



GUIDE FOR ADDRESSING BARRIERS TO DIGITAL ACCESSIBILITY FOR PERSONS WITH DISABILITIES

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How can the guide help you?

The Nyaaya Guide for Better Digital Access for the Disabled aims to empower People with Disabilities (PwD) to effectively exercise their rights to access digital platforms.

What are the laws being discussed in the guide?

This guide discusses the duties of government agencies, law courts, civil society organizations and private companies to ensure better digital access to the disabled as laid down under the **Rights of Persons with Disabilities Act, 2016**, **Rights of Persons with Disabilities Rules, 2017**, and the judgement passed by the Court of Chief Commissioner for Persons with Disabilities, in the case of *Rahul Bajaj v. The Director, Practo Technologies Pvt. Ltd. & Ors.*

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PROCEDURAL INFORMATION

Who Is A Person With Disabilities

A person with disability is a person with a long-term physical, mental, intellectual or sensory impairment, which restricts their full and effective participation in society equally with others.

Who Is A Person With “Benchmark” Disabilities

A person with benchmark disability is someone who has at least 40% of a specified disability.

Specified disabilities include:

1. Physical Disability

Locomotor Disability: Inability to perform activities associated with movement. People with locomotor disability include those with cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, etc.

1. Impairment: A condition of blindness or low vision.
2. Hearing Impairment: Deafness or loss of hearing.
3. Speech and language disability: Permanent disability affecting speech and language.

2. Intellectual Disability

Significant limitations in intellectual functioning (reasoning, learning, problem solving) and adaptive behaviour (everyday social and practical skills) including specific learning disabilities and autism spectrum disorder.

3. Mental Illness

Substantial disorder of thinking, mood, perception, orientation or memory that severely impairs judgement, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life. This does not include mental retardation.

4. Disability caused due to

- a. Chronic neurological conditions: Multiple sclerosis, Parkinson's disease
- b. Blood disorders: Haemophilia, Thalassemia, Sickle cell disease
- c. Multiple Disabilities: More than one of the above specified disabilities.

5. Any other disability specified by the Central Government

Ways In Which A Disabled Person Can Address Barriers To Improve Digital Accessibility

The five steps listed below may help you contact and collaborate with service providers and companies to make sure that Pw Ds have equal access to facilities and services they provide .

1. Send a letter to the concerned service provider to alert them about accessibility issues on their platform and request that they take appropriate remedial actions;
2. If there is no response to the initial letter, you can again send a reminder letter after 7–10 days;
3. If there is no response, you can start a focused social media campaign to generate greater public consciousness about the problems you are facing. This will help in persuading the service provider to consider your needs carefully and work towards implementing them;
4. You can send a legal notice, giving the service provider a final opportunity to address the barriers on their platform within a reasonable time, typically no more than 10 days; and
5. You can exercise your rights, if the legal notice is also not paid heed to, in the manner mentioned in this guide below.

Available Legal Remedies

The Act provides for the appointment of a Chief Commissioner for Persons with Disabilities at the Central level and State Commissioners for Persons with Disabilities at the State level. Under Rule 38 of RPwD Rules 2017, you can directly write a petition and present the same to the Chief Commissioner either in person/or through a representative/ or through registered post/ or through an email. In the 'contact information' section of this Guide, the contact details of each of these bodies are set out. You can write to them using these details.

Section 89 of the Rights of Persons with Disabilities Act, 2016 also lays out the penalties for violating the provisions of the Act. In the first instance, the penalty is a fine of up to Rs. 10,000. In case of further contraventions, the fine can be between Rs. 50,000 and Rs. 5,00,000/-.

How To Avail The Legal Remedies

Who can avail the remedies?

