

“Ensuring Fair Access to AI-Driven Assistive Educational Technologies for Persons with Disabilities in India: Consumer Protection, Pricing Practices, and Competition Law Challenges”

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ABSTRACT:

Over the last few years, Indian education has shifted rapidly onto digital platforms, thanks to the National Education Policy of 2020 and frankly the shock of the pandemic. For students with disabilities this shift is not just a matter of convenience software has become the main door into the classroom. Tools like screen readers, Indian Sign Language videos and even AI-based cognitive aids aren't nice-to-haves anymore they are the bare minimum for actually taking part in lessons.

But here is a new worry that have not discussed much in Indian law i.e. EdTech companies are quietly using clever algorithms to guess though not always directly who is relying on assistive technology. They watch for clues maybe someone spends more time getting through a page, or rarely uses a mouse or always has accessibility settings turned on. Once a system spots someone who seems to depend on these features, it might nudge the price up just for them. The logic is simple and frankly a bit ruthless i.e. if you truly need an accessible platform you don't really have the option to leave so you end up paying whatever they ask. The conclusion drawn on competition economics, accessibility research and what's coming out of regulators like the OECD, US FTC and the Competition Commission of India. The argument is that Indian law is split up into different acts cover disability rights, competition, consumer protection and data privacy, but none really tackles this pricing problem head on. That leaves a gap and students who need assistive tech could end up priced out of the classroom, even though the law says they are supposed to be included. Researcher wrap up with some practical reforms like shifting the burden of proof under the Competition Act 2002.

Keywords: Algorithmic pricing, persons with disabilities, assistive technology, abuse of dominance, personalised pricing, educational technology, proxy discrimination

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I. INTRODUCTION

A. Background and Context

In the past six years, education in India has gone digital, and not gradually either. The National Education Policy of 2020 made online learning official (Ministry of Human Resource Development [MHRD], 2020.), but honestly it was the pandemic that turned it into an everyday reality. For most students, switching from physical classrooms to online platforms was just a new way to do the same old thing: a class that used to be in person now pops up on your laptop or phone.

But for students with disabilities, the story feels very different. If you are blind, deaf or dyslexic the screen reader is not just another tool its what makes the whole lesson possible. For some the Indian Sign Language translation in a video is not just a feature on the side its the only way the lesson makes sense. Once classes move to apps and websites assistive tech stops being optional. Its the ticket in. And whoever sets the price for that software is whether they realise it or not deciding who gets through the door to learn.

Pricing itself has changed a lot too though not everyone's noticed. Gone are the days when everyone paid the same fee. Now prices can shift depending on who you are and how you use the platform. Instead of a fixed number, companies can watch your habits and set a price that feels just right for you sometimes a bit too right if you ask me. The OECD has spelled out the difference that dynamic pricing changes with things like demand or stock but personalised pricing targets each person fishing for the highest amount they will actually fork over (OECD, 2018.). This is not just theory anymore. By early 2025 the US Federal Trade Commission found that pricing companies now use everything from your location to even how you move your mouse online to decide what you will be charged (Federal Trade Commission [FTC], 2025.). Its a quiet shift but its everywhere now.

This is where the two trends collide and honestly its a bit unsettling. What if the very things that help a disabled student participate online like using a screen reader or always navigating with

the keyboard become the signals that single her out for higher prices? Its not like she announcing her disability anywhere. But the way she moves through a website the time she spends on each page and the special features she needs all leave a trace. Any platform thats paying attention can pick up these clues even if it never asks her directly. This pattern or behaviour they call this proxy discrimination basically if an algorithm can't see a protected trait, it just looks for hints (Prince and Schwarcz, 2020.). And when it comes to disability those hints are loud and clear in the digital world.

Now here's the kicker. If you are disabled and you rely on assistive tools to access your lessons you do not really have a choice. Say a sighted student sees a fancy note taking tool that costs too much they can just use pen and paper. But if you are blind and the only way to read the material is through a screen reader you have to pay for you are stuck. Especially when an exam is coming up there is no time to look for alternatives. Thats exactly what pricing models are designed to take advantage of. What really worries is that these systems can turn a student's basic need into an extra fee and all these without ever marking them as disabled in the code.

In India this is not just a technical or academic issue but its a urgent and real problem that can affect interest of disabled community. The country's education system is massive but the disability community here already faces high poverty and exclusion. According to WHO and UNICEF out of over 2.5 billion people who need assistive products worldwide, nearly a billion don't get them, mostly because they are too expensive (World Health Organisation [WHO] and United Nations Children's Fund [UNICEF], 2022.). On top of that even the Competition Commission of India has started raising concerns about what can happen when pricing software is left unchecked (Competition Commission of India [CCI], 2025.). Despite the presence of statutory frameworks but we lack insight into how they intersect for disabled students dealing with custom pricing. That is the central problem this study investigates.

B. Statement of the Problem

Researcher break down the problem in simple terms. Firstly, the way prices are set in EdTech today means platforms can figure out just from how someone uses accessibility features, whether they might have a disability. Once they have a hunch, nothing stops them from quietly charging higher personalised prices to these users especially during high pressure moments like admissions or exams when students are less likely to shop around or switch platforms.

