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LAW LIBRARY ACCESS TO DISABLED STUDENTS- A CRITICAL ANALYSIS WITH SPECIAL REFERENCE TO THE STATE OF JHARKHAND

By

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ABSTRACT-

The disability rights of the students to access the academic institutions as well as the libraries of the institutions imparting legal education fall under the basic human rights as well as the fundamental rights of the Constitution of India though they are the most neglected. Society looks towards the disabled sympathetically and empathically, however, the fact remains that there are specific laws for the empowerment of these especially able students, yet the accessibility to the library is denied either physically or virtually. The proper aids and devices for the disabled is not at all installed in the educational institutions imparting legal education. The author has tried to make an empirical study on the topics, taking into account 20 institutions imparting legal education across the state of Jharkhand. It has been observed that even the pioneer institutions have failed to install such devices in their libraries, there is absence of training and awareness among the library staffs appointed in libraries. In order to address the issue, the author has suggested amendments in the legal framework, for curving the minus.

KEYWORDS- Library, Disability, Accessibility, Adaptability, Devices, Aids, Students.

INTRODUCTION-

Law, being a professional subject, is becoming an important area of concern in the present era of economic development. In this context, the access to library by the disabled students is becoming a major concern. The Right to Education Act, 2009, National Education Policy 2020, Rights of Persons with Disabilities and Equal Opportunities Act, 2016, Bar Council of India Act 1961, and corresponding Rules, University Grants Commission are some of the prominent legislations prostrating the right to education by the disabled students. These legislations have been framed in line with the international conventions and treaties, strengthening the rights of the especially abled students. One of such pertinent convention, ratified by India, is the United Nations Convention on the Rights of Persons with Disabilities and the Equal Opportunities, 2006, on the basis of which the National Scholarship Scheme for persons with disabilities was launched in 2002-2003. Later, Post-matric Scholarship (for class- Post Graduation degree/ Diploma, Top class Education (for Graduate and Post-Graduate, Degree/Diploma in notified institutes of excellence, National Overseas Scholarship (for Master's Degree, Ph.D in Indian Universities, Colleges, Universities, abroad), National Fellowship (for M- Phill and Ph.D in Indian Universities, Free Catching (for recruitment examinations for Group- A, B, and C Post sand entrance examination for technical and other professional courses) was launched.ⁱ

According to the 2011 census, 2.22 % of the total population of India is suffering from one or the

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other disabilities. The Constitution of India, puts forward a plethora of provisions for the empowerment of the disabled children, not only in the segment of Fundamental Rights but also in the Directive principles of State Policy

The educational institutions pertaining to legal education, admit the students based on the above referred legal framework. The Common Law Admission Test, which selects best students for legal education in National Law Schools, fixes criteria for admission of such especially abled candidates for law courses, as per the regulations of the CLAT Consortium which further rests upon the periphery of the above-mentioned legislation. The traditional universities, conduct entrance exams on somewhat similar standards for the selection of such especially abled candidates. As the Bar Council of India Act 1961 is the rudimentary legislation governing the legal education in India, the private educational institution pertaining legal education, are also bound to follow the provisions of BCI, and thus, follow similar structure for admission of the especially abled students.

The author tries to critically analyse the legislative framework in India, for the access to law library by these especially abled students, by conducting an empirical study on the law colleges, and university spread across the jurisdiction of Jharkhand. The author also focusses on the recent equipment used to aid the especially abled students, and the use of such equipment in various academic institutions across Jharkhand and tries to analyse the best practices followed within the state, and India and provides the valuable suggestions and findings for better implementation of the provisions so that the legislations can be efficiently worked out under the present socio-economic status of the educational institution. It is to be noted that the scope of the research is limited to disabilities pertaining to partial or complete blindness, deaf or dumb and students having locomotive disabilities.

LEGISLATIVE FRAMEWORK FOR ESPECIALLY ABLED STUDENTS UNDER THE CONSTITUTION OF INDIA:

The fundamental Rights enshrined under the Constitution of India, specifically Article 14 speaks about the Right to Equality, and removal of discrimination on whatsoever grounds, and ensures justice, liberty and equality Article 15 prohibits the scope of discrimination on the ground of disability. Article 16 ensures equal opportunity in employment without any discrimination, even on the ground of disabilities. Article 21 talks about Right to Life, which protects the rights of the disabled and gives them equal opportunity of livelihood with dignity. Article 23 and 24 prohibits forced employment of children and even the disabled. Article 41 provides for the state duty to secure the right to work, education and public assistance including cases of unemployment, old age, sickness and