In accordance with Rule 38 of the RPwD Rules 2017, any person with a disability may submit a complaint by mail, hand, or email. The complaint must be accompanied by a copy of the person's disability certificate and any supporting documentation. Supporting documentation includes a copy of any email correspondence you have had with the service provider. It could also include screenshots/printouts of any social media posts that you have put up on the subject and any evidence of inaccessibility [such as an accessibility audit report]. Typically, an audit report is not necessary.

How can you approach the Chief Commissioner?

You can approach the Chief Commissioner in one of the following ways:

1. Approach the Chief Commissioner for Persons with Disabilities via:
 - a. Visiting in Person
 - b. Through a Representative
 - c. Through Registered Post
 - d. at Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice & Empowerment, Govt. of India, 5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwarka, New Delhi-110075
2. Complaint sent by E-mail at ccpd@nic.in.

What details do you need to provide in the complaint?

1. The name of the complainant, the name of the affected person with disability, complete postal address, contact number, and email, if available.
2. Brief description of the affected person with disability.
3. Nature and percentage of disability.
4. The name of the person(s) and organization(s) against whom the complaint is being made, their address, contact number, and email, so far as they can be ascertained.
5. The facts relating to the complaint.
 - a. What happened?
 - b. When did the incident happen?
 - c. Where did it happen?
 - d. What reliefs do you seek?

Documents you need to submit along with the complaint.

You must include the following documents:

1. Documents in support of the allegations contained in the complaint.
2. A clear and legible copy of the Disability Certificate of the person with disability from a valid authority which would mean government hospitals that are authorized to issue such certificates.

What's next?

After receipt of your complaint by the Commissioner, they will forward a copy of the complaint to the opposing party named in the complaint. The opposing party is typically given a period of 30 days to file a response. The Complainant is then given 15 days to file their rejoinder [response to the reply]. Then, a hearing is appointed. The Chief Commissioner for Persons with Disabilities tries to dispose of complaints within 3-6 months from the date of filing. If the opposing party or their representative does not show up on the scheduled hearing date, the Commissioner may, in accordance with the Rights of Persons with Disabilities, Act 2016, take the necessary steps to summon and compel the opposing party's attendance or decide the complaint ex-parte, i.e., without requiring all of the parties to the dispute to be present.

It should be noted that the Commissioner may on such terms as they deem fit and at any stage of the proceedings, adjourn the hearing of a complaint.

RESOURCES

Contact Information

- **Office of the Chief Commissioner for Persons with Disabilities (Divyangjan)**

5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075

Telephone Number: 011-20892364, 20892275

E-mail: ccpd@nic.in, Website: www.ccdisabilities.nic.in

- **Addresses of State/UT's Commissioners for Persons with Disabilities (as on February 2022)**

Sl. No.	State/UT's	Name & Address	Contact Details
1	Andaman & Nicobar Islands	Shri Pratik Raj Yadav Commissioner for Persons with Disabilities Andaman & Nicobar Administration Directorate of Social Welfare GoalGhar, Port Blair	Phone: (03192) 233356 (O) Fax: (03192) 243817 E-Mail: directorsw4@gmail.com Mob: 08900916004
2	Andhra Pradesh	Shri B. Ravi Prakash Reddy Commissioner for Persons with Disabilities & Director (FAC), Welfare of Differently Abled, Transgender & Sr. Citizens Govt. of Andhra Pradesh, Rajanarendra Building 1st Floor, 74-14-2, Yanamalakuduru Road, Krishna Nagar, Vijayawada - 520007	Phone : 0866-2975602 Whatsapp/Mobile : 8374032888 E-mail : dwdascap@gmail.com
3	Arunachal Pradesh	Smt. Padmini Sirla Commissioner for Persons with Disabilities, & Secretary Social Justice Empowerment & Tribal Affairs (SJETA), Govt. Arunachal Pradesh, Block No. 02, Second	Phone : 0360- 2291559 Fax: (0360) 2212541 Mobile No: 09971199013 E-mail: commissionerwcd@yahoo.com

