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## ACCESSIBILITY ISSUES FOR PERSONS WITH DISABILITIES IN INDIA

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### **Abstract**

Accessibility is a concept that spans a vast array of disciplines and refers to the design of products, devices, services, or environments for Persons with Disabilities (henceforth PwDs). In layman terms, accessibility is the ease by which any service, product or environment can be utilized by all persons equally, including a Person with Disability. Unfortunately, with the present state of the country, this area is highly neglected which makes PwDs feel vulnerable and unaccepted in society. According to the Census 2011, there are 14.9 million men with disabilities as compared to 11.9 million women in India. Of which 18.0 million differently-abled people are in the rural areas and 8.1 million are in the urban settings. The percentage of men with disabilities is 2.41 per cent & 2.01 in women. Social groups' wise analysis indicates that 2.45 per cent of the total disabled population are of Scheduled Castes (SC), 2.05 per cent belongs to the Scheduled Tribes (ST) and 2.18 per cent to those other than SC/ST. A central feature of the rights-based approach to disability, accessibility as a concept emphasizes the role that society, the built environment and societal attitudes play in making PwDs feel disabled and places the onus of securing the rights of PwDs on the state. The recognition of the role that the state must play in securing the rights of PwDs has led to the near universal adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and in turn, has led to a number of changes in the policies of states.

**Keywords:** *Accessibility, PwDs, Social Groups, Environment.*

### **Introduction:**

In India, disability has been treated as a taboo, as something to be ashamed of for a long time. In the earlier times, it was thought to mean that the person is impure or that he is being punished for something that he had done in a previous life. But disability is not a curse, it is not something that a person should feel ashamed of. In the present, the view on disability is not as severe and people do treat disabled people with more compassion. But there is still a bias against persons with disabilities, and they are still discriminated against. Although people feel sorry for disabled persons, they do nothing to ensure that they have a smoother life.

People have a right to movement, but persons with disabilities are not able to access many places due to their disability and there are no easy access features. Many schools, colleges and other buildings do not have ramps for wheelchairs, or disability-friendly toilets or trained professionals to help them or writings in braille, and other such requirements are not fulfilled. Accessibility issues for PwDs is not a new concept and has been in place since a long time. Instead of having an inclusive approach, the society at large has pushed them towards separately institutionalizing them. A lot of research is required to make basic services and amenities accessible and usable to the different categories of PwDs. While some modifications might work for a person with visual impairment, they may not be useful for a

person using a wheelchair. In several mainstream and important areas, there is a lack of interpreters for persons with hearing impairment, making language and communication a huge barrier.

### **Objectives of the study:**

This study aims to highlight the various areas where PwDs face accessibility issues in India and study the main roadblocks in each section. It will also try to provide possible solutions for the same.

Policies that intend to promote accessibility for PwDs must necessarily cover many areas due to the sheer scale of the problem they deal with. Identifying critical areas is of utmost importance for planning and ensuring accessibility. The following are the broad areas where attention is required to be focused on:

1. Laws and legislation
2. Mobility and transportation
3. Information, Communication Technologies, and Employment
4. Healthcare services and insurance
5. Education and awareness

The above-mentioned areas are interconnected and should be viewed in that respect only. While improving the services but not making necessary amendments in the law will be a half-hearted approach to solving this problem.

### **1.1 Laws and legislation**

Legislation is the linchpin of accessibility for PwDs. The present laws while in existence are not directly beneficial due to a lack of understanding of these laws by the general masses at large. Moreover, most of the laws are only applicable at Government institutions and Government jobs, but PwDs face a lot of discrimination in the private sector.

Every policy and governmental action intended to promote accessibility for PwDs needs a legal basis to be sustainable and binding. In the absence of specific legislation, it is impossible to secure and promote the rights of PwDs. Further, the mere presence of laws is meaningless if people with disabilities cannot take recourse to these laws or if cases filed under these laws are not disposed of quickly.

Roadblocks: Lack of protective legislation and laws, especially in the private sector, slow and inefficient judicial system, poor awareness of laws among the public, non-adherence to existing laws, among others.

### **1.2 Mobility and Transportation**

Mobility and access to transportation services is of critical significance due to its inter-sectional nature. The access to every other critical area listed above is dependent on the presence of adequate transportation infrastructure for PwDs and without removing the barriers present in transportation, one cannot think about accessibility.

