

# DISABILITY LAW AND ACCESSIBILITY

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## INTRODUCTION

For a very long time, disability has been stigmatized in India as something to be ashamed of. Previously, it was assumed that this indicated either that the person was impure or that he was being punished for something from a previous life. However, having a disability is not a curse; no one should be ashamed. Today, attitudes towards disability are less negative and people show more compassion towards those who are disabled. However, there is still prejudice against people with disabilities, and they continue to face discrimination. Despite having sympathy for disabled people, society does nothing to improve their quality of life.

Disability law and accessibility are two important concepts that are closely related. Disability law refers to the body of laws and regulations that aim to protect the rights of people with disabilities, while accessibility refers to the extent to which people with disabilities can access goods, services, and environments without facing any barriers. Over the years, disability law and accessibility have evolved to become more inclusive and comprehensive, recognizing the unique needs of individuals with disabilities and promoting their full participation in society. In this article, we will explore the history of disability law and accessibility, the major laws and regulations that govern these areas, and the current state of accessibility in various domains.

People have the right to travel about, however because of

their disabilities and the lack of easy access features, people with disabilities cannot go to many places. Many schools, colleges, and other structures lack wheelchair ramps, handicapped-accessible restrooms, trained staff members to assist them, braille writings, and other necessities. People with disabilities are greatly inconvenienced and distressed by this because they are prevented from visiting these locations owing to a lack of accessibility. This is a serious issue that has emerged mostly as a result of the fact that the laws that are in existence have not been fully implemented in all regions. Being able to access various locations is crucial for people with disabilities to receive equal chances and be able to rise to the same level as everyone.

There are currently more than 80 million disabled persons in India [1], all of whom are the result of different factors including accidents, ageing, or medical conditions. Knowing this, lawmakers have passed laws to ameliorate the situation, with the key one being the 2016 Rights of Persons with Disabilities Act.

Given how crucial a problem it is, this Act focuses primarily on increasing accessibility for people with disabilities in various settings. It covers a variety of topics including how easy it is to access both public and private buildings, workplaces, public utilities, healthcare providers, law enforcement organisations, and transportation amenities. The government of India is attempting to create smart cities as part of its latest start-up drive, which intends to involve people with disabilities in all areas. The Smart City Mission 2015 aims to create accessible websites and portals as platforms for community engagement, accessible digital technology for websites, accessible parks, buildings, playgrounds, schools, colleges, hospitals, and restrooms, among other things. It also aims to ensure access to pathways, junctions, footpaths, bus shelters, crossings, and public transportation.

Prime Minister Mr Narendra Modi launched the “Accessible India” campaign in 2015 with the aim of making it simple for people with disabilities to access administrative buildings and transportation services, among many other things.

Launched in several Indian states, the campaign draws inspiration from other countries and their technologies, such as Microsoft’s “Smart Cities for All” toolkit, which includes four tools to help smart cities around the world focus on ICT accessibility and people’s digital accessibility . the disabled and the elderly. A study conducted by two ethnographic researchers, Arnab Bose and Seema Sharma, and their students in East Delhi revealed that there are many fundamental flaws in the design, such as the height of the bus stands being greater than the height of the buses. billboards blocking wheelchair ramps, etc. These may seem like minor problems, but they have not been addressed because they have not been sufficiently identified and adequate funding has not been allocated.

Sections 44, 45 and 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 categorically provide for non-discrimination in traffic, non-discrimination in traffic and non-discrimination in the built environment. Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory, places an obligation on the government to ensure access to information, transportation, physical environment, communication technology, and services by persons with disabilities and emergency services. Indian laws favour and strive for accessibility, but enforcement of these laws has been weak and the laws have not been supported by adequate research or funding. If it is not changed, the laws cannot be fully used and the situation will not change.

***History of Disability Law and Accessibility:***

The history of disability law and accessibility can be traced back to the early 20th century when the first disability-related laws were enacted in the United States. The Social Security Act of 1935, for example, provided benefits for individuals with disabilities and their families, while the Rehabilitation Act of 1973 prohibited discrimination against individuals with disabilities in programs and activities that receive federal funding. However, it was not until the passage of the Americans with Disabilities Act (ADA) in 1990 that disability law and accessibility gained significant attention and momentum. The ADA is a federal law that prohibits discrimination against individuals with disabilities in various domains, including employment, transportation, public accommodations, and telecommunications. The ADA also requires businesses and other entities to make reasonable accommodations to ensure that individuals with disabilities can access their goods and services.