4.	Assam	Shri Debeswar Borah, ACSCommissioner for Persons with Disabilities, Govt. of Assam, Latakata, Basistha, Guwahati, Assam-781029	Phone: 0361-2999858Fax: 0361-2309198E-mail : commdisabilityassam@gmail.com (M) 9476570329
5.	Bihar	Shri Raj Kumar, IASCommissioner for Persons with Disabilities O/o the State Commissioner for Disability, Government of Bihar, Old Secretariat, Sinchai Bhawan Campus, Patna - 800015	Phone : 0612-2215041 E-Mail : scdisability2008@gmail.com Website : scdisabilities.orgFax : 0612 2215152(M) : 9471000437
6.	Chandigarh(UT)	Smt. Nitika PawarCommissioner for Persons with Disabilities, & Secretary Social Welfare, Chandigarh Administration Room No. 410, 4th Floor, Deluxe Building, Sector - 09, Chandigarh - 160019	0172-2743860E-mail: sspersonnelut@gmail.com Mobile No: Nitika Pawar: 08510890851
7.	Chhattisgarh	Smt. Reena Babasaheb KangaleCommissioner for Persons with Disabilities & Secretary Women & Child Development, Dept. of Social Welfare, Jila Panchayat Parisar, G.E. Road Durg, Chhatisgarh- Pin code- 491001	Phone: 0788-2325470 E-Mail: commpwd.cg@gmail.com
8.	Dadra & Nagar Haveli and Daman & Diu (UT)	Smt. Pooja Jain Commissioner for Persons with Disabilities, & Secretary, Social Welfare, Administration of Dadra & Nagar Haveli and Daman & Diu, Social Welfare Department, Lekha Bhavan, Third Floor, Silvasa-396230	Phone No: 0260-2642413, 2642037, Social Welfare: 0260-2632027Email: sw-dnh@nic.in
9.	Delhi (UT)	Shri Ranjan Mukherjee, VSM Commissioner for Persons with Disabilities Govt. of N.C.T. of Delhi25-D, Mata Sundari Road, Near Guru Nanak Eye Centre,New Delhi - 110002	Phone: 23216001-04Telefax : 23216005E-Mail: comdis.delhi@nic.in Website:www.discomm.delhi.govCom dis.delhi@nic.in(M) 9958066443