A recent case which made the news headlines was when the renowned Indigo Airlines did not allow a child with disabilities to board the flight, despite his parents being present, on the grounds that he would be a threat to the other passengers. In today's age of social media, while the news spread like wildfire and created anger among people, a mere apology and course correction was done by the airlines. However, the real need to be addressed here is the uneducated mindset of its staff who dealt with this situation in the most abrasive way and caused a lot of emotional and mental stress to the child and parents.

Even though accessibility of buildings is a fundamental checkpoint while designing it, Architects and contractors choose to neglect it and construct infrastructure which cannot be used by some PwDs. For instance, the dimensions of a corridor, availability of a slope/ramp, dimensions of the washroom should be such that a wheelchair bound person is able to access the same. These are a few points to bear in mind while constructing any building/ office/ residential complex/ mall etc.

Access to justice, for instance, is meaningless if a PwD cannot travel to the police station to lodge a complaint. Access to health-care facilities is meaningless if a PwD cannot use the public transportation system to go to the hospital. In fact, an inaccessible transportation system places an additional monetary burden on PwDs and leads to economic hardship if the person is poor, and hence, a robust and accessible Public Transportation System is of utmost importance in safeguarding and protecting the rights of PwDs. Roadblocks: Lack of universal designs for public transportation, poor accessibility standards for public transportation among others

### **1.3 Information, Communication Technologies, and Employment**

PwDs must have access to information to make informed choices and should also have the ability to communicate their views and opinions freely. Access to information and communication technologies is hence paramount and steps must be taken to bridge the digital divide that especially affects PwDs. For instance, ensuring all websites are accessible for visually impaired and are supported by JAWS/NVDA Screen reader software, images are given descriptive tags, etc. Web accessibility standards, promotion of assistive information and communication technologies and training PwDs to use these assistive ICT needs to be looked into.

In the area of employment as well, PwDs face extreme discrimination as their CVs are not even shortlisted on employment websites such as Naukri, Monster etc. There is a huge gap in understanding the accessibility needs of a PwD and trying to fulfill them rather than sidelining them on the grounds of disability. There is also a general sense of fear in hiring a PwD as Corporates do not want to get into unnecessary trouble for not abiding by accessibility guidelines. They also do not wish to invest in the required changes to be done to hire such a candidate.

Roadblocks: Lack of training to PwDs, inaccessible websites and web-features, poor understanding of their capabilities by employers, among others.

### **1.4 Healthcare services and Insurance**

The existing health-care facilities are not always accessible to PwDs. The specialized facilities and skill needed to treat disabilities is difficult to come by in our country and fixing this problem by providing adequate health facilities, rehabilitation measures and assistive technology to PwDs needs to be a priority for the Government.

Not just responsive but preventive healthcare services should be worked upon so that we prevent persons being born with disabilities due to human error, malnutrition, poor healthcare infrastructure, etc.

PwDs are also not very aware about the availability of healthcare insurance to cover their heavy medical expenses. Insurance Companies should be more empathetic towards their needs and come-up with specialized plans and services to help them. The lack of research support hinders development of new technologies, leading to a situation where there are very few disability research labs in our country. Roadblocks: Lack of accessible hospitals and trained personnel, expensive assistive technology and lack of affordable care providing services, unavailability of insurance services, among others

### **1.5 Education and Awareness**

Good education is essential for all of us to lead a good life, especially so in the case of PwDs. Education empowers PwDs by giving them the much needed confidence in a not-so-progressive society and opens employment opportunities for them.

Even with the Right to Education (RTE) Act implemented in India in 2010, which mandates all schools to have assistive technology, special educators and infrastructure to ensure no child is left behind due to lack of services in education, there are hardly any schools which have taken the necessary corrective action. Parents of PwDs still knock on legal doors for basics like admission, availability of accessible study material and infrastructure in schools

for their children. These lacunas prevent them from pursuing quality education as easily as others do.

An example to highlight here would be the unavailability of Mathematics syllabus beyond 8th grade to students with vision impairment, even today. With such advancement in the field of technology and some available software's, there is still a huge gap in these services being available in schools for the blind. Hence the math of these children is very weak and they are unable to pursue any further education in the field of science and commerce. Roadblocks: Lack of inclusive schools and trained personnel, lack of accessible study material among others

#### **Research Methodology:**

The research is based mainly on secondary sources which includes, research articles, books and online sources. Qualitative methods of research have been used. Facts, judgements, interpretations, opinions, and ideas have been discussed based on articles and books.

