicial precedents, that influence the use of technology for People with Disability in the context of India.

HOW AI IS HELPING PEOPLE WITH DISABILITY

Artificial Intelligence has substantial likelihood to positively influence the lives of Person with disabilities by tackling various challenges and providing creative solutions. From spoken-word to written-text tasks and vision-boosting devices, AI can remove obstacles and create new ways for interaction and trade.³ AI can improve the accessibility of online platforms and services. Voice recognition, gesture control, and various AI-powered functionalities can enhance technology's accessibility for people with different abilities, fostering an inclusive online space. AI-driven navigation systems aid people with visual or mobility challenges in moving through public areas.⁴

Artificial Intelligence can automate tasks that some people with disability can find it difficult. For example, people with a literacy disability could ask an AI chatbot to summarise a long

² National Human Rights Commission (India), *Disability Rights (Rights of Persons with Disabilities Act & National Trust Act) and Mental Healthcare Act* (NHRC, 2021) <https://nhrc.nic.in/sites/default/files/DisabilityRights.pdf> accessed 7 October 2025

³ ENNHRI, 'Artificial Intelligence and Its Impact on the Human Rights of Persons with Disabilities - ENNHRI' (3 December 2023) <<https://ennhri.org/news-and-blog/artificial-intelligence-and-its-impact-on-the-human-rights-of-persons-with-disabilities/>> accessed 7 October 2025.

⁴ *ibid.*

dispatch for them, which they might not else be suitable to understand.

Automation availability testing can help make content more accessible. Artificial Intelligence grounded tools can check whether websites, apps and other content is compatible with Web Content Availability Guidelines (WCAG) and other availability norms. While they still need to be checked by a person, this can make things easier.

Advice on tone can help neurodivergent people understand written communication. For example, they could ask an AI tool to check the quality of a message they entered. This can help remove enquiry. It can also help people with internal health conditions like anxiety.

Help impaired people find employment. For example, an AI chatbot could help someone write a job application that's accustomed to the specifics of the job. It could also look at a job announcement and suggest skills and experience to highlight in the job application. This is important because impaired people on normal have to apply for 60 per cent more jobs before getting a job.⁵

AI TOOLS FOR PEOPLE WITH BENCHMARK DISABILITIES

1. ChatGPT: Employs artificial intelligence to analyse online sources and produce replies according to your inquiry.
2. Microsoft Seeing AI: Utilizes artificial intelligence to identify people, text, and items. This application can interpret printed words instantly, detect money, and recognize friends along with their feelings. Utilize your phone to scan barcodes, read texts, and additional functions.
3. Voiceitt: Created for people with atypical speech. Voiceitt employs AI to understand and adjust to your speech patterns, enabling seamless communication.
4. Predictable: Utilizes AI to foresee text and phrases, assisting people with conditions such as ALS or cerebral palsy.⁶

⁵ 'AI and New Technologies | Business Disability Forum' <<https://businessdisabilityforum.org.uk/resource/technology-toolkit/ai-and-new-technologies/>> accessed 7 October 2025.

⁶ 'How AI Can Help People with Disabilities' <<https://neuronav.org/self-determination-blog/how-ai-can-help-people-with-disabilities>> accessed 7 October 2025.

BARRIERS WHICH AI CAUSE FOR THE PEOPLE WITH BENCHMARK DISABILITY

A significant challenge is the lack of universal design principles in creating AI tools. Numerous solutions are designed with a limited focus. Consequently, they overlook the various requirements that people with disabilities might possess. For instance, tools intended for people with visual disabilities might not take into account compatibility with current assistive technologies such as screen readers, or they could fail to accommodate users with color vision deficiencies. The best method to remove this obstacle is to involve end users in the design process. Their insights and actual experiences are crucial for these projects.⁷

An additional constraint on mainstreaming AI is the lack of financial resources that hinders both the development and implementation of AI solutions. Insufficient financial resources pose a significant obstacle in developing AI solutions designed for people with disabilities. Although numerous AI tools provide simple features at no charge, more sophisticated or tailored functions typically entail substantial expenses that people or organizations may not be able to bear. Interviewees pointed out that budget limitations impede the creation of customized solutions. Moreover, sustaining and expanding these technologies can be excessively costly, with expenses rising significantly when accommodating numerous users at once.⁸

In the workplace, however, people with disabilities still encounter considerable obstacles. Data at the EU level consistently shows that employment rates for people with disabilities are considerably lower than those people with no disability. Recent data shows that the employment gap — the difference in employment rates between people with and without disabilities — stays consistent at about 24 percentage points, with even greater disparities for women and young people with disabilities.⁹

⁷ Bianka Némethy, 'AI for Disabilities: Quick Overview, Challenges, and the Road Ahead' (*Swiss Cognitive / AI Ventures, Advisory & Research*, 7 January 2025) <<https://swisscognitive.ch/2025/01/07/ai-for-disabilities-quick-overview-challenges-and-the-road-ahead/>> accessed 7 October 2025.