10.	Goa	Shri Guruprasad Pawaskar Commissioner for Persons with Disabilities, C/o Sanjay Centre for Special Education, Ground Floor Pundalik Nagar, Porvorim, Bardez- Goa-403521Email: dis-comm.goa@gov.inContact: 09822132023	Mobile No: 09822132023 <u>E-mail: dis-comm.goa@gov.in</u>
11.	Gujarat	Shri V.J Rajput, IAS Commissioner for Persons with Disabilities, Government of Gujarat, Karmayogi Bhavan, Block No. 2, Ground Floor, Wing No. D-1, Sector-10, Gandhinagar-382010	Phone: (079) 23256746 - 49 (Office)Phone: (079)26403060, 26424902 (R)Telefax: (079) 23259378, 23256746 <u>Email: commissioner-pwd@gujrat.gov.in</u> <u>com.disability@gujarat.gov.incommi-pwd@gujrat.gov.in</u> (O) 9978406984
12.	Haryana	Shri Raj Kumar MakkadCommissioner for Persons with Disabilities, Department of Social Justice and Empowerment, HaryanaAntodaya Bhawan, Opposite Kothi No. 9, Sector-6, Panchkula	Phone: 0172- 2929467Mobile: 9416058227 <u>E-Mail: scpd.sje-hry@nic.insje@hry.nic.inadv.rajkumarmakkad@gmail.com</u>
13.	Himachal Pradesh	Shri Sanjay Gupta Commissioner for Persons with Disabilities & Secretary, Social Justice & Empowerment, Govt. of Himachal Pradesh, Himachal Pradesh Govt. Secretariat, Shimla - 171002 Himachal Pradesh	Phone: 0177- 2621871/2880716 <u>E-Mail: socialjesecy-hp@nic.in</u>
14.	Jammu & Kashmir	Mr. M Iqbal LoneCommissioner for Persons with Disabilities, Government of J&K	Office of the Commissioner for Persons with Disabilities Vigilance Building Old-Secretariate Srinagar, Jammu and Kashmir 190001.30 A/B Gole Market, Gandhinagar Jammu, Jammu and Kashmir-180004.Phone : +911944-057772 <u>Email: comm.pwds@jk.gov.in</u>
15.	Jharkhand	Shri Avinash Kumar Additional Secretary/ Commissioner for Persons with Disabilities, O/o the State Commissioner for Persons with Disabilities Department of Women, Child Development & Social Security Ground Floor, Engineer O's Hostel Building-2, Sec-III, Dhurwa, Ranchi - 834004	Phone : 0651-2401825/2400757Fax : (0651) 2401886(M) 8757910061 <u>E-mail: sdcjharkhand@yahoo.comjharkhandsdc@gmail.com sdcstish@gmail.com</u>
16.	Karnataka	Smt. Lata KumariCommissioner for Persons with Disabilities Govt. of KarnatakaNo.55, KSDB Building, Riasaldhar Street, Sheshadripuram, Bangalore-560020	Phone 080- 23462625 23462641Mobile No : PS to Commissioner08022866066Telefax : (080) 23462029 <u>E-Mail : scdkarnataka@gmail.com</u>
17.	Kerala	Shri S.H. PanchapakesanCommissioner for Persons with Disabilities, Government of Kerala, Anjaneya, T.C.-9/1023 (1), Ground Floor, Sasthamangalam, Thiruvananthapuram - 695 010	Telefax: 0471-2727704Phone: (0471) 2720977(O)(M) 6238785118 <u>E-Mail: scpwdkerala@gmail.com</u> <u>dr.gee3in1@gmail.com</u>

18.	Ladakh (UT)	Ms. Padma Angmo, IISecretary, Social Welfare DepartmentAdministration of Union territory of LadakhCivil Secretariat, Leh, Ladakh-194101	Phone No: 01982-258365 <u>Email: secretarypaladakh@gmail.com</u>
19.	Lakshadweep(UT)	Shri Lekh Raj, DANICSCommissioner for Persons with Disabilities & Director, Social Welfare & Tribal Affairs (SWTA), Lakshadweep AdministrationDirectorate of Social Welfare & Tribal Affairs, Kavaratti-682555	Phone: 04896-262547 <u>E-Mail: lk-dsw@nic.in(M)9687823230</u>
20.	Madhya Pradesh	Shri Sandeep Razak Commissioner for Persons with Disabilities, Govt. of Madhya Pradesh,Community Hall, New Market,T.T. Nagar, Bhopal - 462003 Madhya Pradesh	Phone : 0755-2773008 Fax: 0755-2552665 <u>E-mail: comm-pwds@mp.gov.in</u>
21.	Maharashtra	Shri Om Prakash DeshmukhCommissioner for Persons with DisabilitiesO/o the State Commissioner for Persons with Disabilities, Department of Social Justice & Special AssistanceGovt. of Maharashtra 3, Church Road. Pune - 411001Maharashtra	Phone: 020-26122061 /26126471/26136845Fax: 020-26111590(M) 9850835678 <u>E-Mail: commissioner_disability@yahoo.co.in</u> <u>dcdisability@gmail.com</u>
22.	Manipur	Shri Th. Dilipkumar SinghCommissioner for Persons with Disabilities, Govt. of Manipur,Old High Court Complex, North AOC, Imphal - 795001	Phone : 0385-2444021 <u>E-Mail: scpdmanipur@gmail.com</u>
23.	Meghalaya	Smt. S.B. Marak, MCSCCommissioner for Persons with Disabilities, Govt. of MeghalayaLower Lachumiere, Temple Road,Meghalaya, Shillong	Phone : 0364-2506521(M) 917005711584 <u>E-mail : cpwdmeg@gmail.com</u>
24.	Mizoram	Ms. Vanlaldiki Sailo,Commissioner for Persons with Disabilities, Govt. of Mizoram,MC-3A, V.L Rema Building, Opp. SBI Chaltlang Branch, Chaltlang Venglai, Mizoram Aizwal-796014 Mizoram	Phone:: (0389) 2399213, 2322532 (O)0389-2322671Fax: (0389) 2398134 Mob: 9436141825Ms. Vanlaldiki Sailo <u>E-mail: ocfpwd@gmail.com</u> <u>cpwd@gmail.com</u>
25.	Nagaland	Diethono NakhroCommissioner for Persons with Disabilities, O/o the State Commissioner for Persons with DisabilitiesNew Secretariat Road (Opposite State Civil Secretariat Complex)Kohima-797004 Nagaland	Phone: (0370) 2270284, 2270279Telefax: (0370) 2270284 (O) <u>E-Mail: scpdnagaland@gmail.com</u> Website: https://scpd.nagaland.gov.in Twitter: http://twitter.com/scpdnagaland

