

**INTERNATIONAL COLLOQUIUM ON ACCESSIBILITY RIGHTS
OF PERSONS WITH DISABILITY, 8th JUNE, 2023**

on

ACCESSIBILITY RIGHTS FOR PERSONS WITH DISABILITIES

Concept note

More than one billion people live with some form of disability worldwide. In the years ahead disability will be an even greater concern due to aging population. The number comprises of people with acquired disabilities and people having disabilities since birth. In both situations, people face particular challenges in term of enjoying their basic liberties and autonomy. In this regard accessibility become the most significant challenge for disabled population. This is the reason United Nation Convention on the Rights of People with Disabilities, 2006 (UNCRPD) gives special reference to Accessibility. It articulates, to enable person with disabilities to live independently and participate fully in all aspects of life, state parties shall take appropriate measures to ensure to persons with disabilities access on an equal basis with other to the physical environment, to transportation, to information and communications including information and communications technologies and system, and to other facilities and services open or provided to the public in both urban and rural areas. The emphasis is on barrier free access to all services including healthcare, education, employment, and justice including political participation. The Sustainable Development Goals also

address the need to equitable access in relation to education, healthcare, employment etc.

Thus, accessibility is essence of an egalitarian society, which is enshrined under the Constitution of India under Article 14, 15 and 16. The Rights of Persons with Disability Act, 2016 also emphasis on accessibility to people with disabilities in general and specifically talk about access to reproductive rights, access to justice and legal capacity. Ronald Dworkin discusses the idea of equality, he specifically retrieves on *equality of resources; resources for all*, of equitable amount, configuring as per the need of each class is the idea of real equality as embodied by Dworkin in his book Sovereign Virtue. The success of intelligible democracy can be seen by way it treats and take measures for the special class, and our democracy has always encouraged equality based on the principle of “equal protection of law”, which is the substantive form of equality, relying more on taking efficiently higher steps for the classes in need of special care and treatment. Thus, the first step is to make a society all encompassing for disabled people is by way of accessibility, it is the prerequisite for an inclusive society where the human rights can be fully realised. Going by the theories of the social model of disability, inaccessibility is the cause of a person’s disability, not their impairment. It is the foremost tenure of a capable democracy to ensure full access of all necessary rights for any individual of any class, and in that regard, take special measures for the class in special need. Accessibility cannot be seen in limited sense of infrastructural barrier, but all other blockades like institutional, communicative, informative, cultural, attitudinal should be eliminated in consonance of substantially equal society. Now if we talk about accessibility to people with disabilities in Himalayan region, which consist of hill states, due to tough

geographical terrain the basic needs and services for people with disabilities become inaccessible. The issues about The cost of such services increase due to large number of factors such as geographical location, population density, extreme and variable climatic conditions etc. In economic terms these factors are called ‘economic disabilities’ which adds into the vulnerabilities of disabled people and make it difficult for disabled population of the region to get a barrier-free, economical access to basic services.

Objectives of the Colloquium

- To establish the relation between Rule of Law and right to accessibility.
- To Analyse Accessibility within the ambit of law.
- To Deliberate around Constitutional expressions about accessibility.
- The Colloquium will address the Challenges and Opportunities to overcome physical, economic barriers faced by the people with disabilities.
- Analysing the access to legal capacity for people with Disabilities
- Signifying the importance of accessible Healthcare for persons with disabilities.
- Address the challenges faced by disabled persons of Himachal Pradesh.
- Focusing on Access to reproductive choices to persons with disabilities.
- To promote sensitization among stakeholders.



SUMMARY REPORT OF THE EVENT

Venue

Himachal Pradesh National Law University, Shimla.

Number of Speakers

Eight Speakers from diverse backgrounds were a part of the Colloquium. The inaugural address was delivered by Prof. (Dr.) Nishtha Jaswal, Vice Chancellor, HPNLU, Shimla. The Chief Guest for the event were Prof. (Dr.) Ranbir Singh, Pro Chancellor, IILM.

OVERVIEW

Centre for Studies Related to Persons with Disabilities (CSD), Himachal Pradesh National Law University Shimla in collaboration with Disability Rights Clinic, Galgotias University organised an International Colloquium on **Accessibility Rights of Persons with Disabilities**. The Colloquium aimed at bringing together members of the community, experts, activists, and policymakers, to foster an inclusive environment in order to discuss the challenges, share experiences, and explore and delve into innovative solutions to further the mission towards increasing accessibility. With eight speakers from diverse backgrounds, the event was replete with great many ideas, critiques and recommendations on how to make places inclusive and accessible for all.

