

## **1. Background:**

In the case of *RajiveRaturi vs. Union of India* (2024 INSC 858), the hon'ble Supreme Court of India directed the Union of India to delineate mandatory rules in accordance with Section 40 of the Rights of Persons With Disabilities Act, 2016 ("RPWDA"). *RajiveRaturi* (supra) also provided that this exercise may involve segregating the non-negotiable rules from the expansive guidelines already prescribed in Rule 15 of the Rights of Persons With Disabilities Rules, 2017 ("RPWDR"). Further, NALSAR Centre for Disability Studies was directed to be involved in this process.

## **2. Constitution of the core group on ICT:**

The Department for Empowerment of Persons With Disabilities ("DEPWD") jointly with CDS-NALSAR invited expression of interest from organizations and individuals who wanted to be part of this exercise. Accordingly, on December 24, 2024, the Supreme Court Accessibility Committee NALSAR University of Law, sent out an email intimating constitution of core group for information communication technology ("ICT").

## **3. Meetings of the ICT Core Group:**

### ***A. First Meeting:***

The first meeting of the ICT core group was held under the Chairmanship of Secretary, DEPWD on January 3, 2025 wherein the mandate of this exercise was explained and a presentation was given by the ICT core group facilitators on what the current challenges and solutions are keeping in mind the ministries involved.

### ***B. Review Meeting:***

Subsequently, a review meeting with all the nodal officers, representatives of various ministries along with group facilitators was convened on January 20, 2025 under the chairpersonship of Joint Secretary, DEPWD. In this meeting, an extensive review was taken by Chairperson with regard to ongoing progress and ways were discussed to close the outstanding gaps.

### ***C. First ICT Core Group Meeting:***

A first ICT core group meeting was scheduled on January 22, 2025 and January 24, 2025 wherein ministry wise discussions were held on the current accessibility standards, the gaps, and the way forward. A brief outline of the first meeting is provided below:

Sr. No.	Ministry / Department	Issues discussed
1.	Department of Financial Services, Ministry of Finance, Government of India	<ul style="list-style-type: none"> <li>▪ Issues relating to digital inaccessibility of websites, apps, digital documents and other digital communications for regulated entities of RBI, SEBI, IRDAI, PFRDA and other Financial Institutions;</li> <li>▪ Issues arising out of Digital KYC's implementation especially on liveliness and other issues;</li> <li>▪ Services rendered by regulated entities of RBI, SEBI, IRDAI, PFRDA and Financial Institutions;</li> <li>▪ Hardwares inaccessibility of point of sale devices, automated teller machines;</li> <li>▪ Issues on Digital KYC; and</li> <li>▪ Lack of data capturing of persons with disabilities to render appropriate customer service.</li> </ul>
2.	Ministry of Electronics and Information Technology	<ul style="list-style-type: none"> <li>▪ Growing digital inaccessibility of websites, apps, softwares and hardwares;</li> <li>▪ Ways and means of identification of accessibility gaps and strengthening implementation and monitoring mechanisms;</li> <li>▪ Challenges owing to lack of regulatory oversight by MEITY</li> </ul>

		on players of digital websites, apps, softwares, hardwares, products and services;
3.	Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India	<ul style="list-style-type: none"> <li>▪ Inaccessibility of products and services based on ICT (as defined in Section 2 (n) of RPWDA);</li> <li>▪ Inaccessibility of information printed on packaging materials and absence of accessible digital mechanisms to read the same;</li> <li>▪ Challenges owing to lack of regulatory oversight on players of ICT based products and services;</li> <li>▪ Inaccessibility of non-ICT based consumer goods and services;</li> <li>▪ Inaccessibility of fair price shops;</li> <li>▪ No tracking of data relating to persons with disabilities as only the procurement, allocation and transportation of food grains up to the designated depots of the Food Corporation of India. The operational responsibility for allocation and distribution of food grains within the States/UTs, identification of eligible Below Poverty Line (BPL) families, issuance of ration cards to them and supervision over and monitoring</li> </ul>