In addition to the ADA, other laws and regulations have been enacted to promote accessibility for individuals with disabilities. For example, the Individuals with Disabilities Education Act (IDEA) requires public schools to provide free and appropriate education to students with disabilities, while the Fair Housing Act (FHA) prohibits discrimination against individuals with disabilities in the rental or sale of housing.

### ***Current State of Accessibility:***

While the ADA and other laws have made significant progress in promoting accessibility for individuals with disabilities, many challenges still exist. In some cases, businesses and other entities are not aware of their obligations under the ADA, leading to unintentional barriers for individuals with disabilities. In other cases, entities may resist making accommodations, viewing them as costly or burdensome.

The current state of accessibility also varies depending on

the domain. In employment, for example, individuals with disabilities still face significant barriers, including discrimination and lack of access to reasonable accommodations. In transportation, many public transit systems are not fully accessible, making it difficult for individuals with disabilities to travel independently. In housing, accessible units may be limited, and landlords may be resistant to making modifications to existing units. Despite these challenges, there have been significant advancements in promoting accessibility in recent years. The rise of digital technologies has led to the development of new tools and resources to promote accessibility in the digital domain. In addition, there has been a growing awareness of the importance of accessibility among businesses, policymakers, and the general public.

2.21 percent of the total Indian population is classified as disabled. [2] Undoubtedly, the Central and State Governments have also taken some initiatives to improve the condition of this very solid population. In addition to making public places more accessible to them with ramps and disabled washrooms, more steps have been taken recently. Airports in the country have started to take the whole event very seriously, as it is noticed that with better technology, airport authorities have improved wheelchair models and added full-time assistance for disabled passengers. airplanes The national portal was created on behalf of the Department of Empowerment of Persons with Disabilities (Divyangja) under the Ministry of Social Justice and Empowerment, Government of India. This website also provides a discussion forum on the rights and awareness of these people. That was announced by the Ministry "The department has proposed a plan to create barrier-free parking, ramps, toilets, automated toll gate, kiosks, elevators at every entrance/exit, information, direction signs, voice announcements etc. All existing public buildings/places must be made accessible within five years Therefore we has taken the initiative under the Accessible

India Campaign (AIC) to create a society that provides equal opportunities for people with disabilities to grow and develop to lead productive, safe and dignified lives. These activities have been consistently started in the national capital and efforts are being made to implement them better in other states as well. With several laws passed in parliament, such as the very recent Rights of Persons with Disabilities Act (2016), which places reservations in education and government jobs for people with disabilities in the country, it has undoubtedly raised awareness of their problems. and rights. In order for these actions to actually be implemented, it is extremely important that the public also observes them and does not look down on disabled people, but helps and helps them whenever possible and does not sympathize.

### ***CONCLUSION:***

Disability law and accessibility are critical to ensuring that individuals with disabilities can fully participate in society. India's accessibility legislation has been curated with good intentions, but not enough background research has been done to make it more effective. The implementation of these laws is also not over. India has come a long way in the fight to achieve

equality for people with disabilities, but it still has a long way to go to fulfill all that it has promised the people of India. While significant progress has been made in recent years, there is still much work to be done to promote accessibility in all domains. It is essential that businesses and other entities understand their obligations under the ADA and other laws and take proactive steps to ensure that their goods and services are accessible to individuals with disabilities. With continued efforts and advancements in accessibility, we can create a more inclusive and equitable society for all.

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1. India Times on May 24, 2019 last accessed on 3 July 2023

<https://www.indiatimes.com/news/india/what-are-the-expectations-of-80-million-disabled-indians-from-2019-elections-364763.html#:~:text=With%20the%20ever%2Dgrowing%20number,become%20disabled%20due%20to%20accidents>

2. <http://www.ccdisabilities.nic.in/resources/disability-india> last accessed on 3 July 2023