THEMES

The colloquium was divided into 2 sessions. The first one was themed on *Accessibility and Disability* and the second one on *Capacity, Inclusion and Disability*.

BRIEF TAKEAWAYS FROM SPEAKER'S ADDRESS

1. Dr. Sachin Sharma, Director of the centre

As the Director of the Centre, Dr. Sachin has introduced the centre and thanked Hon'ble Vice-Chancellor Prof. (Dr.) Nishtha Jaswal for establishing the centre at university. In his address he emphasised on the importance of viewing disability as a form of diversity and to overcome

third-person narratives and providing for the disabled communities to express their experiences. Citing the case of Suchitra Srivastava vs. Chandigarh Administration¹, Dr. Sachin explained how it exemplifies the challenges faced by persons with disabilities and highlighted the need to protect their rights to peacefully exist in the society. He recommended improving existing infrastructure in public places, educational institutions and workplaces to ensure equal opportunities for all. The infrastructure must be made while considering the accessibility of persons with disabilities; the lack of which limits equal participation in the society.



2. Prof. (Dr.) Nishtha Jaswal, Hon'ble Vice-Chancellor, HPNLU, Shimla

Prof. (Dr.) Nishtha Jaswal gave the inaugural address for the event and highlighted upon the need for better implementation of modes of

¹ Suchita Srivastava & Anr v/s Chandigarh Administration, (2009) 14 SCR 989.

accessibility. She emphasised on the need to have an all-inclusive environment and how the societal perceptions need to change to ensure inclusion of all equally. She talked about the importance of making educational institutions inclusive for all so as no one is limited from learning. There is a need for proper implementation of laws and there is a need for effective measures to develop and check modes accessibility for persons with disabilities. The central arrument of professor Jaswal was to highlight disability as attitudnal problem, where by society undermines the significance and importance of disabled person.

3. Prof. (Dr.) Ranbir Singh

Being a pioneer in legal education, Prof. Ranbir has established two successful universities in India. He was the Chief Guest for the event. Prof. (Dr.) Ranbir Singh is the Pro Chancellor of IILM and former VC, NALSAR, NLUD. He discussed the importance of bringing into normal course of practice, the use of sign language and various modes of accessibility and making our environment inclusive. He recommended facilitating accessibility for persons with disability in tourist places such as Shimla by creating proper mechanisms. He promoted the use of sign language in ordinary course of practice and that measures must be taken to encourage training of various modes of accessibility.

4. Dr. Shivani Gupta

Dr. Shivani is a Disability Rights Activist and the Co- Founder of AccessAbility. Talking about the barriers for persons with disabilities in India, she took a number of issues into consideration such as inaccessible transport, isolated families, lack of lifts, prejudicial attitudes, poor job prospects, lack of parking spaces, low-income among the disabled populations, etc. She talked about the three typses of barriers:

1. **Inaccessible physical environment and services:** Homes, pedestrian environment, education institutes, work places, hospitals theatres, shopping areas, banks, courts, transport station, etc.
2. **Inaccessible transport:** buses, trains, taxis and autorickshaws, planes, boats and ships, metro systems
3. **Inaccessible info and communication technology including ICT:** sign language, interpreters, scribes, alternative format\s, audio description, etc.

Equating accessibility to plumbing system, she emphasised the need for proper planning by recognising its need to be seamless. By identifying and recognising the needs of persons with disability to ensure seamless mobility, there is a need to devise effective systems and improve the existing infrastructures. There is a lack of awareness and recognition and a serious lack of implementation. Agencies and organisations must be sanctioned to address and ensure accessibility for all.

Dr. Shivani made the following recommendations:

- Providing accessible environments including inclusive restrooms.
- Training of appropriate personnel on how to increase accessibility.
- Stricter monitoring of accessibility during refurbishment and new construction.
- Ensuring standard procedures for ensuring access to communication and information.

Dr. Shivani explained how disability is a heterogenous group requiring inclusive approach to participate freely. It is important to have an accessible environment with proper communication and sensitised staff to support and cater to the needs of all.

5. Nilesch Singit

Mr. Nilesh is a disability right activist and presently a member of the Supreme Court Committee on Accessibility & Disability Rights. Mr. Nilesh Singit highlighted the practical aspects of disability, such as disabled friendly buses which are most often rendered ineffective due to *lack of proper training* among bus operators. Mr. Singit cited the Bombay High Court, which, despite receiving a Public Interest Litigation (PIL) advocating for improved facilities for disabled people, remained inaccessible. He recounted his personal effort to address the issue by visiting the then Chief Justice, Justice Dalveer Bhandari, to discuss the matter.