26.	Odisha	Smt. Sulochana Das Commissioner for Persons with Disabilities, SIDR Building, Capital Hospital Campus, Unit-6, Bhubaneswar - 751 001	Phone: 0674- 2390006 Help line No : 1800345673 E-Mail: cpdodisha@nic.inscpdorissa@gmail.com
27.	Puducherry(UT)	Shri Uday Kumar Commissioner for Persons with Disabilities & Director Directorate of Social Welfare No. 1, Saradambal Nagar, Ellaipillaichavady, Puducherry - 605001	Phone: 0413062206762/2205871-72 Fax: 0413-2206762 E-Mail: socwel.pon@nic.in secywel.pon@nic.in
28.	Punjab	Shri Sumer Singh Gurjar, IAS State Commissioners for Persons with Disabilities, Room No. 519, 5th Floor, Mini-Secretariat, Punjab Civil Secretariat-2, Sector-9 Chandigarh - 160009	Phone No : 0172-2740190(M) 9465902258 E-Mail : Disabilitybranch104@gmail.com dddwc d8@gmail.com
29.	Rajasthan	Shri Umashankar Sharma Commissioner for Persons with Disabilities, & Secretary, Social Justice & Empowerment Department Govt. of Rajasthan G-3/1 A, Vishesh Yogya Jan Bhawan, Hotel Rajmahal Residency Area, Jaipur.	Phone : 0141-2222937 2222503 Fax : (0141) 2222503, 2222249 E-Mail: Commissioner.SAP@rajasthan.gov.in comm.disabilities.raj@gmail.com Ps-sje@rajasthan.gov.in Commissioner.sap@rajasthan.gov.in
30.	Sikkim	Shri Tshewang Gyachho, SCSC Commissioner for Persons with Disabilities, Social Justice & Welfare Department, Govt. of Sikkim, Samaj Kalyan Bhawan, 5th Mile, Lumsey -737102	Phone/Fax: 03592-232596(M) 9733224497 E-Mail: sikkimlawdeptt@gmail.com sikkimsocialwelfare@gmail.com secy-socialwelfare@sikkim.gov.in
31.	Tamil Nadu	Shri Thiru. Johnny Tom Vargheese, IAS Commissioner for Person with Disabilities, Govt. of Tamil Nadu, No. 5, Kamarajar Salai, Lady Wellington College Campus, Chennai-600005	Phone: 044-28444940 (O) Fax: 044-28444941 E-mail : scd.tn@nic.in Website : scd.tn.gov.in
32.	Telangana	Smt. B. Shailaja, M.A., L.L.B Commissioner for Persons with Disabilities Vikalangula Sankeshma Bhavan, Nalgonda X Roads, Malakpet, Hyderabad - 500036	Phone: 040-24559048 Whatsapp No./Mobile No: 9849905475 E-Mail: scrpwdact@gmail.com
33.	Tripura	Shri Yatendra Kumar Commissioner for Persons with Disabilities Government of Tripura, Secretariat building, Capital Complex, 2nd Floor, Room No-4202 West Tripura, Pin-799010	Phone: 0381-2326033/2413579 Mob: 09599441411 E-Mail: yk96tr@gmail.com tr032@ifs.nic.in deepa dnair@gmail.com kilikdarchintam@gmail.com
34.	Uttar Pradesh	Mr. Hemant Rao, IAS Commissioner for Persons with Disabilities, Govt. of Uttar Pradesh Rajkiya Dristribadhit Chhatron ka Chhatravas, Vidya Bhawan Campus, Near Rajkiya Inter College, J.B.T.C Compound, Nishatganj, Lucknow, Uttar Pradesh - 226007	Phone: 0522-4335129 0522-4026512 Telefax : 0522-2229063 E-Mail: commissioner1998@rediffmail.com info@commissionerdisabilitiesup.in Website: www.commissionerdisabilitiesup.in
35.	Uttarakhand	Shri Pradeep Singh Rawat Commissioner for Persons with Disabilities, Women & Social Welfare Department Govt. of Uttarakhand, 12 Tilak Road, Near Bindal Pool, Dehradun 248001, Uttarakhand	Phone: 0135-2727981 Social Welfare 0135-2712245 E-Mail: cduttarakhand@gmail.com
36.	West Bengal	Shri Alokesh Prasad Roy, IAS State Commissioner for Persons with Disabilities Govt. of West Bengal Subhanna, 7th Floor, Salt Lake, Kolkata-700064.	Phone: 033-2359-799722374731 E-mail : com.disabilitywb@gmail.com