⁸ European Association of Service Providers for Persons with Disabilities (EASPD), *Use of Artificial Intelligence in Social Care for Persons with Disabilities* (Final Report, 2023) https://easpd.eu/fileadmin/user_upload/Report_Use_of_Artificial_Intelligence_in_social_care_for_persons_with_disabilities_-_Final_final.pdf accessed 7 October 2025.

⁹ 'AI, Disability & Work: Deepening Divide or Empowering Inclusion?' (*BIAS*) <https://www.biasproject.eu/press_corner/ai-disability-work-deepening-divide-or-empowering-inclusion/> accessed 8 October 2025.

People with disabilities were represented in pictures with typical accessories and technologies, for example, blind people portrayed wearing dark glasses. When this portrayal is the main depiction, it wrongly suggests that every blind person wears dark glasses. Images frequently depicted people with disabilities as isolated, appearing sorrowful or in distress. AI-generated narratives concerning disability likewise depicted exclusion, like friends telling the wheelchair-using main character that he can't join them for basketball due to his wheelchair. These images and narratives misrepresented disability as sorrowful and unable to engage in community involvement.¹⁰

WHAT POLICIES THE GOVERNMENT HAS FRAMED FOR THE PEOPLE WITH DISABILITY IN LIGHT OF TECHNOLOGY

Up until 2016, the central disability legislation in India was the Persons with Disabilities Act, 1995. This legislation was established to provide people with disabilities equal chances to engage in all aspects of life. It established measures for affirmative action and non-discrimination in education and employment, implemented regular disability screenings as a preventive action, and created entities at the national and state levels to enforce disability policies. In 2007, India approved the United Nations Convention on the Rights of Persons with Disabilities. The 1995 act was replaced by the Rights of Persons with Disabilities (RPwD) Act, 2016, to align disability law with this treaty. This legislation aims to enhance the inclusion of people with disabilities by broadening the legal definition of disability. The 1995 act defines disability as “blindness, low vision, cured leprosy, hearing impairment, locomotor disability, intellectual disability, and mental illness”. The 2016 legislation acknowledges 21 disabilities, incorporating those outlined in the previous law. Moreover, it acknowledges victims of acid attacks as people with locomotor disabilities. It also shows a more detailed comprehension of intellectual disabilities, a classification that currently encompasses learning disabilities and autism spectrum disorder. Additionally, the legislation defines disability resulting from chronic conditions—neurological disorders including multiple sclerosis and Parkinson’s, as well as blood disorders like hemophilia, thalassemia, and sickle cell disease. Ultimately, the legislation also recognizes people who have multiple disabilities, including Deafblind people.¹¹

¹⁰ ‘The Impact of the Use of AI on People with Disabilities’ (*New York City Bar Association*) <<https://www.nycbar.org/reports/the-impact-of-the-use-of-ai-on-people-with-disabilities/>> accessed 8 October 2025.

¹¹ ‘A Primer on India’s Disability Law’ (*India Development Review*) <<https://idronline.org/article/rights/a-primer-on-indias-disability-law/>> accessed 8 October 2025.

The government aims to create an inclusive society that offers equal opportunities and access for the advancement and progress of enabling them to live productive, safe, and dignified lives. To advance the Department's vision, it is essential to initiate a Nation-wide Awareness Campaign aimed at attaining universal accessibility for all citizens, including persons with disabilities, to foster a supportive and barrier-free environment. In this regard, the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment has devised the “Accessible India Campaign (**Sugamya Bharat Abhiyan**)” as a flagship nationwide initiative to achieve universal accessibility, empowering persons with disabilities to have equal opportunities and live independently while participating fully in all facets of life within an inclusive society.¹²

The Indian Standard for accessibility in ICT products and services has been officially launched by the Ministry of Social Justice and Empowerment via a notification. This standard is relevant to numerous products and services, such as mobile devices, laptops, ICT with video communication (like TVs with set-top boxes and remotes), in addition to websites and applications.¹³

