



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

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Case No. 15001/1101/2023

In the matter of —

Suo-Motu Case regarding non-availability of accessible products meant for Persons with Disabilities at the Government e-Market Place (GeM) Portal

Versus

The Secretary,
Department of Commerce,
Ministry of Commerce & Industries
Vanijya Bhawan,
New Delhi – 110011
Email: csoffice@nic.in

... Respondent No.1

The Chief Executive Officer,
Government e-Marketing (GeM)
2nd Floor, Jeewan Tara Building,
5, Sansad Marg, Near Patel Chowk,
New Delhi – 110001
Email: ceo-gem@gov.in

... Respondent No.2

1. Gist of Case:

1.1 This suo motu proceeding is taken up under **Sections 75(1)(a) & (b) read with Section 77** of the **RPwD Act, 2016** and DoPT instructions dated 31.03.2014 and 02.02.2024 to examine the availability of items including assistive devices for use of the persons with disabilities and whether procurement through **GeM** complies with the Act's mandate of **accessibility and non-discrimination** (inter alia **Sections 40 & 42**) and with notified standards under the **RPwD Rules, 2017** (as amended), particularly for **ICT products and services**; it also considers the obligation under **Rule 149 of the General Financial Rules (GFR) 2017** that procurement of goods/services **available on GeM is mandatory**, thereby requiring GeM's catalogue, workflows and bid templates to embed accessibility by design.

2. Summary of Responses

2.1 In its reply, the GeM stated that procurement is mandatory on GeM only for items **listed** there; where categories do not exist, Ministries may procure independently or request the creation of new categories. It pointed to a "Start-Up Runway" and an **Assistive Technologies** category, and later reported actions including: addition of related assistive items; creation of a new "**Accessibility Software**" category (e.g., **JAWS**); listing of **128 accessibility-audit service providers** with **GI GW** parameters in bid SLAs; and confirmation that a cochlear implant category exists under ADIP but **no procurement** had occurred yet due to bid-only mode.

3. Dates of Hearings

3.1 Hearing-I was held **09.08.2024** (RoP **28.08.2024**); pursuant directions, a multi-stakeholder meeting was convened **21.10.2024**; Hearing-II was held **08.01.2025** (RoP **06.03.2025**). These RoPs are available in the public domain (CCPD's Website), hence the details of proceedings are not being repeated for brevity.

4. Summary of Proceedings

4.1 **Hearing-I (09.08.2024) & follow-up meeting (21.10.2024):** This Court recorded systemic issues: limited range of assistive products, **inaccessible login/captcha** and other UX barriers on GeM, absence of **accessibility filters** for buyers/sellers, and lack of explicit digital-accessibility criteria in IT/software procurement. Directions included broad-basing assistive categories, integrating accessibility features into software/hardware procurement, exploring the handling

of **cochlear implants** on the portal, capacitating start-ups, and convening a stakeholder meeting under the Chairmanship of the Secretary, DEPwD, with IITs, ALIMCO, NAB and user-experts to frame specifications/standards.

4.2 Hearing-II (08.01.2025): GeM clarified that cochlear implants were placed in a **bid-only** category and that additional assistive items had been added; NIC emphasised that **digital services** (e.g., website/app development) listed on GeM must carry **mandatory digital accessibility standards** that procurers cannot bypass. This Court directed time-bound steps: (i) publish a **comprehensive assistive-items list** (including ADIP-linked categories) and the **empanelled accessibility-auditor panel** with parameters; (ii) recommend measures to ensure accessibility compliance for **all** digital goods/services; and (iii) furnish data on cochlear-implant transactions since listing. Subsequent **ATRs (Feb–Mar 2025)** reported **~50 aids/appliances categories**, creation of the “**Accessibility Software**” category (including **JAWS**), mandatory **GIGW** clauses in specified IT hiring categories, 128 audit providers, and confirmation that the ADIP cochlear-implant category had **no purchases** yet.

5 Observations

5.1 Accessibility is a statutory precondition, not an option. Under **Sections 40 & 42** of the RPwD Act, Appropriate Governments must **notify and implement** standards for accessibility and ICT. The **RPwD (Amendment) Rules, 2023** expressly adopt **BIS IS 17802 (Parts 1 & 2)** for ICT accessibility at Rule 15. Procurement templates and cataloguing on GeM must therefore enforce these norms.

5.2 Procurement architecture must align with GFR 149. Because items **available on GeM** must be procured through GeM, accessibility requirements must be **built into** GeM’s category design, filters, STCs, and bid checklists—so buyers cannot unknowingly procure inaccessible goods/services.

5.3 Judicial reinforcement. The Supreme Court’s continuing orders in **Rajive Raturi v. Union of India** require measurable enforcement of accessibility across public infrastructure and services; the 08 Nov 2024 judgment reiterates compliance obligations and monitoring. **Vikash Kumar v. UPSC (2021)** affirms **reasonable accommodation** as a legal right; **Jeeja Ghosh (2016)** enforces dignity and non-discrimination, condemning procedural barriers that exclude persons with disabilities. These principles apply squarely to **digital procurement and platform**

design.

5.4 GIGW and platform UX. Government digital services must conform to **GIGW 3.0** (which incorporates **WCAG 2.1 AA** baseline). Reported issues on GeM —e.g., **inaccessible captcha/login** and absent accessibility filters—are inconsistent with GIGW and must be rectified.

5.5 Medical devices (e.g. cochlear implants). Given their regulated nature, any GeM listing must hard-wire **regulatory due diligence** in STCs and ensure that procurement methods (e.g., bid-only) do not compromise **safety/quality** while still enabling **lawful access** under Government schemes (e.g., ADIP).