Secondly, our laws in India are all over the place on this. The Rights of Persons with Disabilities Act insists that digital content must be accessible but is completely silent on what that accessibility should cost (The Rights of Persons with Disabilities Act, 2016. . The Competition Act says no unfair or discriminatory pricing but its never been tested on this kind of access-based price hike (The Competition Act, 2002. . The Consumer Protection Act has chased after hidden fees and manipulative design but has not touched personalised pricing yet (The Consumer Protection Act, 2019. . And the new Digital Personal Data Protection Act doesn't even treat inferred disability as sensitive data unlike Europe so there is barely any protection if a platform guesses your disability without asking (The Digital Personal Data Protection Act, 2023. .

Lastly, all these rules are run by different authorities who don't share notes. So, a practice that could be a civil rights issue an exploitative business move, an unfair trade act and a privacy violation all at once might end up being none of those in the eyes of the law just because nobody is looking at the whole picture. The researcher would like to raise the concern about there is no official record of anyone complaining about price targeting based on accessibility in India least not yet. Through literature review researcher has observed that in all incidents ingredients are all there and it's easy for companies to do, it's tempting for them to try and our laws are not set up to catch it. Too often regulators only show up after the damage is done, like doctors arriving late. The researcher's point is, we should get ahead of this before it becomes a real problem.

C. Research Objectives

Here are the five main goals this study tries to answer i.e.

First to understand that it's genuinely possible both technically and economically for EdTech companies to use accessibility clues to personalise prices and exploit students who can't easily switch platforms. Researcher will look at what the research and economics say about this. As Are EdTech platforms able to figure out if a user has a disability, just by watching how they use accessibility features? If so, does using that information to set prices count as discrimination under Indian law?

Therefore its important to lay out how India's laws on disability rights, competition, consumer protection and data privacy each deal with this scenario and to point out exactly where each of them falls short. So the next step to analyse the Fundamental duties guaranteed under articles 14 and 21A of the Constitution and the Rights of Persons with Disabilities Act that would actually be broken if companies started charging disabled students more?

- To draw conclusions from how Europe and the US have responded to personalised pricing, but instead of Adapting their framework to see what fits the Indian context. To achieve this, the researcher will extract core principles from landmark rulings [like *Samir Agrawal v. Competition Commission of India & Ors.*, (2021. 3 SCC 136], new amendments to the Competition Act and recent reports from the Competition Commission of India, seeing how they stack up when it comes to price targeting disabled students. If a company singles out disabled users for higher prices can that be challenged as "abuse of dominance" under section 4 of the Competition Act and if several companies use the same software to do this, does it trigger the rules on collusion after the 2023 update? Does the Consumer Protection Act cover against manipulative online design and price targeting or things like hidden fees?

Is the new Digital Personal Data Protection Act strong enough to protect people against

platforms that guess (rather than directly collect information about disability, especially since disability is not even marked as sensitive data?

To suggest practical reforms for law, policy and institutions, not just as theory but as steps that could actually close the gaps identified. What kind of joined up regulatory approach could actually close all these loopholes.

D. Research Methodology

- This paper will focused on doctrinal research. Researcher will going to examine various Indian laws i.e. *The Competition Act, 2002*, *The Consumer Protection Act, 2019*, *The Digital Personal Data Protection Act, 2023*, *The Right of Children to Free and Compulsory Education Act, 2009*, *The Rights of Persons with Disabilities Act, 2016* including constitution of India. And their detailed rules plus key court judgments like *Samir Agrawal v. Competition Commission of India & Ors.*, (2021. 3 SCC 136, *Disabled Rights Group & Anr. v. Union of India & Ors.* (2018. 2 SCC 397

and new Supreme Court orders on accessibility. This study would also analyse Europe's GDPR, American consumer rules on personalised pricing and reports from the US FTC. Researcher will analyse relevant literature of economics and computer science to understand how disability and fairness show up in tech. There is a big caveat though that this kind of legal research can't prove any Indian EdTech company is actually doing these things right now. Here's how the rest of this paper unfolds: Firstly study will look at what other researchers and analysts have said and highlight what's missing. Then this study will break down how the pricing problem works and where it fits in the bigger picture of Indian EdTech. The main legal analysis comes next, covering constitutional rights, disability law, competition law and rules on consumer protection and data privacy. Subsequently study will discuss about the social impact, lay out practical recommendations, and finally, wrap it all up in the conclusion.

E. Scope and Limitations

This paper sticks to India, and it's all about EdTech, especially the parts that help disabled

students join in. Researcher haven't tackled algorithmic bias in jobs, insurance, or banks that's a whole different legal maze for another study. Researcher look at foreign laws just to see what's possible, not to cover every detail. And since the main problem that researcher is talking about is a risk that hasn't shown up in court yet, this study's recommendation is about getting ready in advance not waiting until someone finally files a complaint.

II. REVIEW OF LITERATURE AND THE RESEARCH GAP

A. Behavioural Discrimination and the Personalised Price

If you want to trace where this whole conversation about pricing and discrimination started, you have to look at Ezrachi and Stucke's (2016. work, *Virtual Competition*. They coined the term "behavioural discrimination" basically, using tracking and profiling to figure out how much each customer will tolerate and then charging them almost that much. Back in 2016, they warned this would become standard unless the law stepped in, and to be honest, that warning turned out to be spot on.

The OECD picked up the theme in 2018, giving governments a clear framework for understanding how big data lets sellers chop up the market into tiny segments each one with its own highest price. Their notes, though, also sound a warning it's often the least savvy or most vulnerable who get stuck paying the most.

Over in Europe, researchers like Zuiderveen Borgesius and Poort (2017. pointed out that online price discrimination mostly lives inside data protection law, since it involves personal data. They found that transparency and usually consent are supposed to be required. Later when they actually asked people, most consumers thought this whole approach was pretty unfair (Poort & Zuiderveen Borgesius, 2021. .

