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Research paper

Survey to improve accessibility for person with disabilities

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Abstract

Accessibility is a concept that cuts across disciplines and refers to the design of products, devices, services, or environments for Persons with Disabilities (PwDs). 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 state parties

Keyword: *Disabilities, Improve accessibility, UNCRPD,PwDs*

1. Introduction

Policies that intend to promote accessibility for PwDs must necessarily cover a large number of areas due to the sheer scale of the problem they deal with. Identifying critical areas is hence of utmost importance for planning and ensuring accessibility, and in our opinion, the following are the areas where due attention must necessarily be paid -

1. Legislation and Law
2. Transportation
3. Information and Communication Technologies
4. Health and associated services
5. Awareness and Education

It is important here to note the intersectional nature of the above-mentioned focus areas. Viewing these focus areas in isolation may not be the best possible way to understand accessibility and it is hence important to keep in mind the interactions between these areas when going through this document [1].

1.1 Legislation and Law

Legislation is the cornerstone of accessibility for PwDs. Every policy, every governmental action intended to promote accessibility for PwDs needs a legal basis in order to be sustainable and binding, and 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 off quickly.

Barriers: Lack of protective legislation and laws, slow and inefficient judicial system among others

1.2 Transportation

Transportation assumes critical significance due to its intersectional 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.

Barriers: Lack of universal designs for public transportation and lack of accessibility standards for public transportation among others

1.3 Information and Communication Technologies

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. Web accessibility standards, promotion of assistive information and communication technologies and training PwDs to use these assistive ICT needs to be looked into.

Barriers: Lack of training to PwDs and inaccessible websites and web-features among others.

1.4 Health-care and associated services

Existing health-care facilities are not always accessible to PwDs. The specialized facilities and skill needed to treat disabilities is hard 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. Hence, under this heading, we intend to examine measures that can be taken by government to improve accessibility to health-care and associated and services.

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Barriers: Lack of accessible hospitals and trained personnel, expensive assistive technology and lack of affordable care-providing services among others [2]

1.5 Awareness and Education

Good education is essential for us to lead a good life, and this is especially so in the case of PwDs. Education empowers PwDs by giving them much needed confidence in a not-so-progressive society and opens employment opportunities for them. Currently, the lack of trained personnel in "normal" schools, lack of accessible built infrastructure and a lack of education material in accessible forms prevents PwDs from pursuing education as easily as others do and measures that can be undertaken to ensure quality, inclusive education to PwDs and promoting awareness in an effort to bring about change in societal attitudes to disabilities is hence the need of the hour.
Barriers: Lack of inclusive schools and trained personnel, and lack of accessible study material among others

2. Elucidation of Problems

2.1 Legislation and Law

Different countries follow different legal frameworks to protect the rights of persons with disabilities. Some countries, like India, have a separate law that guarantees the rights of person with disabilities - others, like South Africa, opt for inclusion of disability issues in all relevant sectoral policies and legislations. What is important here, however, is the very fact that countries have found it fit to specifically address disability issues instead of relying on basic human rights that may be enshrined in their Constitution/legal framework. That the lack of a disability focussed legal framework leave PwDs vulnerable is a well known fact, but what is worse are laws that actively permit discrimination against PwDs. In India, the recently passed Rights of Persons with Disabilities Act 2016 (RPwD 2016) has a provision that states that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section. This provision has proved to be controversial, with many disability activists raising serious concerns over possible misuse of the provision. While the government argues that some types of work necessarily need workers to fulfil certain physical criteria (airline pilots, for instance), the current law doesn't keep a check on how such notifications are given and this is something that must be addressed. The inefficiency of our country's judicial system is another point of concern. Till a week ago, there were no special laws that protected PwDs, and while the incorporation of a list of offences and penalties, along with the establishment of a Special Court to try offences under the RPwD 2016 is a welcome step, only time shall tell if this shall lead to speedy trial.

2.2 Transportation

As stated earlier, transportation is the linchpin around which accessibility revolves. 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 [3] . In India, as of today, very few transportation systems are accessible. In Chennai for instance, the MRTS trains are not at the same level as the platform, making them inaccessible for people using wheelchairs. Special, disabled friendly buses are rare to come by, and even when they do come by, the buses do not stop at designated bus stops and refuse to open the special door built for that purpose. What is hence needed is for the government to come up with minimum standards for transportation and transportation infrastructure as mandated by the RPwD 2016, and for this purpose, the Americans with Disabilities Act (ADA) standards are worth emulating. Universal designs do not exist for many of the transportation infrastructure in India and one step the government can take to push for the same is by purchasing only those public transportation infrastructures that are accessible.

2.3 Information and Communication Technologies (ICTs)

Article 9 of the UNCRPD states that state parties shall take measures to identify and eliminate barriers to accessibility of information and communication, including information and communication technologies for PwDs. In addition to this, Article 21 of the UNCRPD guarantees freedom of expression, opinion and access to information to PwDs and both these provisions have been incorporated into RPwD 2016. The RPwD 2016 mandates the government to establish standards relating to accessibility of Information and Communication Technologies, and one source of such standards that the government can make use of are the World Wide Web Consortium (w3c) Standards. 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. Regulating prices of these technologies and providing training to PwDs through the District Disability Rehabilitation Centres are further steps that the government takes to make ICTs accessible.