The speaker criticized the lack of disabled-friendly infrastructure in courts, noting that the ramps provided were often unusable due to their steep angles. He also shared a practical incident where a person broke their leg due to the steep ramp angle, which became a subject of humour rather than a serious concern. It has often been observed that ramps were often abandoned and left unused after a certain period of time, as exemplified by an incident at NALSAR where a ramp was abandoned just one year after construction, indicating the need for a deeper understanding of accessibility and sustained usage of such facilities. The speaker shed light on various challenges related to accessibility and disability rights, ranging from the implementation gap between academic knowledge and real-world practices to the need for awareness campaigns, improved infrastructure, and policies to promote equal opportunities for individuals with disabilities.

The following recommendations were made by him:

- Need for larger-scale advertisements to spread awareness about disabled friendly services, such as buses.
- To make court premises disabled friendly.

- To implement Guidelines for Disability in the Indian Railway which were published in the 1970s but still lack implementation.
- To establish equal opportunity policy by Supreme Court to ensure equal opportunities for individuals with disabilities.

Mr. Singit emphasised the importance of bridging the gap between theory and practice and the urgent need for a more inclusive society.

6. Prof. Michael Schwartz

Prof. Michael is the Director at the Disability Rights Clinic, Syracuse University, USA, and his work primarily focuses on Access to Justice and Communication Barriers. He talked about he has been a regular visitor to Northern Ireland for the past 30 years and upon conducting various interviews, he noticed that deaf individuals in the justice system are often denied access to interpreters, posing significant communication barriers. He introduced the concept of the Deaf Advisory Group (DAG), which aims to discuss the design, formulation, and execution of research related to persons with hearing diversity. The DAG group has generated a series of recommendations for disabled people. The speaker stressed the importance of utilizing community knowledge, but only when there is active community participation. They emphasized the motto '*Nothing without us about us*²' to advocate for the inclusion and involvement of disabled individuals in decision-making processes.

² 15th session of the Conference of States Parties to the CRPD enable (no date) United Nations. Available at: <https://www.un.org/development/desa/disabilities/conference-of-states-parties-to-the-convention-on-the-rights-of-persons-with-disabilities-2/cosp15.html#:~:text=Theme%20and%20sub-themes%20of%20the%20Conference%20Overarching%20theme%3ABuilding,2%3AEconomic%20empowerment%20and%20entrepreneurship%20of%20persons%20with%20disabilities.>

Talking about their preliminary research in Australia, he talked about the absence of a unified sign language which poses challenges for deaf Aboriginal individuals within the justice system. There is a lack of clear framework in Australia for Judges to understand and consider the unique circumstances when crimes are committed by Aboriginal individuals. The speaker gave an example of a case where an Aboriginal person was arrested and spent seven years in prison for a minor shoplifting offense. Prof. Michael shared that the DAG recently applied for a grant to bring Aboriginal leaders together, with the aim of addressing the challenges faced by deaf Aboriginal individuals. The term 'TANGATA,' borrowed from the Maori language in New Zealand, was adopted by the DAG with permission from Maori leaders. It translates to 'assets of the humans' and is used to describe the work and focus of the group.

Prof. Michael made the following recommendations:

- In order for proper functioning of the system, accessible communication accompanying the mandatory provision for interpreters where necessary is a must.
- Need for inclusive policies with inputs from stakeholders, and equal participation in the decision-making processes in a necessity. He promoted the motto of “Nothing About Us Without Us” to encourage active participation of disabled individuals including deaf people in all stages of research, policy formulation, and decision-making processes.
- He emphasized the importance of community participation and advocated for inclusive decision-making processes to address the rights and needs of disabled individuals.

Prof. Michael has organised programs for raising awareness among judges and legal professionals in Australia to raise awareness about

unique communication and the needs of deaf individuals and sensitising them about the cultural differences to ensure fair treatment in judicial proceedings. This same can be applied and included in the Indian policymaking to promote inclusivity and accessibility.

7. *Dr. Smitha Nizar*

Dr. Smitha Nizar works with Disability Rights Clinic, Galgotias University to establish specialised and inclusive reproductive health clinics in various regions across the country. She marked the need for clinics which should be fully accessible and accommodate the diverse needs of disabled individuals focused on reproductive health. She stressed on the need to take social approach initiatives on a ground level to incorporate the social approach into government policies and programs concerning disability and reproductive health. Development of community-based initiatives that involve disabled individuals in decision-making processes empowers them to advocate for their rights and needs effectively.