The paper takes a look at what the legal stand of India is when it comes to providing accessibility for persons with disabilities, and to what extent this has been implemented in schools and colleges. It also analyses the affirmative steps taken so far, and gives recommendations for the improvement of the situation. This is done by preparing a hypothesis and research questions, then evaluating the laws in place and their implementation by comparison.

#### **Data Analysis:**

Having identified the areas of accessibility, we now spread a light into the current laws in place and the action plan by the Government to address the issues.

#### **Current Systems and Laws:**

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), of which India is an important member, under Article 9 it is mandatory to the Government for ensuring to persons with disability accessibility to transportation, information, physical environment, communication technology and accessibility to services as well as emergency services.

**Rights of Persons with Disabilities Act, 2016** - This Act specifically looks at improving the accessibility in different areas for persons with disability, knowing how important an issue it is. It deals with the ease of access to public and private buildings, workplaces, public utilities, medical services, law enforcement agencies and transport facilities, among various others.

The terms access or accessibility appear 48 times in the document while dealing with judicial, political, cultural, economic, educational, housing, institutional, employment-related, health and infrastructural reform and access to art.

The new Act has expanded the ambit of conditions it recognizes to 19 conditions, as opposed to the 7 disabilities that were recognized under the 1995 legislation.

A really important development under this Act is that it requires mandatory conformance to accessibility standards and recognizes that reasonable accommodation and universal design are critical for facilitating access in an equitable manner and creating an accessible framework for India going forward. Where the previous Act required governments to make facilities accessible to the extent that it was possible within their economic limits, thus having provided an exit option for most state governments to avoid compliance, the new Act makes it amply clear that accessibility is a must and includes the private sector, private service providers and private establishments within its ambit for compliance with the Act. The Act also understands public services and public buildings as those which are used by the public at large, including those services and buildings which belong to the private sector and not as merely those which are government owned.

Another important development is the fact that the Act clearly makes it compulsory that accessibility includes both information technology accessibility and environmental. This Act provides for the forming up of a Central Advisory Board and State Advisory

Boards to conduct functions of evaluation, policy makers and monitoring and facilitating implementation of the Act. This Act makes it compulsory for the appointment of a Chief Commissioner for persons with disabilities who will be assist by two additional commissioners, one of whom at least must be a person with a disability. Every proceeding before a chief commissioner will be a judicial proceeding and the Chief Commissioner will have the same authority as those grant to a civil court while trying a case under this Act.

**The “Accessible India” campaign** was started by Prime Minister Narendra Modi in 2015 with the objective of making it convenient for persons with disabilities to access administrative buildings and transport facilities, among many others. The vision of the Accessible India Campaign is ‘Accessible India, Empowered India’ – Sugamya Bharat, Sashakt Bharat. With the Government’s resolve towards universal accessibility, the Accessible India Campaign was a call for a mission oriented change. The devotion of the Government to work for accessibility related issues for the disability sector has been evident since 2014 for provisioning disabled friendliness facilities across public places. From 2019, the Government is working to take forward the vision of the Sugamya Bharat Abhiyaan in order to ensure fully accessible public infrastructure, including airports, railways stations, bus stations, shopping malls and public transport systems.

The three verticals under the campaign along with objectives and targets are:

1. **Built Environment Accessibility**

Objective 1: Enhancing the proportion of accessible government buildings

- a. Conducting accessibility audits of at least 25-50 most important government buildings and using government policies to convert them into fully accessible buildings for disable people in the selected 50 cities.
- b. Converting 50% of all the government buildings of National Capital and all the State capitals into fully accessible buildings for disable people.
- c. Conducting audit of 50% of government buildings and converting them into fully accessible buildings in 10 most important cities or towns of all the States

2. **Transportation System Accessibility**

Objective 2: Enhancing proportion of accessible airports

- a. Conducting accessibility audit of all the international airports and converting them into fully accessible international airports
- b. Accessibility audit of all the domestic airports and converting them into fully accessible airports

Objective 3: Enhancing the proportion of accessible railway stations

- c. Ensuring that A one, A & B categories of railway stations in the country to be converted into fully accessible railway stations
- d. Ensuring that 50% of railway stations in the country are converted into fully accessible for disabled people.

**Objective 4: Enhancing the proportion of accessible Public Transport**

- a. Ensuring that 25% of Government-owned public transport vehicles in the country are converted into fully accessible for the disabled people.