5.6 The new guideline issued by the DEPwD on 22.09.2025 on assistive-device procurement for employees: The DEPwD's OM directs that Central Government establishments are obligated to procure and provide **assistive devices** to their employees with disabilities, making inclusive workplace access a legal requirement in internal operations. This elevates the internal procurement of assistive devices to a statutory expectation, not a discretionary accommodation. The OM provides for the provision of assistive devices to an employee with a disability within an overall ceiling of Rs. 10 Lakhs per employee for a period of three years. Given this, procurement platforms like GeM must not only support public procurement of accessible goods and services, but also be capable of serving **employee-device procurement needs** (via accessible workflows, tagged assistive categories, priority routing, and audit trace). Departments must use GeM (or interoperable accessible procurement modules) to place internal orders for assistive devices so that employees' functional needs are addressed without separate or inaccessible silos.

6. Recommendations: The following recommendations are made to the Respondents:

6.1 Accessibility-by-Design on GeM:

(a) **Catalogue & Filters:** Introduce a platform-level “**Accessibility**” **filter** and mandatory “**Assistive/Accessible**” tags; expand and standardise the **assistive-product taxonomy** with attributes like disability-type, standards met, compatibility, and mapped to ADIP categories.

(b) **Bid Templates & STCs:** Embed **mandatory clauses** referencing **IS 17802 (Parts 1 & 2)** for ICT and **GIGW 3.0** for all digital goods/services;

make an **Accessibility Conformance Statement (ACS)** a required bid document. Bids lacking ACS should not be published.

(c) **Procurement Control:** When buyers select any digital category, the system must auto-insert accessibility specs and evaluation parameters; deviations require a **speaking justification** approved at the HoD level.

(d) Introduce a “**For Employee Use / Assistive Device**” sub-category tied to the 22.09.2025 guideline so Departments can place internal orders via GeM under accessible workflows.

(e) Maintain the proposed taxonomy and filters so that external procurement and internal departmental orders use the same assistive-device inventory with standard accessibility metadata.

6.2 Platform Conformance:

(a) **GIGW/WCAG Compliance:** Bring the **GeM portal and apps** to **GIGW 3.0/WCAG 2.1 AA**; replace image-captcha with accessible alternatives; ensure keyboard navigation, screen-reader labels, and error handling. Publish an **independent accessibility audit** and a time-bound **remediation plan**.

(b) **User Testing with PwD:** Institute **mandatory usability testing** with diverse PwD cohorts (VI, HI, LD, locomotor) before each major release; publish summaries.

(c) Prioritise the development of **an employee-assistive device ordering UX that** ensures minimal friction (fewest clicks, guided templates, accessibility checks) for departmental users.

(d) Provide a separate dashboard “Internal Device Orders (Employees)” to monitor uptake frequency, status, exceptions, and unmet requests

6.3 Market Development & Supplier On-Boarding:

(a) **Targeted Outreach:** Proactive onboarding of assistive-tech MSMEs/start-ups through the **Start-Up Runway**; quarterly clinics to help vendors prepare ACS/test reports.

(b) **Regulated Devices:** For **cochlear implants** and similar devices, retain **bid-only** purchase with pre-bid qualification, traceability, and post-market surveillance; align STCs with the **Drugs & Cosmetics** regime; run a **centralised rate-contract** pilot for equitable access under ADIP.

(c) Offer **vendor incentives** (e.g. lower commission, better visibility) for assistive-device vendors geared to employee use (e.g. ergonomic, screen readers, adapted keyboards).

(d) Encourage incubation of new assistive devices per workplace need, as defined by the 22.09.2025 guideline (e.g. hearing augmenting devices, adjustable workstations, assistive software).

6.4 Employee Assistive Device Reporting:

(a) Ensure that every such order is traceable in GeM's internal assistive device category, enabling cross-audit and publicly accessible summary dashboards.

6.5 Auditor Ecosystem & Quality Gates:

(a) Maintain and verify the **panel of accessibility auditors**; require third-party **pre-go-live audits** for government websites/apps procured via GeM; integrate audit-report upload and **GIGW certificate fields** in the award workflow.

(b) Introduce **post-award compliance checks** (randomised) with penalties for false declarations under contract conditions.

6.6 Analytics, Transparency, and Grievance Redress:

(a) **Public Dashboards:** Publish monthly dashboards on (i) assistive-category coverage, (ii) accessibility-tagged procurements, (iii) ACS compliance rates, (iv) audit certificates, and (v) exceptions approved.

(b) **Buyer Nudges:** If a buyer searches for an item absent on GeM, auto-trigger a **category-creation request** (Rule 150) and suggest **nearest**

accessible alternatives.

(c) **Grievance Module:** A dedicated **PwD procurement grievance** channel with **30-day Service Level Agreement (SLA)**; track issues like inaccessible tenders, missing accessibility clauses, or platform barriers.

6.7 Capacity-Building:

(a) Mandatory courses for buyers/sellers and GeM category managers on **RPwD** obligations, **IS 17802**, **GIGW**, accessibility testing, and drafting of **speaking procurement justifications**. Provide templates and exemplars with open access.

6.8 The Chief Executive Officer, GeM, in coordination with NIC/MeitY and DEPwD, shall file an **Implementation Plan within 30 days**, setting out milestones for each recommendation above, with public dashboard links and responsible officers.

6.9 Compliance under Sections 76, 89 & 93 & Accountability:

(a) Incorporate that the monitoring under **Section 76** will include a compliance substream on internal assistive device procurement.

(b) Within **90 days**, Respondents shall **accept these recommendations** or file a **reasoned non-acceptance** under **Section 76**. Continued non-compliance may invite action under **Sections 89 (penalty)** and **93 (withholding information)** of the RPwD Act.

7. Accordingly, the case is disposed of in these terms.

(Rajesh Aggarwal)
Chief Commissioner