Calo (2014. took a step back and argued that all this is part of a broader pattern i.e. digital platforms are set up to exploit people's mental and emotional weak spots at scale. Townley, Morrison and Yeung (2017. pushed that idea into

the heart of European competition law. More recently, Gillis (2025) has shown that even if a pricing model never asks about your protected status, it might still end up discriminating against those groups in practice. And now, the US Federal Trade Commission's deep dive has shown that what used to be theory is now happening in the real world (FTC, 2025).

But here's where the existing research falls short for research purposes. Most of it talks about vulnerability in terms of shoppers who are impulsive, not great at searching, or just extra loyal to a brand. Disability never really comes up as its own reason someone might be targeted for higher prices. And almost nobody treats assistive tech as its own market worth studying.

B. Algorithms and Collusion: The Competition Law Conversation

Another big question explored in the literature is whether algorithms can "collude" that is work together to keep prices high even if there is no actual conversation happening between companies. Calvano and his team (2020) showed in experiments that AI systems can end up charging above market prices by punishing anyone who breaks the pattern then slowly drifting back to a shared strategy. Klein (2021) found a similar pattern for pricing systems that update over time.

But the more people look into it, the more it seems to depend on how these systems are built (Asker et al., 2022). The economics field is still arguing about how big a risk this really is. Ezrachi and Stucke (2017) mapped out a bunch of possible scenarios, giving competition lawyers new language to talk about everything from simple messenger systems to complex "digital eyes" that act on their own.

In India, the big legal milestone is the Samir Agrawal case [(2021). 3 SCC 136]. The Competition Commission didn't find a cartel in the pricing practices of ride-hailing apps because the drivers were just following whatever price the algorithm spat out there wasn't any clear agreement (*Samir Agrawal v. ANI Technologies Pvt. Ltd.*, 2018). The appeals tribunal agreed, taking a narrow view of who can actually share

information (*Samir Agrawal v. Competition Commission of India*, 2020). The Supreme Court widened who could bring a case, but kept the main decision intact (*Samir Agrawal v. Competition Commission of India*, 2021).

To deal with these grey areas, Parliament changed the law in 2023, making it clear that even helpers people or companies not in the same trade but who assist in anti-competitive agreements can now be held liable (The Competition (Amendment) Act, 2023). The Competition Commission's 2025 study on AI admitted that pricing software can make companies act in sync even when humans aren't talking, but suggested a gentle approach that more self-audits and better communication between regulators. India even drafted a new law along European lines, but it was shelved after a government committee said it needed a lot more work (Medianama, 2025). So, for now, we're relying on the old Competition Act.

What's striking is that in all this legal talk almost everyone focuses on how sellers might work together in secret. Hardly anyone discusses how these algorithms could target and exploit specific groups of buyers like people with disabilities by charging them more. That silence is a big gap in both law and research.

C. Disability and the Algorithm: An Almost Empty Shelf

There is a growing body of research on disability and algorithms, and it paints a pretty clear picture: disabled users often get left out or misread by algorithmic systems. Treviranus (2019), for example points out that when systems are built to work for the "average" person, anyone on the margins like many disabled folks gets ignored. Trewin's work digs into why so-called fairness tools often fail for disability since disabilities are so different from person to person, and disability data is extra sensitive people often keep it private to avoid discrimination (Trewin, 2018; Trewin et al., 2019). Groups like the Center for Democracy and Technology, and the American Association of People with Disabilities, have started to map out these risks in policy terms (Center for Democracy & Technology [CDT] & American

Association of People with Disabilities [AAPD], 2021. . The legal concept that matters most for my argument comes from Prince and Schwarcz (2020. : “proxy discrimination.” That’s when algorithms even if you strip away the protected categories still find sneaky ways to target people by looking for clues and patterns tied to those same categories.

Here is the surprising bit that barely anyone in academic research has connected personalised pricing to disability in a direct way. Most of the discussion comes from advocacy groups not peer-reviewed studies. Aboulafia and DiSalvo writing in 2025, pointed out this blind spot and sounded the alarm that if a company figures out how crucial a product is for someone with a disability it might just bump up the price what some American scholars call the disability tax. The closest academic work I have found is from Lazar and colleagues in 2011 but that’s about a completely different harm that disabled users missing out on discounts because inaccessible websites keep them from online-only deals. That’s not the same as being singled out for a higher price. The difference is important for what this study arguing here. All of this takes place against the bigger problem that according to WHO and UNICEF there’s already a global shortage of assistive products, lots of unmet needs and a huge out of pocket burden for people with disabilities (WHO & UNICEF, 2022. . Any unfair pricing just adds to that struggle.

D. The Indian Frame: Accessibility Without a Price Theory

If you look at Indian disability law and scholarship, there’s been a lot of momentum lately especially after the *Rajive Raturi* case [*Rajive Raturi v. Union of India & Ors.*, 2024 INSC 858], where the Supreme Court made it clear that accessibility is not just a nice idea, its a legal requirement. Vikash Kumar’s case also pushed the idea that reasonable accommodation is central to disability law in India [*Vikash Kumar v. Union Public Service Commission & Others* (2021. 5 SCC 370)]. By now we have got plenty of standards and guidelines i.e. sections 40, 42, and 46 of the main Act i.e. the Bureau of Indian

Standards’ IS 17802 and government web accessibility guidelines, plus our commitments under the UN Convention (Bureau of Indian Standards [BIS], 2021, National Informatics Centre [NIC] 2023, United Nations, 2006. . But here’s the catch that all this focus is on making sure digital content is usable on things like whether you can see, hear or interact with the page. Almost nobody is talking about how much it actually costs to access those features.