2.4 Health-care and associated services

One would expect that hospitals, at the very least, shall be completely accessible, but unfortunately in our country, this is not the case. Ramps, stretchers and wheelchairs are easily available and used in hospitals, but for hearing-impaired and vision-impaired persons, our hospitals remain out of reach. The lack of specialized doctors is another problem. In a country having less than 1 doctor per 1000 persons, one can only imagine the dearth of specialized doctors and other trained personnel equipped to help PwDs. Problems do not end there though. Assistive technologies cost a lot and most of them are not in the reach of the disabled. 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 (R2D2 at IIT Madras is an example of a disability research lab). Even when the government subsidizes the manufactures of assistive devices (like in the case of ALIMCO, Kanpur), data shows the funding for such manufacturers are not fully utilized. Further, health-care services for PwDs are yet to take off in a big manner in our country. The government must encourage the private sector to take part in promoting disability rights and providing health-care related services to PwDs [4].

2.5 Awareness and Education

Most of the problems that PwDs face is due to lack of awareness and education. Mr. Moses, one of our panelists, pointed out how no doctor recommended that he buy a screen-reader to cope with his vision impairment and Mr. Muthu, our mentor pointed out how people did not even know that persons having disabilities are entitled to concessions on public transportation. Lack of awareness of the rights of PwDs and the different solutions available to them is a major hindrance in achieving accessibility and it is imperative for the government to take steps to promote awareness[5]. As mentioned earlier, lack of trained personnel, lack of accessible study material and inaccessible built infrastructure of

school buildings are problems that prevent PwDs from accessing education and the only way that the government can tackle this is by passing minimum standards in compliance with the RPwD 2016 [6].

3. Detailed Solutions

3.1 Legislation and Law

As mentioned earlier, one of the problems in the recently passed Rights of Persons with Disabilities Act 2016 (RPwD 2016) is the provision that allows the Government to exempt establishments from non-discrimination in jobs due to disability.
The appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.
The presence of appropriate Government allows even local panchayats to exempt establishments from non-discrimination based on disability. Seeing that decision making in a majority of the Panchayats in rural areas may be concentrated in the hands of an elite few, and also because decisions in Gram Sabhas are taken based on majority opinion, it is necessary to put in place measures to ensure that this provision is not misused. For this reason, the following change can be made to this law to make the government accountable -
The appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section, only by due procedure established by law.

This implies that the appropriate government must necessarily follow procedures approved by the Parliament/State Legislature/Gram Sabha and cannot arbitrarily take decisions and must necessarily follow a uniform principle to take such decisions.

3.2 Transportation and Information and Communication Technology

The Government must ensure two things - one, establish transportation and information and communication infrastructure standards and two, encourage universal design. Currently, the RPwD 2016 doesn't prescribe any timeframe within which the government must notify the standards and that is something that needs to amended. We propose that a time limit of two years be given to the Government to notify all the standards to ensure accessibility. In addition, the Government must pass a law stating that all government purchases must necessarily be accessible to encourage universal design - a practice followed by USA.
The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas within two years from the date of notification.
The appropriate government shall ensure that all purchases made by it fulfil the standards of accessibility notified by the Central Government.

3.3 Information and Communication Technologies and Assistive Technologies

One of the problems that might present itself is exorbitant prices of specialized ICTs and Assistive Technologies for PwDs. This might be due to various reasons - the product might be under patent, costs of raw materials might be high etc. and hence, what the Government needs to do is regulate the prices of these technologies to ensure that they are affordable. For this purpose, we propose the following addition to the RPwD Act 2016.

The Central Government may, through a notification, cap the prices of technologies and technological products that are essential for persons with disabilities to lead a dignified life -
Provided the Government provides fair compensation to the owners of the aforementioned technologies and technological products.

3.4 Healthcare and associated services, Awareness and Education

The District Disability Rehabilitation Centre (DDRC) existed under the PwD Act 1995, but was left optional - each district could choose to have one if it so wished. However, the RPwD 2016 makes it mandatory for every district to have a DDRC and the DDRC can hence be used as the nodal agency for overseeing all health care and associated activities. However, the RPwD act does not give financial powers to local bodies and this might prove to be a drawback as it curtails the independent activities that the local bodies could have carried out in collaboration with DDRC. Disability Awareness can be promoted in rural areas by Accredited Social Health Activist who are employed under National Rural Health Mission (NRHM). Making available accessible study materials requires only political will and can be easily managed once that is found.

4. Feasibility and Relevance of Solutions

4.1 Legislation and Law

The concern with respect to discrimination against PwD sanctioned by the government was raised by Mrs. Rajul Padmanabhan, Director, Vidya Sagar. This got us thinking about possible steps to ensure that there is no arbitrary use of the provision detailed above. While the solution is relevant, the idea that the government shall accept restrictions on its powers doesn't seem very feasible, but with the right kind of advocacy and push, the same can be done.
The concern with respect to the lack of a time limit within which the Central Government must notify standards was raised by Mrs. Amba Salelkar. The proposal to include a time limit within Article 40 of the RPwD 2016 is hence to her credit. While relevant, the feasibility of the government accepting a time-limit within which it shall act is debatable.
The idea of ensuring that all government purchases were accessible resonated with a lot of panelists and in the end, we found that the US Government follows this practice. This was an idea that panelists found both relevant and feasible.
The usage of DDRCs is an idea that we ran by Ms. Kavya Srinivasan, our Mentor. She felt that the idea was both relevant and feasible. Using AHSA workers for spreading awareness was met with slight scepticism by Mr. Muthu, another mentor, but his suggestion was that financial pay for services rendered by the ASHA worker be increased by the government.
Overall, we feel we have spent adequate time researching and thinking about the solutions propose here. We have cited inline wherever necessary, and we hope the judges find this paper satisfactory.

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