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disability. The concept of judicial activism, as incorporated by the Indian judicial system, through Article 32 has further refined the scope of empowerment of the disabled through various case laws and judicial guidelines. It is pertinent to mention here that, the “relief of the disabled and the unemployable” has been put forward in the Seventh Schedule and List II of the Constitution. This gives the power to the concerned state government to frame the legislation for the disabled unemployable. Thus, the Constitution provides ample protection to the especially abled citizen. By not only providing them right to education but also right to employment and right to life and livelihood.ⁱⁱ

LEGISLATIVE FRAMEWORK FOR ESPECIALLY ABLED STUDENTS UNDER THE INTERNATIONAL CONVENTIONS AND TREATIES-

The Universal Declaration of Human Rights, apart from, right to life, right to health, rights against discrimination, right to equality etc. also speaks about the Right to Education, under Article 26. It speaks about compulsory elementary education and further states that the technical and professional education should be made generally available and the higher education shall be equally accessible to all persons on the ground of merit.ⁱⁱⁱ The term, “accessible”, here means accessibility to the tools used for the purpose of education and thus includes the concept to accessibility to the law libraries too. Disability rights and human rights are deeply interconnected. At their core, both advocate for dignity, equality, and inclusion for every individual. Disability rights emphasize removing societal barriers and providing equal opportunities, while human rights encompass a broader framework that guarantees fundamental freedoms for all.^{iv}

Article 24 of the United Nations Convention on the Rights of Persons with Disabilities talks about the inclusive education of the children, even with disabilities, it also is to be interpreted in a wider context, where the education system must be made accessible to the disabled children by removing the barriers such as legal, physical, economical, social, communication and language and attitudinal barriers, by providing them adequate training, technical aids and emotional support. Legislations that create exclusion for disabled students must be repealed. Education must be made not only accessible to the disabled students, but must also be

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acceptable to the requirements, culture and language of the disabled students. It must also be adapted by them, in the different learning requirements.^v

LEGISLATIVE FRAMEWORK FOR ESPECIALLY ABLED STUDENTS UNDER THE INDIAN LAWS-

i. Rights of the Persons with Disabilities and Equal Opportunities Act 2016-

This enactment was also enacted as an after-ratification result of the United Nations Convention on the Rights of the Persons with Disabilities 2006. The enactment ensured reservation policy for the disabled of all categories and even created the mental illness as a disability criterion. The enactment prohibits discrimination due to disabilities in employment, education and other opportunities. It promotes a barrier-free environment in workplace and educational institutions. The enactment speaks about the scope of inclusive education and the development of curriculum and teaching materials that cater the needs of the disabled students. It also emphasizes on the training of special educators for the disabled students. The enactment also emphasizes upon creation of accessible infrastructure, transportation and communication and information technologies and thus, the accessibility to the libraries also becomes an important aspect under the enactment.^{vi}

ii. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

The basic objectives of the enactment is to enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong; to strengthen facilities to provide support to persons with disability to live within their own families; to extend support to registered organisations to provide need based services during period of crisis in the family of persons with disability; to deal with problems of persons with disability who do not have family support; to promote measures for the care and protection of persons with disability in the event of death of their parents or guardians; to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection; to facilitate the realisation of

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equal opportunities, protection of rights and full participation of persons with disability; and to do any other act which is incidental to the aforesaid objects.^{vii}

iii. Rehabilitation Council of India Act 1992 –

The basic objective of the enactment is to constitute the Rehabilitation Council to regulate and monitor the training of the rehabilitation professionals, promoting research in rehabilitation work. And rehabilitation education. It is pertinent to mention here that the rehabilitation professionals are trained to provide the scope of rehabilitation in each and every sphere of social interference. The enactment also empowers to appoint inspectors and visitors to the universities and the educational institutions providing the training the rehabilitation professionals. However, it may be noted that this enactment could have been given powers to look into the academic accessibility of the disabled students in all academic institutions including the technical and professional courses and institutes of higher education.^{viii}

iv. Bar Council of India Rules-

The Bar Council of India is a statutory body created by the parliament to regulate and represent the Indian bar as well as sets standards of legal education and grants recognition to the universities for imparting legal education and degrees to be granted by such universities. For this purpose, the Bar Council is empowered to make necessary inspections in the Centres of Legal Education, where the courses of degree in law are conducted or proposed to be conducted, after giving prior notice of such inspection to the concerned officer in charge of such centres of legal education, for the purpose of affiliation of such centres. Library becomes one of the most important subject matters to be considered for such affiliation. The inspection team must scrutinize that there is adequate space for reading in the library and there are required number of books and journals and adequate number of computers and computer terminals including on-line library facility under a qualified librarian. Library reading space requirement shall be for at least 25% of the enrolled students according to per capita reading space specified by any standard setting bodies like UGC. However, the Library may remain open till 10 p.m. There shall be adequate space in the library for computer facility with access to internet and national and international library access and data bases.