Scholarship on consumer law has started following the regulator’s crackdown on manipulative design (the “dark patterns” stuff. and privacy experts are quick to point out that the 2023 data law does not treat disability as sensitive data. Meanwhile, the EdTech sector gets written up for its size and how unstable it is. But if you are looking for research that actually talks about the pricing of accessibility or how disabled students are affected when platforms charge more for the features they need there is nothing out there. Even the basics are worrying that only about a quarter of Indian households have internet access and its much lower in rural areas (National Statistical Office [NSO], 2019. . The digital divide is real and the Indian research shelf is pretty bare on this question.

E. The Research Gap

Therefore, what’s actually missing in the research i.e. this study has analysed six big gaps. First, there’s no peer-reviewed study out there that looks at personalised pricing based on how people use accessibility features. The only writing on this is from advocates, not academics (Aboulafia & DiSalvo, 2025. and even then the closest example is about disabled people missing out on discounts not being singled out for higher prices (Lazar et al., 2011. . Second, nobody has put together disability rights, competition law, consumer protection, and data privacy into one big picture for digital consumers with disabilities in India. Third, all the talk about personalised pricing does not really get into what happens when people need something and can’t walk away like assistive tech. Fourth, after Samir Agrawal case [(2021. 3 SCC 136)], there is a gap in the legal conversation that nobody is looking at price

discrimination under section 4 (abuse of dominance. of the competition Act 2002 as opposed to section 3 (collusion. , or at the new 2023 rules for pricing engines. Fifth, people mention that our data law doesn't have a "sensitive data" category, but almost nobody talks about what happens when disability is inferred rather than declared. Finally, there is just no research at all on the pricing of assistive EdTech in India or on what's available in Indian languages. This paper tries to tackle the first five gaps through legal analysis and points to the last one as important ground for future research.

III. THE ECONOMIC ANATOMY OF THE HARM

A. From the Posted Price to the Calculated Customer

Let's break down how economists think about price discrimination. They usually talk about three types i.e. the first is where each person gets charged the most they are willing to pay, the second is when people choose among different options or packages and the third is where whole groups get different prices. For ages, the first kind was just a theory no business really knew exactly what each customer would pay. But now with all the data platforms collect, those guesses are getting scarily accurate. Every click, every scroll, helps a pricing model get better at figuring out just how much target customer will pay. The OECD (2018. has even pointed out how the game has changed. We have moved from setting a price for everyone, to setting a price for you. The US Federal Trade Commission (2025. has already found a whole industry popping up to make this happen.

There is a bigger idea here that goes beyond just the technical details. When pricing is set by a "willingness to pay" model that doesn't care why someone is willing it just cares if they are. For a disabled student, the answer is often yes, but not out of preference or luxury. It is because there is simply no other way to get what they need. What looks like a "high willingness to pay" in the model is really just a lack of options in real life. So, the pricing system ends up turning basic need into an extra charge. It does this without malice or

intention its just relentless and automatic. That is important for the legal argument in India, because our consumer and competition laws usually focus on outcomes not on whether someone meant to discriminate.

B. Reading Disability off the Interface

How would a platform come to know? Not by asking. Assistive technology leaves a behavioural signature that ordinary analytics already captures. A screen reader user generates focus events in linear sequence and dwell times that track synthesised speech, a keyboard only user never produces pointer movement between fields, a low vision user pushes zoom and contrast settings far outside the population norm, software built on accessibility programming interfaces announces itself to the operating system and often enough to the page. None of these signals is exotic and none of them is collected for the purpose of pricing; they are the exhaust of rendering the product at all. The fairness literature has emphasised that disability information is among the most closely held data a person has frequently undisclosed precisely because disclosure invites discrimination (Trewin et al., 2019. . The proxy discrimination literature completes the thought that a system that is never told a protected status will, if the status predicts the target variable, find its correlates and use them (Prince & Schwarcz, 2020. . In a digital environment, the user who never discloses still discloses.

Two honest qualifications belong here. First, whether any EdTech platform currently routes these signals into a pricing model is not publicly known, the Federal Trade Commission's findings concern pricing intermediaries generally rather than education specifically (FTC, 2025. . Secondly, inference of this kind is probabilistic and will misfire at the margins, sweeping in some users without disabilities and missing some with them. Neither qualification is comforting. The first describes an evidentiary vacuum, not an absence of capability. The second describes a harm that is over and under inclusive at once which has never been a defence to discrimination.

C. The Arithmetic of Captivity

Let's analyse about the money side of assistive tech. According to WHO and UNICEF, out of more than 2.5 billion people worldwide who need at least one assistive product, almost a billion do not have access to any. And for those who do get what they need, about two-thirds end up paying out of pocket (WHO & UNICEF, 2022). In the US, it's estimated that a household with an adult who has a disability needs nearly 28% more income just to have the same standard of living as everyone else (National Disability Institute, 2020, as cited in Aboulafia & DiSalvo, 2025). Now bring those numbers to India a country where people with disabilities are already facing higher rates of poverty and the digital costs (devices, internet, software) land on exactly those who can least afford them.