Following this notification, Person with disabilities can now file complaints with the chief disability commissioner and seek remedies under the Rights of Persons with Disabilities Act 2016 if ICT products and services fail to meet the established standards applicable to manufacturers and service providers in both the government and private sectors.¹⁴

CASE LAWS PASSED BY THE INDIAN COURTS FOR PEOPLE WITH DISABILITY IN LIGHT OF TECHNOLOGY

On 30 April 2025, the Supreme Court of India delivered a landmark ruling in *Pragya Prasun & Ors. v. Union of India*¹⁵, firmly establishing that the right to digital access is an essential component of the fundamental right to life and personal liberty protected by Article 21 of the

¹² ‘Accessible India Campaign:: Department of Disability Affairs’ (1 November 2015) <https://web.archive.org/web/20151101135005/http://innovationclustersarchive.nic.in/content/accessible_india.php> accessed 8 October 2025.

¹³ ‘People with Disabilities Can Now Seek Redressal in Case of Denial to “Accessible” ICT Products, Services’ *The Times of India* (16 May 2023) <https://timesofindia.indiatimes.com/india/people-with-disabilities-can-now-see-redressal-in-case-of-denial-to-accessible-ict-products-services/articleshow/100284330.cms?utm_source=chatgpt.com> accessed 9 October 2025.

¹⁴ *Ibid*

¹⁵ *Pragya Prasun & Ors. v. Union of India* 2025 SCC OnLine SC 993

Constitution. By anchoring digital accessibility in the constitutional assurance of dignity and autonomy, the Court indicated a significant change towards a legal framework that modifies core principles to align with the conditions of a progressively digital society, where access to vital services is primarily facilitated by technology.

On 2 April 2025, in a notable ruling, the Delhi High Court evaluated the powers and jurisdiction of the Chief Commissioner for Persons with Disabilities (CCPD) as per the Rights of Persons with Disabilities Act, 2016), particularly concerning the provision of interim suggestions in service-related issues. A key mandate of the CCPD is to create a platform for Persons with Disabilities to express their complaints against both the government and private entities. The CCPD and its state counterparts (SCPDs) have persistently fulfilled a crucial role: listening attentively to the challenges faced by people with disabilities that are frequently ignored in our ableist society.¹⁶

In the case of *Rahul Bajaj vs. Practo Technologies Pvt. Ltd. and Others* the Chief Commissioner's court for Persons with Disabilities ruled against Practo, instructing the online healthcare provider to ensure its website and application are accessible to people with disabilities. To ensure a website or application is accessible to people with disabilities, particularly those with visual impairments, it should enable them to access the same information and participate in interactions as effortlessly as those without disabilities.

The Practo case is important because the commission decided that the Rights of Persons with Disabilities Act, 2016, establishes a two-year timeframe for service providers to adhere to the accessibility regulations set by the government in 2017. It was noted that for websites associated with government ministries, the Department of Empowerment of Persons with Disabilities is not the only authority overseeing compliance: specific departments held responsibility as well.¹⁷

¹⁶ *Mukesh Kumar vs. National Power Training Institute & Ors* 2025 SCC OnLine Del 2056

¹⁷ Priya Jagadeesh, 'Recent Order of Chief Commissioner for Persons with Disabilities (Divyangjan) on Non-Accessibility of the Practo App' (*Pacta*, 29 August 2022) <<https://www.pacta.in/post/recent-order-of-chief-commissioner-for-persons-with-disabilities-divyangjan-on-non-accessibility-o>> accessed 8 October 2025.

CONCLUSION

The relation between AI and disability rights offers considerable chances as well as obstacles. AI can significantly improve accessibility, enabling people with disabilities to engage more fully in society, but it also risks reinforcing current biases if not created carefully. To effectively leverage the advantages of AI, it's essential to emphasize inclusive design, engage disabled people in the development process, and establish strong protections against bias. At present, India lacks a distinct law to govern AI. India has pledged to honor the dignity and independence of people with disabilities, fostering an inclusive society where they can thrive and live fulfilling lives in the age of Artificial Intelligence. Now, it is essential to incorporate a legal framework for Artificial Intelligence within the legal system. Encouraging teamwork among technologists, policymakers, and advocacy organizations can help guarantee that AI acts as a means of empowerment instead of exclusion. The government has formed various policies which are benefiting people with disabilities but there is a long road ahead to help People with disability and we also need various awareness programmes which will sensitize people so that they don't look down upon People with Disability and believe in inclusivity.

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