Dr. Smitha talked about the UNCRPD integration into National legislation and to review and amend existing legislation to align with the principles of the UNCRPD, with a particular focus on Articles 6³ and 23⁴. The integration of these principles into the Indian Disability Act shall ensure comprehensive legal protection for disabled individuals, especially disabled women, in matters related to reproductive health. She also highlighted the historical injustice meted out to persons with Disabilities

³ Article 6 of United Nations Convention on the Rights of Persons with Disabilities, 2006.

⁴ Article 29 of United Nations Convention on the Rights of Persons with Disabilities, 2006.

by referring to the case *Buck v. Bell*⁵ which set a legal precedent allowing for the sterilization of inmates in public institutions in order to prevent passing on of certain disabilities onto the future generations as the court considered that some disabilities were hereditary. She also referred to Indian case of *Suchitra Srivastava*⁶ where a woman was denied her rights to terminate her pregnancy based on her disability, as stated in the medical report.

She made the following recommendations:

- Such clinics should be equipped with state-of-the-art facilities and staffed by healthcare professionals trained in disability-sensitive care.
- Comprehensive Awareness Campaigns: launching of comprehensive awareness campaigns on disability perceptions and rights, targeting different segments of society by utilizing diverse communication channels, including social media, television, radio, and print media, to reach a broader audience. These campaigns should focus on dispelling myths about disability, promoting positive narratives, and raising awareness about the reproductive rights of disabled individuals.
- To develop specialized training programs for healthcare professionals to enhance their understanding of disability issues and reproductive health needs. This training should encompass disability awareness, communication skills, cultural sensitivity, and best practices for delivering inclusive healthcare services at the same time forge partnerships with academic institutions to conduct

⁵ *Buck v Bell*, 274 U.S. 200 (1927).

⁶ *Suchita Srivastava & Anr v/s Chandigarh Administration*, (2009) 14 SCR 989.

research and studies that focus on disability rights and reproductive health.

Dr. Smitha stressed on how such collaborative measures can lead to evidence-based policy recommendations and contribute to building a strong knowledge base. Disability rights are still at a nascent stage in India and there is a need to incorporate innovative and necessary measures to promote inclusion of all. There is still a long way to ensure comprehensive rights and access to reproductive health of disabled individuals. There is a need for stronger legal provisions and societal changes to address the rights and needs of persons with disabilities in India.



8. Dr. Upneet Lalli

Dr. Lalli is a social reformer, author, trainer and human rights activist. In her speech, she inspired discussion about fear, insecurity, and safety with the help of an interactive activity providing valuable insights into how persons with disabilities perceive and understand their environment. Dr. Lalli emphasized that our understanding of the world is shaped by how we experience it. By engaging in the activity and experiencing a fraction of the difficulties faced by persons with disabilities, the students gained a new perspective on the importance of accessibility and inclusivity in society.

Dr. Lalli delved into the psychology of disability, highlighting major barriers that contribute to the challenges faced by differently-abled individuals. These barriers include:

1. **Prejudices:** The presence of prejudices in society leads to discriminatory attitudes and behaviors towards persons with disabilities, hindering their full participation and inclusion.
2. **Stereotypes:** Pervasive stereotypes about disabled individuals perpetuate misconceptions and reinforce social biases, limiting opportunities and potential.

To address these barriers and foster a more inclusive society, Dr. Lalli proposed the following solutions:

1. **Respect and Empathy:** Treating persons with disabilities with respect and empathy is essential to create a supportive and understanding environment.
2. **Awareness and Education:** Becoming aware of the challenges faced by differently-abled individuals is crucial in breaking down societal misconceptions and promoting inclusivity.

3. **Avoiding Assumptions:** Abstaining from making assumptions about the capabilities and needs of persons with disabilities ensures fair treatment and equal opportunities.
4. **Amplifying Voices:** Encouraging persons with disabilities to express their opinions and experiences empowers them to advocate for their rights and needs effectively.
5. **Promoting Positive Attitudes:** Cultivating positive attitudes towards disability challenges stereotypes and helps create an environment that embraces diversity.

Dr. Lalli emphasised the need to educate students at a young age to inculcate respect, awareness, and promoting positive attitudes. These are the prerequisites that serve as a call to action for individuals and institutions to foster an environment that values diversity, inclusivity, and equity for all.