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The Bar Council of India is a statutory entity established by Parliament to oversee and represent the Indian legal profession. It sets standards for legal education and grants recognition to universities that provide legal education and confer degrees. To fulfil this role, the Bar Council is authorized to conduct necessary inspections of Legal Education Centres, where law degree programs are offered or planned, after notifying the relevant officer in charge of these centres for the purpose of their affiliation. The library is a critical aspect considered during this affiliation process. The inspection team must ensure that there is sufficient reading space in the library, an adequate number of books and journals, and a sufficient number of computers and terminals, including online library access, all managed by a qualified librarian. The library's reading space must accommodate at least 25% of the enrolled students, in accordance with the per capita reading space standards set by recognized bodies such as the UGC. Furthermore, the library may remain open until 10 p.m. There should also be ample space for computer facilities with internet access and connections to national and international libraries and databases. The regulations stipulate that initially, a Law Library must possess a complete set of the AIR manual, Central Acts, Local Acts, Criminal Law Journal, SCC, Company Cases, Indian Bar Review, selected judgments on Professional Ethics, and journals with back volumes for a minimum of ten years, along with a requisite number of textbooks for each subject taught, adhering to a minimum standard ratio of ten books per registered student. For integrated programs, textbooks for additional subjects must also be maintained in a similar minimum ratio. The minimum annual investment in the library for each academic year must be fifty thousand rupees for one stream and fifty thousand rupees for each additional stream.

The regulations stipulate that initially, a Law Library must possess a collection of AIR manuals, Central Acts, Local Acts, a Criminal Law Journal, SCC, Company Cases, the Indian Bar Review, selected judgments on Professional Ethics, and journals with back volumes spanning at least ten years. Additionally, it should include a sufficient number of textbooks for each subject taught during the academic period, adhering to the minimum standard ratio of ten books per registered student. For integrated programs, textbooks for other subjects must also be maintained in the same minimum ratio. The minimum annual investment in the library is set at fifty thousand rupees for one stream and one lakh rupees for both streams. The inspection team is tasked with presenting its recommendations and suggestions in the specific format outlined in the rules for the affiliation of a Centre of Legal Education. It is important to note that the Bar Council of India Rules do not address the accessibility criteria for disabled students in relation to the law library.

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v .‘Harmonised Guidelines and Space Standards for Barrier-Free Built Environment for Persons with Disability and Elderly Persons’.-

The Ministry of Housing and Urban Affairs, the Ministry of Electronics and Information Technology, and the Ministry of Education, among others, have issued the ‘Harmonised Guidelines and Space Standards for Barrier-Free Built Environment for Persons with Disability and Elderly Persons’ concerning Built Environment, Information and Communication Technology, and e-content guidelines, respectively. These guidelines are crucial for ensuring accessibility in our Higher Education Institutions (HEIs) and must be followed by them accordingly. Recognizing accessibility as a comprehensive issue that all HEIs must address in their planning and implementation, the University Grants Commission (UGC) has outlined guidelines in this document under the following sections to foster a holistic perspective and understanding: (i) Promoting Inclusive Practices and Accessibility, (ii) Need Assessment and Support Provisions, (iii) Accessibility of ICT, (iv) Mobility Infrastructure, (v) Built Infrastructure, (vi) Accessible Curriculum, Teaching and Learning, (vii) Accessible Assessment or Examination, (viii) Accessibility in Resources/Services, (ix) Inclusive Campus Living, and (x) Governance and Monitoring of Accessibility and Inclusive Practices.

Disability Specific needs which require Accessibility Considerations Broadly, the aspects that may require accessibility considerations include Mobility; Hand manipulations; Therapy and Medication; Speech & Communication; Vision; Emotional Behavioral support; Psycho-Social support; Cognitive and Intellectual skills; Self-Care & Daily Living Skills; Healthcare needs; Use of Infrastructure; Use of Information and Communication Technology etc..^{ix}

Critical Study of the Disabled Accessibility to Law Library in State of Jharkhand-

It was astonishing to reveal that were crores of expenditure were made for the construction of the Jharkhand High Cour and the Judicial Academy Jharkhand, but a single penny was not spent for the disabled accessibility to the library through various equipment’s designed for disabled Persoons to the library, though the Bar and the Bench of Jharkhand Judicial Framework has not only applied reservation policy for the disabled. There is physical accessibility to the library, but the devices for the disabled, such as the speaking machine or the braille printing machine are absent It is pertinent to mention here that more than 25, institutions impart legal education across the state of Jharkhand. An empirical study was conducted by the author in order to analyse the scope of disabled accessibilityin these educational institutions imparting legal education, in 20 such institutions as depicted under TABLE-1.1. Interview method was used as a source to collect the data. Questionnaires were framed

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as annexed in Annexure A.