Subscriptions make things trickier still. What used to be a one-time purchase is now a monthly fee, so the pricing algorithm is not just a one-off challenge it's a recurring one. Sometimes, renewal dates even line up with exam schedules, putting more pressure on students. With demand that can not easily drop tight budgets and a paywall that never goes away this market seems designed to squeeze the most out of people who have no real choice. At some point, it starts to feel less like a business model and more like a tax on disability.

IV. THE INDIAN EDTECH MARKET AS A SITE OF EXPLOITATION

A. Scale, Concentration and the Thin Assistive Niche

The Indian EdTech market was valued at approximately 2.8 billion US dollars in 2024 (IMARC Group, 2024), with industry forecasts predicting severalfold growth over the next decade. Yet, recent years have seen rapid consolidation and widespread closures. The collapse of BYJU'S, once the poster child of the sector and eventually brought before the National Company Law Tribunal for insolvency, stands out but is far from unique (The Week, 2025). Industry data show that more than 2,500 EdTech start-ups shut their doors in the decade leading up to 2024, most of them after 2020 (Tracxn, 2024). As the sector narrows, the

remaining firms gain significant pricing power, and students who developed their study routines on shuttered platforms face the difficult task of starting over elsewhere.

For disabled students, the options are even more limited. Few providers supply specialised assistive features, dependable Indian Sign Language support, regional language screen readers, or content adapted for dyslexia. When a student finds a platform that truly fits their workflow, switching comes with costs that are more than financial: retraining habits, rebuilding notes, and checking whether every feature works with their tools. Notably, there is no published research on assistive EdTech availability in Indian languages; the very lack of basic data is revealing. This kind of lock-in is exactly what competition law describes as an unavoidable trading partner—a concept explored further in Part VI.

B. The Calendar as Leverage

The Indian education system is built around relentless deadlines think of the engineering and medical entrance exams, civil services prelims or university admissions. These pressures force students to make decisions quickly cutting short the time they have to compare options. This kind of urgency is exactly when personalised pricing strategies can bite the hardest, since buyers do not have the luxury of shopping around for a fair deal. Looking at the sector's track record, there is little evidence of companies holding back. Surveys across more than two hundred Indian platforms show that education services are among the top users of tactics like false urgency, subscription traps and automatic payments after free trials (LocalCircles, 2024). Recent actions from consumer regulators, detailed in Part VII, back up this pattern. In a field so used to manufacturing urgency recognising the value of a real deadline is second nature. The shift from broad timing pressure to targeting those who simply cannot leave is not a big leap; ultimately the law must ensure that making such a move is not profitable.

V. THE CONSTITUTIONAL AND DISABILITY RIGHTS FRAMEWORK

A. Equality, Life and the Right to Learn

The constitutional framework for this issue is well established. Article 14 prohibits not only explicit discrimination but also arbitrariness in state action, with courts consistently holding that arbitrariness is incompatible with equality [*E.P. Royappa v. State of Tamil Nadu*, (1974. 4 SCC 3)]. Article 21A guarantees free and compulsory education for children, as recognised in the Right to Education Act (The Right of Children to Free and Compulsory Education Act, 2009.), and previous jurisprudence has treated this right as integral to the rights to life and dignity (*Unni Krishnan, J.P. v. State of Andhra Pradesh*, [(1993. 1 SCC 645)]. The Supreme Court has reinforced this by upholding the educational entitlements of persons with disabilities, recognising their inclusion as a matter of right rather than charity (*Disabled Rights Group v. Union of India*, [(2018. 2 SCC 397)]. A common challenge concerns horizontality i.e. EdTech providers are private entities and fundamental rights are generally directed at the State. However, two counterarguments address this concern. First, the State has made digital platforms a central part of its educational policy directing students to private software through public examinations, scholarship portals and officially endorsed learning ecosystems. In these cases the State cannot ignore discriminatory pricing within these channels. Second, constitutional values guide the interpretation of statutes that bind private actors. Any application of disability, competition or consumer protection law that allows algorithmic price discrimination against disabled students would be difficult to justify under articles 14 and 21A.

B. The RPwD Act and the New Accessibility Jurisprudence

The Rights of Persons with Disabilities Act, 2016 forms the backbone of statutory protection. Section 40 of this act requires the Central Government to set accessibility standards for areas including information and communication technology. Section 42 mandates that the State

ensures electronic media and everyday technology are accessible, while section 46 obligates service providers to comply within a specified timeframe (The Rights of Persons with Disabilities Act, 2016. . Rule 15 of the 2017 Rules, which had reduced compliance to a set of guidelines was invalidated in *Rajive Raturi*, where the Supreme Court made clear that accessibility is a binding legal requirement, not just an aspirational goal. This position was anchored in articles 14, 19, and 21 of the Constitution and the social model of disability (*Rajive Raturi v. Union of India*, (2024 INSC 858. . Earlier, the Vikash Kumar case had already placed reasonable accommodation at the core of the statute, confirming that denying accommodations necessary for participation amounts to discrimination (*Vikash Kumar v. Union Public Service Commission*, [(2021. 5 SCC 370)]. The technical standards supporting these obligations are detailed in IS 17802 and official government web guidelines which adapt international accessibility benchmarks to the Indian context (BIS, 2021 NIC, 2023. .

Taken as a whole, these materials make it clear that the Act is focused on ensuring real practical access not just the appearance of availability. The UN Convention which the Act implements reinforces this by treating accessibility as a question of the true conditions under which disabled people can make use of goods and services with cost being a central factor (Committee on the Rights of Persons with Disabilities, 2014. . When prices are consistently higher for disabled users simply because of their disability genuine access is undermined just as surely as it would be by missing alt text except the exclusion is even less obvious.