9. Prof. Eilíonóir Flynn

Prof. Eilíonóir Flynn is the Director of the Centre for Disability Studies, University of Galway, Ireland. She talked about how the rights of persons with disabilities it emphasizes the importance of accessibility, particularly in relation to information communication technology, urban and rural areas, and decision making. It is essential for states to take appropriate measures to provide accessible information and guarantee the exercise of rights for persons with disabilities and support accountability measures. She stressed the importance of consulting with organizations and individuals to better understand their needs and ensure effective policies and services.

Prof. Eilíonóir made the following recommendations:

- Accommodation should be tailored to individual needs, considering factors such as communication preferences, sensory sensitivities, and unique requirements.
- Different forms of communication, including technology and alternative methods, should be accepted and supported by the state.
- To promote appropriate assistance and support to persons with disabilities to ensure their access to inclusive rights.
- Persons with disabilities should not be punished for seeking support for either financial or health issues and it is essential for policymakers to understand this in the interest of public.

Prof. Flynn mentioned the need to accommodate the unique needs and differences among individuals by actively listening to them to understand their specific requirements. Often, what people ask for is simple and should not pose a barrier to fulfilling the state's obligations. For instance, an autistic person may request the presence of a trusted support person to help them remember important information. Another example could be ensuring that information is provided in a room with appropriate lighting and minimal sensory distractions for someone who is sensory-sensitive. There are various ways to address these needs by effectively allocating resources within public services. Additionally, individuals should have access to their preferred forms of communication, such as sign language or technological aids. These forms of communication should be acknowledged and accepted by the state and its officials across different contexts, including law enforcement, public services, education providers, and government offices. It is crucial to be aware of the diverse ways in which people communicate and adapt our methods to ensure clear and understandable information is provided.

All these forms of communication are valid and appropriate, enabling individuals to access the necessary information to make informed decisions and pursue their goals. It is important to prioritize individual understanding and work towards achieving the goals of the convention by recognizing the interdependence of human rights. By doing so, we can ensure that individuals are empowered to navigate their lives successfully.



10. Dr. J.S. Jayara

Dr. Jayara is the Principal of Institute of Blind, Chandigarh. He emphasized that inclusivity of different abled individuals in the society is not just an act of kindness but a fundamental human right. In his speech, he contended that an inclusive society creates an environment where every individual, regardless of their abilities, can contribute meaningfully to the community and lead fulfilling lives. Inclusivity paves the way for diversity, fostering a stronger, more tolerant society that values and

respects the unique attributes of each individual. It encourages us to break down the barriers of ignorance and discrimination, advocating for policies and initiatives that ensure equal access to education, employment, healthcare, and public spaces for everyone, regardless of their abilities. The embrace of inclusivity engenders a more tolerant and compassionate society, one that perceives differences as strengths rather than weaknesses.

He made some strong recommendations via his thought provoking advocacy and poetry:

- Empowering through education and equal opportunities and enable the active participation of persons with disability. Facilitating access through technology and well-equipped infrastructures.
- Improving transport facilities, public spaces, workplaces and recreational venues by addressing the unique requirements of all.
- Empowering and extending support to inclusive institutions and providing for training of staff to suit the needs of all individuals.

Dr. Jayara emphasized the paramount importance of inclusivity for differently abled individuals in a contemporary society. His thought-provoking advocacy delves into the multifaceted significance of creating an inclusive environment that acknowledges and cherishes the diversity of abilities. Through the integration of poetry, he successfully imparts a powerful message that resonates with the audience, calling for the provision of education and equal opportunities to empower the differently abled. As we progress into the future, his words remind us of our collective responsibility to foster a compassionate and inclusive society that celebrates the potential of every individual, regardless of their abilities.

11.Nipun Malhotra

Mr. Nipun Malhotra is a social entrepreneur and Disability Rights Activist. He explained accessibility through his own life story as a person with disability. Talking about the barriers when it comes to availing education, transport, accessing places of recreation, he stressed upon how it is the lack of implementation of laws that limit persons with disabilities to access their environment and exercise their rights. He explained the inaccessibility in India by sharing how being an adult, till date he hasn't been able to access an ATM. This highlights the basic needs of every individual which are inaccessible and limits them.

Mr. Nipun made the following recommendations:

- States must have laws to make infrastructures inclusive for all.
- Providing accessible transport facilities.
- Adequate training of transport staff in helping persons with disabilities access them.
- Developing, monitoring and maintaining the infrastructure keeping in mind the Disability Guidelines to ensure inclusion of all.

It is essential to recognize the needs of the persons with disabilities in India and improve our infrastructure (virtual as well as physical) to promote inclusion of all.