		<p>of functioning of Fair Price Shops (FPSs) rests with the concerned State/UT Government; and</p> <ul style="list-style-type: none"> <li>▪ Distribution of ration to persons with high support needs at home.</li> </ul>
4.	Ministry of Information and Broadcasting	<ul style="list-style-type: none"> <li>▪ Absence of audio description and sign language interpretation for programmes shown on television including news bulletins;</li> <li>▪ Absence of guidelines for making emergency alerts accessible which are broadcasted using television and other modes of broadcasting regulated by the ministry;</li> <li>▪ Screen angle and size of screen used for displaying sign language interpretation;</li> <li>▪ Quality of sign language interpretation and audio description; and</li> <li>▪ Absence of audio description and sign language interpretation for important proceedings like parliamentary proceedings, speeches of important government functionaries including the President of India, amongst others;</li> <li>▪ Audio description and captions not being made available in the same language as part of digital</li> </ul>

		content package; <ul style="list-style-type: none"> <li>▪ Lack of agreements with third party content providers;</li> <li>▪ Absence of guidelines for over-the-top and streaming providers;</li> <li>▪ Inaccessibility of video based educational content</li> </ul>
5.	Department of Science and Technology	<ul style="list-style-type: none"> <li>▪ Inaccessibility of geospatial data especially on applications like MapMyIndia and others which are used by Indian Government and Indian products and service providers;</li> <li>▪ Inaccessibility of labs, equipments and scientific material;</li> </ul>

***D. Inputs received from various ministries:***

Pursuant to multiple discussions between the representatives of the ministries and nodal officer of DEPWD along with ICT group facilitators, inputs were received from MEITY (list of various projects), Ministry of Consumer Affairs, Food and Public Distribution (list of standards which have certain provisions on accessibility and their status), Department of Financial Services Ministry of Finance (office memorandum requesting all regulators to segregate between negotiable and non-negotiable standards), Department of Science and Technology agreed to follow the standards and Ministry of Information and Broadcasting stated that they have constituted a committee which is looking into accessibility of broadcasted content in movies and television shows amongst others.

***E. Second ICT Core Group meeting:***

Second meeting of the ICT Core Group was scheduled on February 18, 2025. While the challenges and solutions discussed were same, but the core group was taken through the inputs received from various ministries so far. The inputs received have been captured in the preceding paragraph.

A review meeting was undertaken by Joint Secretary DEPWD on February 21, 2025, to take stock of the work done so far. MEITY amongst others were advised to provide comprehensive inputs on segregation between non-negotiable and negotiable accessibility standards.

#### 4. *Global Approach to implementation:*

Globally, while the standards themselves have not been segregated but phased implementation is often adopted depending upon the type of organization, content / platform amongst other parameters.

We have summarized below the phased approach adopted in different jurisdictions. This table is not a legal advice but a comprehensive summary of the key jurisdictions:

Global Digital Accessibility Law & Timeline Table

Jurisdiction	Legal Basis	Phased Application	Deadlines & Scope	WCAG Level
European Union	Web Accessibility Directive; European Accessibility Act	Public sector websites & apps by date; private sector by 2025	New websites: by 23 Sep 2019; existing: by 23 Sep 2020; mobile apps: by 23 Jun 2021; private sector: by Jun 2025	WCAG 2.1 Level AA
United Kingdom	Public Sector Accessibility Regulations; Equality Act 2010	Same as EU timelines for public sector	Same as EU: new sites 2019, existing 2020, apps 2021	WCAG 2.1 Level AA
Canada (Federal)	Accessible Canada Act	Phased by organization size; periodic plans & reports	Progressive plans & reports; timelines vary by size	WCAG 2.1 Level AA
Ontario (Canada)	AODA	By content age (2014 A; 2021 AA); orgs 50+ employees	Level A by Jan 1, 2014 for new; Level AA by Jan 1, 2021 for all content	WCAG 2.0 Level AA