C. The Blind Spot: Standards That Audit the Door and Ignore the Toll

Despite detailed standards, current enforcement mechanisms often fail to detect this type of harm. The standards framework focuses on aspects like perceivability, operability, robustness and compatibility with assistive technology criteria that apply at the interface level. A platform may meet every technical checkpoint and still charge a

premium for screen reader support or offer higher subscription prices to users whose behaviour signals a disability. In its present form, accessibility law reviews the doorway but overlooks the cost of entry. The *Rajive Raturi* judgment creates an opportunity for reform and the Supreme Court has made it mandatory for new rules to be framed (*Rajive Raturi v. Union of India*, [2024 INSC 858]. and nothing in section 40 limits the Government to technical interface specifications. Introducing standards that address the commercial realities of access including a prohibition on pricing linked to assistive feature usage would be consistent with both the statutory language and the Court's reasoning. Further discussion of potential reforms appears in Part IX.

VI. COMPETITION Act 2002: THE PRIMARY THEATRE

A. Why Section 4 of The Competition Act 2002 Leads

It may be natural to characterize algorithmic pricing as a cartel issue since that is the starting point for much of the international debate. However, for the circumstances described here, this approach is not the most appropriate something demonstrated by the *Samir Agrawal* case itself. In that case the Competition Commission did not find evidence of a meeting of minds among drivers who simply accepted algorithmically determined fares. However the Commission did note that allegations of discriminatory pricing of this kind could be examined under section 4, a route unavailable in that instance because dominance was not alleged (*Samir Agrawal v. ANI Technologies Pvt. Ltd.*, [2018 SCC OnLine CCI 86]. . This observation provides a key doctrinal pathway for addressing the problem. Ultimately the exploitation of a captive group of buyers is less about collusion among sellers and more about the exercise of market power over those unable to exit. This falls squarely within the remit of section 4 of this act.

The analysis follows the standard approach beginning with market definition. For a blind student preparing for a national examination, the relevant market is not all educational

applications, but specifically those platforms that are compatible with their assistive tools use their preferred language and cover the required syllabus. Substitutability the key to market definition is viewed from the perspective of the user and for many disabled students most so-called alternatives are not substitutes at all. Markets defined in this way are typically narrow, which means dominance can arise quickly. The Competition Act itself supports this assessment: section 19(4). instructs the Commission to consider consumer dependence when evaluating dominance and such dependence is central for assistive technology users (The Competition Act, 2002. . European law reflects a similar concept through the idea of the unavoidable trading partner and it is difficult to find a clearer example than a platform that is the only accessible path to an essential curriculum (*Hoffmann-La Roche & Co. AG v. Commission of the European Communities*, Case 85/76 [1979] ECR 461. . The next step is to consider the relevant conduct. Section 4(2). (a). defines it as an abuse for a dominant company to impose unfair or discriminatory conditions or prices in the sale of services (The Competition Act, 2002. . Algorithmic pricing that targets disabled users violates both aspects as it is discriminatory because materially identical services are priced differently based on a buyer's characteristic that is unrelated to costs. For example the marginal cost of providing services to a screen reader user is not significantly higher than serving a sighted user and any claim to the contrary can be audited. Such pricing is also unfair in an exploitative sense as it extracts a premium from inelastic need-based demand i.e. the extra profit comes not from superior service but from the user's lack of alternatives. Objective justification is available when there are genuine cost differences such as accessibility features that are expensive to build and maintain which may warrant distinct pricing. However a differential that is based solely on the user's inability to exit rather than on the provider's cost to serve, cannot be justified. The evidentiary strength of section 4 lies in its requirements. It does not depend on any agreement or collusion between companies. A single dominant platform and

evidence of a consistent pattern of skewed pricing are sufficient.

B. Section 3 in the Shadow of Samir Agrawal Case

Section 3 of the Competition Act 2002, while not irrelevant, is better seen as secondary in this context. The more plausible scenario for collusion in the EdTech market is not direct coordination among rival firms but several companies choosing to license the same third party pricing engine. This engine can then apply similar pricing strategies to captive users across otherwise competing platforms. Prior to 2023, such vendors did not clearly fall within the remit of section 3(3), as they were not engaged in the same trade. The Competition (Amendment) Act, 2023 addressed this gap by extending the cartel presumption to any enterprise regardless of industry that participates or intends to participate in furthering such an agreement language specifically targeting hub-and-spoke arrangements (The Competition (Amendment) Act, 2023). However the core difficulty highlighted by the Samir Agrawal case remains. The second proviso assumes that there is an agreement among the spokes but if each platform independently selects the same pricing vendor for similar reasons, no true horizontal agreement may exist (*Samir Agrawal v. Competition Commission of India*, [(2021) 3 SCC 136]. Experimental economic research complicates matters further, as it demonstrates that pricing algorithms can produce coordinated outcomes without traditional forms of communication, although this is heavily dependent on the design of the algorithm itself (Asker et al., 2022, Calvano et al., 2020). In practice section 3 captures the straightforward cases such as a shared engine openly marketed to maintain high prices but may miss more sophisticated forms of alignment. This further supports the argument for prioritising section 4 in regulatory enforcement.