CHECKLISTS

1. Identify a particular app, website or digital offering [ATM device, point of sale device, washing machine, etc.] that is not disabled friendly .
2. Find out the company that makes available the given facility or service.
3. Write to Mission Accessibility at [**missionaccessibility@gmail.com**](mailto:missionaccessibility@gmail.com), to raise a grievance.
4. In collaboration with Mission Accessibility, write a letter to the concerned service provider about their offering being inaccessible. Write a follow-up letter after 7-10 days in case there isn't a positive response to the first letter.
5. If there is no response within 10 days of the second letter, tag the service provider on social media and alert them to your grievance.
6. If there is no response to the same within ten days, work with Mission Accessibility to formulate a legal notice against the service provider.
7. If there is no response to the legal notice within 10-15 days, file a complaint in the office of the Chief Commissioner for Persons with Disabilities or State Commissioner for Persons with Disabilities. Once you obtain a favourable order, check the facility/service regularly to ascertain if it has become disabled friendly.
8. If the proceedings in the Chief/State Commissioner's Court do not yield the desired outcome, approach the relevant High Court or Supreme Court of India, in collaboration with Mission Accessibility.
9. If the desired results are obtained i.e. the facility/service becomes accessible, continue to check the facility/service regularly to ensure that it does not again become inaccessible.

This guide was made in collaboration with Mission Accessibility, an NGO that works to make digital offerings more disabled friendly.

Their email ID is missionaccessibility@gmail.com.

SOURCE INFORMATION

1. Duties and functions of the Chief Commissioners at **<http://www.ccdisabilities.nic.in/aboutus/our-office>**.
2. Learn how to register a complaint with the Chief Commissioner at **<http://www.ccdisabilities.nic.in/Complaints/learn-how-register-complaint>**.
3. ***Rights of Persons with Disabilities Act, 2016.***
4. ***Rights of Persons with Disabilities Rules, 2017.***
5. Rahul Bajaj v. The Director, Practo Technologies Pvt. Ltd. & Ors.