Comments on the draft Rights of Persons with Disabilities Rules

Centre for Internet and Society

For the consideration of the Department of Empowerment of Persons with Disabilities

Introduction

We thank the Department of Empowerment of Persons with Disabilities (DEPD) for inviting comments on its draft rules. We provide brief comments on the Rules below. We would particularly like to draw the department's attention to the need to have rules concerning measures relating to standards compliance, training and monitoring which we feel would help strengthen the Rules to address the issue of accessibility in a timely and effective manner.

Accessibility of the draft rules document

1. At the outset, we would like to draw attention to the fact that the Rules when first published in PDF form were only partially accessible and not easily readable for persons using screen readers. We appreciate that at a later date, an accessible Word version was provided, however we feel that even the original PDF needs to conform to the [PDF/UA](#) standards.

Policy/Guidelines on accessible communication

2. Following from the above point, we would like to propose that the DEPD publish at the earliest a set of guidelines for publishing accessible information and communication. The guidelines may define what constitutes information, explain how to create and disseminate accessible information and identify relevant accessibility standards. They may be applicable to all cases where printed or electronic information such as books, leaflets/ handbooks, mails, invoices, forms, data, policies and acts are created and communicated to diverse stakeholders. This guidelines may be mandatory across the Central and State Governments.

Reasonable Accommodation

3. Rule 3(1) requires that every establishment take steps to provide reasonable accommodation. It may further be added that said measures towards reasonable accommodation be taken within a reasonable time frame, such that persons with disabilities are provided access to resources at the same time as others and not significantly later.

Standards and Guidelines

4. Standards are critical to implement accessibility, and it is important that we adopt the most updated globally recognised standards. To aid this endeavour, we recommend that the DEPD may appoint two experts who will primarily be responsible for implementing accessibility. Their tasks will involve identifying standards and policy requirements in different domains and coordinating with the relevant ministries to notify and implement the same. One expert may be responsible for environmental accessibility, while the other may be responsible for overseeing ICT accessibility. The experts may carry out the tasks of formulating strategies to implement accessibility compliance, as well as researching advances in international policies and standards and making recommendations to relevant Ministries.

5. Regarding the Rules relating to the notification of standards for ICT accessibility (Rule 17.c.), we recommend that these may be expanded and made more comprehensive. To our understanding, some of the standards mentioned in relation to ICT accessibility such as telecasting and broadcasting do not as yet address the issue of accessibility. We recommend that the relevant ministries notify standards and guidelines to be followed in their regard at the earliest. There are also critical domains such as procurement, telecommunications and mobile devices, services and applications and emergency and disaster response for which standards and guidelines need to be notified.

6. We propose that the deadline for notification of standards be set within 6 months of the Rules coming into force and that the standards to be adopted are those which are globally followed, such as EN 301-549 for procurement.

Training and Support

7. Past efforts have proven that the notification of guidelines alone does not necessarily result in the implementation of accessibility, and often times a web site or platform which has been made accessible, reverts to being inaccessible as time elapses and persons who are involved in updating it and maintaining are unaware of accessibility principles to be followed. Hence, each and every person developing, maintaining and updating a website should be familiar with accessibility core principles. Outsourcing accessibility compliance is a temporary solution, it will be rendered pointless as people continue to update the website and post new content that is inaccessible. Therefore, some level of training is an absolute necessity, although the specific level and nature of these trainings may vary based on the individual's role in relation to the website. For example, a web developer would need more in depth training as compared to a communications or administrative officer whose role may be to upload documents to the web site. Creating accessible documents and communicating in an accessible manner is something which every government official should be able to do, while the needs of developers are more advanced and technical and may require two rounds of training. Each ministry and department at the Centre and state may allocate a certain portion of their budget towards this.
8. An Accessibility specialisation unit may also be constituted within the NIC or any other appropriate agency whose task will be especially to provide on-going practical support to

government agencies on how to implement accessibility across their web sites and publications. This team may work closely with the DEPD and other government agencies to audit, trouble shoot and guide continuous progress in implementing web site accessibility across the government.

Monitoring and reporting

9. All Ministries and government agencies may be required to include a section on accessibility compliance and initiatives as part of their annual reporting. This report may also include their performance on expenditure relating to implementing accessibility, hiring employees with disabilities, trainings undertaken and affirmative action required to be taken by them as given in the RPWD Act 2016, such as steps towards incentivising affirmative action by the private sector and activities undertaken relating to Chapter VI, Chapter VII and Chapter VIII of the RPWD Act.

10. Regarding website accessibility, the DEPD may also consider taking up auditing web sites of government agencies at random from time to time and publish the reports periodically as a measure towards gauging progress. A comprehensive audit of all government web sites of both the Central and state government and applications may be undertaken every 3 years.

National fund

11. Rule 43, relating to the Utilization of the National Fund is not clear on how much money is spent on accessibility initiatives each year. It is proposed that this rule specify the percentage of funds which have to be required to be utilised each year. In the absence of this, there is a concern that the fund will be under utilised, despite there being a large need for spending on accessibility. Details of projects and spending may be published from time to time.

Office of the Chief Commissioner

12. The DEPD may require that at least one person of senior rank within the Office of the Chief Commissioner for Persons with Disabilities be a person with disability. This will ensure that the interests of the concerned group are directly represented at the highest level dedicated to ensuring their welfare and participation.

Transparency

13. Finally we recommend that the rules emphasise the need for transparency in implementing the provisions of the Act and that all initiatives, programmes and expenditure may be published in a timely and accessible manner.

Comments submitted on 3/23/2017
Contact: Dr. Nirmita Narasimhan
Policy Director, Centre for Internet and Society
nirmita@cis-india.org