C. Soft Law, Stalled Law and the Enforcement That Remains

Institutional context plays a significant role. The Competition Commission's 2025 market study on artificial intelligence openly acknowledges the

risks, including coordination without human involvement and the potential for exploitative uses of AI. However, the recommended responses have so far been limited to self-auditing, increased transparency, capacity building, and inter-agency cooperation (CCI, 2025). The proactive, ex-ante regulatory approach is currently unavailable. The draft Digital Competition Bill of 2024 did not address pricing discrimination against protected groups and its withdrawal following the Standing Committee's negative report in 2025 (Medianama, 2025) means the existing Competition Act remains the main legal tool. This is not a fatal limitation. The current Act is capable of addressing the conduct in question, so long as the Commission is willing to scrutinise accessibility related pricing practices. Part IX of the act discusses how the current emphasis on voluntary self-audit can be strengthened into a binding regulatory requirement.

VII. CONSUMER PROTECTION AND DATA PRIVACY: THE SUPPORTING CAST

A. The Consumer Protection Act, 2019 and the Limits of the Dark Patterns Frame

The consumer protection statute addresses this issue from the perspective of demand. Section 2(47) describes an unfair trade practice as any unfair or deceptive method used to promote the sale or supply of goods or services with a list of examples originally intended for traditional marketplaces (The Consumer Protection Act, 2019). The Central Consumer Protection Authority has demonstrated that this definition is adaptable. Its dark patterns guidelines now identify thirteen forms of manipulative design, including false urgency and subscription traps (Central Consumer Protection Authority [CCPA], 2023). In a notable case involving an online baby products retailer, the authority found that drip pricing constituted both an unfair trade practice and a dark pattern, resulting in a monetary penalty. The legal reasoning here is anchored by the statutory right of consumers to be informed about the prices of goods and services.

Addressing personalised pricing requires a distinct approach. With drip pricing, the deception lies in delaying the disclosure of the true price, even though everyone ultimately pays the same amount. In contrast personalised pricing can mislead by hiding the fact that there is no single, standard price. The amount shown is tailored to each user's behaviour. For a disabled student, the quoted price may not be misleading about the total cost, but it obscures how the market itself operates.

Two doctrinal solutions are available. The first treats the lack of transparency about personalisation as deception under section 2(47), on the basis that a uniform display of prices functions as a representation to all consumers. The second, more straightforward solution is regulatory i.e. the dark patterns guidelines are adaptable and could be amended to include undisclosed personalised pricing, especially when linked to accessibility features as a prohibited practice. European law already mandates disclosure if a price is personalised through automated decision making (European Union, 2019), demonstrating that naming the practice is a prerequisite for regulating it effectively.

B. The DPDP Act, 2023: Consent, Purpose and the Data Nobody Collected

The data protection statute targets the input stage of the pricing engine. Sections 5 and 6 require that notice and free, specific, informed and unambiguous consent be obtained for a clearly defined purpose. Section 7 limits non-consensual processing to specific legitimate uses (The Digital Personal Data Protection Act, 2023). The rationale behind purpose limitation is clear and often underestimated: accessibility telemetry is collected to enable product usability features like zoom level, focus order and the assistive interface handshake are designed to support user access. Using this data in a willingness to pay pricing model is a fundamentally different use but not covered by the original consent provided for accessibility. Consent to make content accessible is not consent to incur higher charges for needing accessibility.

However, beyond purpose limitation the statute's protection diminishes for two main reasons. First, there is no category of sensitive personal data: unlike the GDPR which gives special status to health and disability information and places conditions on automated decisions with significant effects (European Union, 2016), this Act regards screen reader telemetry and a shopper's colour preferences as equivalent. The only disability specific provision, section 9 relates to consent from lawful guardians and applies to only a small portion of disabled adults. The second weakness is related to inference. While the Act broadly defines personal data to include derived data, its operational requirements i.e. notice, consent and purpose specification are focused on information that the platform collects directly not inferences it draws. As a result a platform that never collects explicit disability status but infers it can, in effect, obtain highly sensitive information about a user without passing through any of the statute's safeguards. European law highlights the importance of naming this issue. The Digital Services Act explicitly prohibits advertisements based on profiling using special categories of data such as health (European Union, 2022). If using inferred disability for targeted advertising is unacceptable, then deploying it for targeted pricing is equally, if not more it's still problematic, the former asks for money, while the latter simply takes it.

VIII. THE SOCIO-EDUCATIONAL STAKES

A. Compounding Divides

It is important not to view the harm discussed here as a minor or isolated consumer issue. Instead, it compounds existing, significant social divides. According to the official consumption survey on education, only about a quarter of Indian households have any internet access, and the percentage is even lower in rural areas (NSO, 2019). The necessities for digital learning devices, data plans and electricity are all subject to economic and geographic limitations. Language presents another barrier as assistive technologies that function reasonably well in English are far less available for other Indian languages. For a

blind student in a rural area studying in her native language, there are already three major obstacles i.e. connectivity, language and accessibility. Algorithmic price discrimination threatens to introduce a fourth barrier, targeting those with the fewest alternatives. This kind of exclusion rarely makes headlines instead it appears quietly over time, as declining enrolment figures.