2. **Information and Communication Eco-System Accessibility**

Objective 5: Enhancing proportion of accessible and usable public documents and websites that meet internationally recognized accessibility standards

- a. **Conducting accessibility audit of 50% of all government websites both Central and State Governments and converting them into fully accessible websites**
- b. Target to guarantee that at least 50percent of all public documents issued by the Central Government and the State Governments meet accessibility standards so that the disabled people can easily access it.

Objective 6: Enhancing the pool of sign language interpreters

- a. To focus on Training and developing of 200 additional sign language interpreters.  
Objective 7: Enhancing the proportion of daily captioning and sign-language interpretation of public television news programs.
- a. Developing and adoption of national standards on captioning and sign-language interpretation in consultation with National media authorities by June 2022.
- b. Ensuring that 25% of all public television programs aired by government channels meet these standards by June 2022.

Accessibility is about giving equal access to everyone. Without being able to access the facilities and services found in the communities, persons with disabilities will never be fully included. Accessible India Campaign will seek cooperation of all Central Government Departments/Ministries and State Governments to progress towards making India universally accessible.

**Scheme for Implementation of Rights of Persons with Disabilities Act, 2016 (SIPDA)** for providing financial assistance for undertaking various activities outlined in the RPwD Act. The RPwD Act, 2016 endorses the rights of persons with disabilities for access to education, vocational training, and employment, public transport, built environment, information and communication and upholds their independence and dignity.

The laws in India are favorable towards accessibility, and they do aim towards it, but the implementation of these laws has been inferior and the laws have not been backed with adequate research or funding. Unless this is changed, the laws cannot be availed to their full potential and the situation cannot change.

#### **Findings:**

On the basis of the above information, the following findings have come to light:

- A lot of work has gone into the planning and laying down of the Accessible India campaign however, the actual on ground work is not yet up to the mark. The States are not as supportive or aligned as per the overall plan of the Central Government and hence schemes even if present do not reach the end beneficiary.
- Work still needs to be done around removing stigma in the minds of people around disability, which is still a huge barrier for them to cross. Even if infrastructure is made available, if people themselves have a wrong mindset, then they may not even allow PwDs to use these facilities. Hence awareness creation through social media should still be a huge focus area.
- Private schools are still unwilling to admit PwDs and are neither willing to make the required changes as per the RTE Act.
- There is still a loophole in the law regarding employment of PwDs, which gives organizations an excuse for not hiring them because of which most of them are unemployed. By giving the final discretion in the hands of the organization, the law has indirectly lost control and emphasis.
- Detailed checklists are available for accessibility audits of buildings but are not being used to their full capacity. Moreover, no mechanism is in place to see if the changes suggested post the audit are implemented or not.

#### **Conclusion:**

The laws in India regarding accessibility have been well-intentionally curated, but enough background research has not gone into it to make it effective. The implementation of these laws has also not been seen through. India has come far in the fight for bringing equality to the disabled, but it still has a long way to go, to bring to fruition everything that it has promised the people of India.

#### **Suggestions:**

- A rigorous follow-up on deadlines for implementation of plans under the Accessible India campaign, and penalties for not abiding by accessibility guidelines.
- Stricter implementation plans for changes suggested by accessibility audits. Mandatory

accessibility audit prior to any new constructions in any field.

- Improvement of capability of healthcare providers and program managers. Human resource capacity can be improved through effective education, training, and recruitment.
- Focus on basic and primary education for disabled children as close to the mainstream as possible, especially in the subjects of Maths and Science by making it more accessible.
- Increase public awareness and understanding of disability overall. Governments, institutions, and organizations should consider running social marketing campaigns that change attitudes on stigmatized issues such as HIV, mental illness, and leprosy. Involving the media is vital for the success of these campaigns and ensures the dissemination of positive stories about persons with disabilities and their families.
- World Wide Web Consortium (w3c) Standards are available for both web and mobile applications, and this, in addition to the existing Guidelines for Government Websites 2009, can be used to frame the new standards. The government also needs to step in and take measures to raise awareness amongst PwDs about using ICT, in addition to making specialized ICTs (screen reader software, for instance) for PwDs cheaper and more affordable to the public.
- The Government must ensure two things - one, establish transportation and information and communication infrastructure standards and two, encourage universal design.
- Cap the prices of technologies and technological products that are essential for persons with disabilities to lead a dignified life - Provided a fair compensation to the owners of the aforementioned technologies and technological products is given.
- Promote research in prevention and prevalence of disability and the application of science and technology to the development of indigenous, appropriate aids and appliances.

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