			from 2012; orgs with 50+ employees	
United States (Federal)	Section 508 Refresh; ADA; Air Carrier Access Act	Section 508 update in 2017; legacy ICT until updated; ADA ongoing	508: effective Jan 18, 2018; ADA litigation ongoing; Air Carrier rule since Dec 2013	WCAG 2.0/2.1 Level AA
Australia	Disability Discrimination Act; various standards	Federal and public facing sites must be accessible; practical adoption since early 2000s	No statutory date; adoption since ~2000s; standards updated to WCAG 2.2	WCAG 2.2 Level AA

In majority of these jurisdictions the accessibility standards for ICT Products and Services have been adopted similar to what is contained in EN301549 of European union.

## 5. Current framework in India

Under RPWDA, Central Government is empowered to frame rules relating to accessibility for services to be provided to public in urban and rural areas. Section 40 read with 100 (2) (g) of RPWDA empowers Central Government in this regard.

In RajiveRaturi (supra), it has been observed as follows:

“ii. A two-pronged approach to accessibility

34. Addressing accessibility requires a balanced approach that focuses on both adapting existing environments and proactively designing new spaces with accessibility in mind. A two-pronged approach is needed - one that focuses on ensuring accessibility in existing institutions/activities and the other that focuses on transforming new infrastructure and future initiatives. Both are essential to achieving true inclusivity in society.

35. The first prong focuses on ensuring that existing institutions and activities are made accessible and inclusive for all. This approach emphasizes the importance of retrofitting existing systems and structures to meet the needs of PWDs, women, older

individuals, children, and other vulnerable groups. While retrofitting is important, it is often more complex and expensive than designing inclusive spaces from the outset.

36. The second prong is about transforming infrastructure - rethinking and redesigning physical spaces to accommodate PWDs. This transformation involves reimagining public spaces, transportation, educational institutions, and other facilities to ensure that accessibility is embedded from the very beginning, rather than retrofitted later. When introducing any new service, product, or feature - whether physical or functional - accessibility must be considered at the inception stage.

It is far more efficient to integrate accessibility from the start than to make adjustments later. By embedding universal design principles into the core of our systems, processes, and infrastructure, we can ensure that they are usable by all, making inclusivity a foundational element rather than an afterthought.”

## **6. Proposed Rules**

### **Rules On Compliance With Accessibility Standards For Information Communication Technology Products and Services**

(1) This Rule shall apply to every establishment in respect of the following:

- (a) Websites, mobile applications, tablet applications, other touch-based applications;
- (b) all digital content formats and electronic documents including non-web documents;
- (c) All softwares, hardwares, ICT with two way voice communication capability, ICT with video capabilities, including documentation and support services;
- (d) Information and communication technology-based public facilities and services;
- (e) Electronic goods and equipment intended for everyday use;
- (f) Information and communication technology-based consumer products;
- (g) and accessories for general use by persons with disabilities; and
- (h) Any other products and services which are based on information and communication technology.

(2) Every establishment shall ensure that all items specified under subrule (1) comply with the following Indian Standards, as published by the Bureau of Indian Standards and as amended from time to time:

- (i) IS 17802 (Part 1): 2021, notified vide Notification No. HQ-PUB013/1/2020-PUB-BIS(278) dated the 24th December, 2021; and



(ii) IS 17802 (Part 2): 2022, notified vide Notification No. HQ-PUB013/1/2020-PUB-BIS(358) dated the 4th May, 2022.

(3) Every establishment shall require its suppliers or developers to furnish an Accessibility Conformance Report (ACR) for each product, service, or content format covered under sub-rule (1). The ACR shall be supplied free of cost along with product and service documentation and shall be made available on the website / application or any other digital channel for consumers to make an informed choice about the accessibility compliance of a product or a service.