B. A Welfare Architecture Built for Objects, Not Subscriptions

The existing welfare system is not equipped to address this new challenge. The Central Government's main programme for assistive devices, the ADIP scheme (Scheme of Assistance to Persons with Disabilities for Purchase/Fitting of Aids /Appliances by Department of Empowerment of Persons with Disabilities under the Ministry of Social Justice and Empowerment introduced in 1981. was structured for physical aids and appliances such as calipers, hearing aids and wheelchairs items bought once, fitted and replaced after several years (Ministry of Social Justice and Empowerment, n.d.. . The scheme's design is focused on tangible objects. In contrast, assistive support in education has shifted toward software subscriptions which are renewed monthly and may be repriced at any time. For a student whose stack of screen reading and learning tools now requires regular payments. There is no provision in the current scheme to match these ongoing costs. The welfare framework continues to reimburse for physical objects while the market increasingly rents out digital capabilities. Unless this gap is addressed public funding will continue to subsidise last century's assistive technology while today's essential tools remain a recurring private expense often carrying a premium for those who need them most.

IX. RECOMMENDATIONS

The analysis points to seven reforms ordered roughly from the most immediately available to the most ambitious.

- **Explicitly prohibit discriminatory pricing in accessibility standards.** The mandatory accessibility rules required under section 40 of the

Rights of Persons with Disabilities (RPwD. Act, 2016, ordered by Supreme Court in the case of *Rajive Raturi v. Union of India*, 2024 INSC 858. should, in addition to interface specifications, ban differential pricing or commercial terms based on the use of assistive technology or accessibility features. There is nothing in the statutory language that limits the Government to technical requirements including this prohibition would move the principle from interpretation to enforceable rule.

- **Classify undisclosed personalised pricing as a dark pattern.** The Central Consumer Protection Authority should update its guidelines to include undisclosed personalised pricing as a prohibited practice, with an additional disclosure requirement similar to the European approach (European Union, 2019. . Whenever a price has been set using automated personalisation, this should be clearly communicated to the consumer at the point of offer. While disclosure alone will not eliminate the practice, it will bring transparency and end the invisibility that currently shields it.
- **Adopt a rebuttable presumption under section 4 of the Competition Act 2002.** If a dominant platform charges higher prices to users identifiable as assistive technology users for essentially the same service, the burden should shift to the company to justify the difference based on actual costs. Because all relevant pricing data is controlled by the platform, this presumption can be established through the Commission's own practice, as is already the case with patterns of discriminatory pricing.
- **Mandate algorithmic pricing audits with enforceable consequences.** The current voluntary self-audit approach recommended in the 2025 in competition Act 2002 By CCI market study (Competition Commission of India, 2025. should become a requirement for platforms above a set turnover or user threshold. Annual audits should disclose which variables are used in price setting, certify that accessibility related data are not among them and ensure logs are preserved for regulatory inspection. False certifications should carry penalties shifting the

audit from a mere formality to actionable evidence.

- **Interpret and amend the DPDP Act's purpose limitation.** Under Digital Personal Data Protection Act, 2023, The Data Protection Board should treat accessibility telemetry as data collected solely for providing accessible services and it should not be repurposed for pricing without explicit separate consent. In the medium term, the Act should be amended to include a sensitive personal data category covering health and disability including inferred or derived status, as well as provisions regulating solely automated decisions with significant effects, following the European model (European Union, 2016. .

- **Establish an inter-regulatory protocol.** The harms described are not confined to a single jurisdiction but span multiple authorities. A standing protocol should be created among the Competition Commission, the Central Consumer Protection Authority, the Chief Commissioner for Persons with Disabilities, and the Data Protection Board (once established. to set referral pathways, information sharing and lead agency rules. The first output should be a joint market study of assistive educational technology, including pricing, to provide empirical data currently missing from the field.

- **Develop a public alternative to prevent captive markets. The root cause of exploitative pricing is market captivity and the most effective long term solution is to create viable exit options. India has already demonstrated success in building large.** Scale digital public infrastructure for payments and commerce. The same approach should be applied to assistive educational technology by supporting the development of open source screen reading, captioning and Indian Sign Language tools in major Indian languages, maintained as public goods and available for integration into any platform. Enhancing student choice directly reduces the risk of discriminatory surcharges.

X. CONCLUSION

This paper set out to address a challenging question: what happens when the clearest

behavioural signal for a pricing algorithm is disability itself? The analysis in previous sections shows that this risk is real that Indian education markets are particularly vulnerable and that the law though present on all sides has not effectively closed the gap. Accessibility law reviews interfaces but overlooks pricing, competition law contains the relevant prohibition in section 3 and Section 4 of the Competition Act 2002 but has not been tested in this context, consumer law identifies dark patterns but not personalised ones and data protection law guards collected data but not inferred conclusions. These near misses collectively, do not amount to a prohibition.

It is important to note that no Indian case of accessibility based price targeting has yet been recorded and the argument here is based on capability and incentive rather than accusation. The legal system's real decision is not between action based on proof or speculation but between writing the rule now before the practice becomes entrenched and writing it later when harm has already occurred. Every early measure recommended here a sentence in the section 40 of the Rights of Persons with Disabilities (RPwD. Act, 2016 and its mandatory rules with specific accessibility standards, an entry in the dark patterns schedule, a presumption in the Commission's practice, a strict reading of purpose limitation can be implemented immediately under existing regulatory authority.

At its core, the issue is constitutional. India's promise set out in article 21A of the Indian Constitution, The Rights of Persons with Disabilities (RPwD. Act, 2016 and reinforced by recent Supreme Court judgments is that the classroom door will remain open to disabled students. If that door is digital and the price of entry is determined by the very signals of disability then that promise is undermined in ways no accessibility audit will detect. The real question for the law is not whether it can see the algorithm but whether it can see and protect the student before the algorithm prices them out of the classroom.

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