Legislation - India

India

Legislative Acts

The Rights of Persons with Disabilities Act (the RPWD Act or RPD Act) states that all ICT, including websites and electronic documents, should be made accessible and there should be a technical standard developed for ICT accessibility. This standard, called Accessibility for the ICT Products and Services part 1 or IS 17802, came into force in 2023 and aligns closely with WCAG 2.1, mandating level AA and strongly endorsing level AAA. There is also a part 2 to this standard that details how to audit and evidence conformance.

Interpretation of whether these acts apply to small publishers

Yes, this newest iteration of digital accessibility legislation in India applies to all services offered to the public, no matter the type of organisation the provider is.

This does not constitute legal advice.

More information about legislation:

Pivotal Accessibility - Understanding India’s Landmark Accessibility Legislation

Standards referenced in these acts and how they are audited

Indian legislation and standards list the conformance criteria within the standard itself, and how this is audited, which closely aligns with:

Web Content Accessibility Guidelines (WCAG) 2.1 AA

It specifically mentions an ACR (which is a VAPT filled in), which are routinely checked and certified for government websites, otherwise India’s system relies on individual complaints.

Accessibility Statements

Accessibility statements are only mandatory for government websites, but some of the legislation’s requirements for all organisations can be addressed through a public accessibility statement. These include the mandate to be able to demonstrate conformance, communicate how to raise a complaint and provide contact details.

Exemptions

Indian legislation does include an undue burden exemption, which works in a similar way to other country’s legislations, requiring the ability to produce costed evidence of this exemption on request in order to be exempt.

Copyright Legislation

Copyright in India for accessibility is covered by the Copyright (Amendment) Act 2012. Exceptions to copyright are required under international legislation covered by the Marrakesh Treaty for print disabled/visually impaired people.

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