(4) The ACR shall describe the extent of conformance with IS 17802 (Part 1): 2021 and shall follow a recognised format such as the Voluntary Product Accessibility Template (VPAT) or any other format specified by the competent authority.

(5) The ACR shall provide a detailed statement of conformance for each requirement, indicating whether the requirement is fully supported, partially supported, or not supported, along with supporting explanations.

(6) Every establishment shall review and verify the ACR prior to deployment or launch, and ensure that any identified non-conformities are addressed in accordance with applicable standards.

(7) The ACR shall be kept up-to-date and accessibility conformance shall be tested whenever there is any substantial upgrade, addition of new features or functionalities, or significant modification in the user interface, user experience, design, or underlying code that may affect the accessibility of the product, service, or content.

Explanation: For the purposes of these rules:

(a) “Substantial Upgrade” means any major revision to a product, service, or content that materially changes its functionality, performance, or compatibility, including but not limited to version upgrades, platform migration, or integration of new modules.

(b) “User Experience (UX)” means the overall interaction and perception of a user while using the product, service, or content, including layout, navigation, visual design, and interactive elements.

(c) “Significant Modification” in user interface, user experience, design or code means a change which alters the flow, usability, appearance, core functionality, or

accessibility features of a product, service, or content to an extent that it could impact compliance with the applicable accessibility standards.

(d) Any question as to whether an upgrade or modification is substantial or significant shall be determined having regard to its potential impact on accessibility and shall be interpreted in favour of ensuring maximum accessibility for persons with disabilities.

(8) The updated ACR shall be reviewed and verified by the establishment prior to deployment of the upgraded or modified product, service, or content.

(9) Establishments shall ensure that all existing websites, applications, digital content, facilities, products, and services specified under Sub-Rule (1) comply with these Rules within a period of two years from the date of commencement of these Rules. Provided further that each establishment shall with respect to items specified in clauses (a), (b), (c) in sub-rule (1), comply with equivalent of Web Content Accessibility Guidelines 2.1 Level A within a period of six months from the date of notification of these rules as a non-negotiable standards to achieve minimum accessibility.

Exception: Archived content shall be exempt from compliance with these Rules, provided that such content is clearly identified as archived and is not intended for active public use or update.

(10) Where an establishment fails to comply with any provision of these Rules, such establishment shall be liable to penalty as prescribed under the relevant provisions of the Rights of Persons with Disabilities Act, 2016, and any other applicable laws in force.

(11) In addition to any penalty imposed under sub-rule (10), the Bureau of Indian Standards (BIS) may withhold, suspend, or cancel any license, certificate of conformity, ISI Mark License, or Registration under the Compulsory Registration Scheme (CRS) granted in respect of any ICT-based product, equipment, or hardware found to be in violation of these Rules.

(12) The appropriate Government or any competent authority may withhold, suspend, or cancel any registration, empanelment, authorisation, or approval granted to any website, mobile application, tablet application, or other digital service for public use that is found to be non-compliant with these Rules.

This comprehensive Rule establishes a robust framework to ensure that all information and communication technology (ICT) products, services, websites,

applications, and digital content intended for public use are accessible to persons with disabilities in accordance with Indian Standards IS 17802 (Part 1): 2021 and IS 17802 (Part 2): 2022. It mandates compliance for new and existing systems within clear timelines, requires suppliers and developers to provide Accessibility Conformance Reports (ACRs) which must be updated with any significant upgrades or design changes, exempts bona fide archived content, and specifies proportionate penalties for non-compliance. Notably, it empowers the Bureau of Indian Standards to withhold, suspend, or cancel certifications and registrations for ICT products, and enables competent authorities to withhold or revoke approvals for non-compliant websites and applications, ensuring sustained accountability. This Rule thus provides clear obligations, transparent compliance tools, and effective enforcement measures to advance digital accessibility in line with the Rights of Persons with Disabilities Act, 2016 and various judgments.