

Technology Law Analysis

June 04, 2019

WEBSITES IN INDIA TO BE MADE ACCESSIBLE TO THE DIFFERENTLY ABLED BY JUNE 15, 2019

Certain requirements to make online websites accessible for disabled persons have been prescribed under the Rights of Persons with Disabilities Act, 2016 ("**Act**") and the Rights of Persons with Disabilities Rules, 2017 ("**Rules**").

The deadline for compliance under the Act and Rules is June 14th, 2019.

BACKGROUND TO THE LAW:

Section 42 of the Act requires that the Government take measures to ensure that "(i) *all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for every day use are available in universal design.*"

Pursuant to Section 42, certain standards have been prescribed to ensure accessibility of information and communication technology under Rule 15 of the Rules. Rule 15 requires that all '*establishments*' comply with the following standards vis-a-vis information and communication technology:

1. website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India; ("**Requirement 1**")
2. documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format; ("**Requirement 2**")

Rule 15 further provides that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of 6 months from the date of notification of the Rules. However, no further standards have been prescribed.

An 'establishment' for the purpose of Rule 15 has been defined under Section 2(i) of the Act to include *both Government and private establishments*.

TIMELINE FOR COMPLIANCE:

Section 46 of the Act provides that all service providers, *whether Government or private*, are required to adhere to the rules on accessibility within a period of 2 (two) years from the date of notification of such rules.

The Rules, (which prescribe the accessibility requirements under Rule 15), were notified on 15th June, 2017.

Therefore, the deadline for complying with Rule 15 is June 15th, 2019.

APPLICABILITY OF RULE 15 TO PRIVATE ONLINE WEBSITES:

From a bare reading of the aforesaid provisions, the accessibility requirements under Rule 15 would appear to apply to both Government as well as private service providers. This is because, an 'establishment' under Rule 15 has been defined to include private establishments, and Section 46 of the Act refers to both Government, as well as private service providers.

We understand from the Department of Empowerment of Persons with Disabilities, under the Ministry of Social Justice that the **standards prescribed** under Requirement 1 only apply to Government websites.

Insofar as Requirement 2 is concerned, depending upon the nature of the content on the website, it would need to be examined whether this requirement applies.

PENALTIES FOR NON-COMPLIANCE:

Section 89 of the Act prescribes that the penalty for contravention of any provision of the Act or Rules shall be a fine which may extend to INR 10,000 (Rupees Ten Thousand) for a first contravention, and for any subsequent contravention, a fine which shall not be less than INR 50,000 (Rupees Fifty Thousand) but which may extend to INR 5,00,000 (Rupees Five Lakhs).

ENFORCEMENT:

Overall, how the Government intends to enforce these requirements is not clear and the industry may want to seek overall guidance.

Please see our legal alert titled "**INDIA'S NEW LAW ON DISABILITY EXTENDS TO PRIVATE EMPLOYERS**".

— Tanisha Khanna, Aaron Kamath & Gowree Gokhale
You can direct your queries or comments to the authors

DISCLAIMER

Research Papers

FAQs on Setting Up of Offices in India

December 13, 2024

FAQs on Downstream Investment

December 13, 2024

Gaming Law 2024

December 12, 2024

Research Articles

The Revolution Realized: Bitcoin's Triumph

December 05, 2024

The Bitcoin Effect

November 14, 2024

Acquirers Beware: Indian Merger Control Regime Revamped!

September 15, 2024

Audio

Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

"Investment return is not enough" Nishith Desai with Nikunj Dalmia (ET Now) at FI18 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper on Simplification of registration for FPIs

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Scope of judicial interference and inquiry in an application for appointment of arbitrator under the (Indian) Arbitration and Conciliation Act, 1996

September 22, 2024