Total Number of Educational Institutions Imparting Legal education in State of Jharkhand with Special Reference to Ranchi and disabled accessibility to library(Physical)

Sl. no	Name of College/ University	Total No. of students	Total No. of Disabled Students	Disabled Accessibility Devices and Infrastructure	Accessibility to Physical Library	Address and contact details of the University/College
1	National University of Study and Research in Law	630	2	Presently Nil, Manual support provided to students. Purchase of devices and new library building infrastructure in progress	LIFT Situated in 3 rd . Floor	National University of Study and Research in Law, Kanke Pithoria Road, Post- Bukru Ranchi-834006 www.nusranchi.ac.in
2	Ranchi University	408(Approx.)	1	Nil	Ground Floor	Ranchi University, Morabadi, Ranchi-834008 www.ranchiuniversity.ac.in
3	Raksha Shakti University	Selective Students studying law papers as specialization	NIL	Nil	1 st . Floor	Skipa Campus, Meurs Road, Morabadi Ranchi-834008 www.jrsuranchi.com
4	Chotanagpur Law College	720	2	Nil	Ground Floor	Nyay Vihar Campus, Ranchi-834001 www.enlawcollege.ac.in
5	Usha Martin University	100	Nil	Nil	1 st . Floor Lift	Vill- Narayansoso Near Angara Block Office, Ranchi- Purulia Highway, Angara, ranchi-835103 www.umu.ac.in
6	Amity university	230	Nil	Nil	1 st . Floor Lift	HEC Core Capita Area, Murma, Nayasarai, Block-Nagri, Dhurwa, Ranchi-835303 www.amity.edu
7	Arka Jain University	60	Nil	Nil	4 th . Floor Lift	Opposite Kerela Public School, Mohanpur, Gamharia, Dist.- Seraikela, Kharsawan, Pin-832108 www.arkajainuniversity.ac.in
8	Sai Nath University	485	Nil	Nil	1 st . Floor	Jirawar, Chandway-Kuchu Road, Ormanjhi, Ranchi-835219 sainathuniversity.com
9	Jharkhand Rai University	446	Nil	Nil	1 st . Floor Lift yet to be installed	Raja Ulatu, Namkum, Pin-834010 www.jru.edu.in
10	Radha	1060(Nil	Nil	G Block	Radha Govind Nagar Lalki Ghati,

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	Govind University	approx..)				Dist.- Ramgardg Pin-829122 www.info@rguniversity.edu.in
11	Sarla Birla University	206 (approx.)	Nil	Nil	2 nd . Floor Lift	Birla Campus, Vill-Ara, Po. Mahilong, Ranchi- Puruliya Highway, Pin-835103 www.sbu.ac.in
12	Imanual Hai Khan Law College	507	Nil	Nil	1st. Floor	Bokaro Sector-VI Bokaro-827006
13	Law College Dhanbad	1000	2	Nil	Ground Floor	Law College Dhanbad, Hirapur, Damodarpur Road, Via-ISM, Dhanbad-826004 Lcd.dhn@gmail.com
14	Netaji Subhas University Jamshedpur	745	nil	Nil	Ground Floor	Near, BhilaiPahdi, Jamshedpur-831012 www.nsut.ac.in
15	ICFAI University	312	1	Nil	1 st . Floor Lift	Plot No-2065, Daladali Chawk, Simalia, Near Ring Road, Ranchi- 835222 iujharkhand.edu.in
16	RKDF University	300	Nil	Nil	1 st . Floor	Kathal More,Argora, Ranchi Road, Dhipatoli Pundag Ranchi-834004 Rkdfuniversity.org
17	AISECT University	500	Nil	Nil	1 st . Floor	In Front of Gandhi Maidan, Matwari Chawk, Juljul, Hazaribag-825303 www.aisectuniversityjharkhand.ac.in
18	Jharkhand Vidhi Mahavidyalaya	1000	Nil	Nil	1 st . Floor	Ashram road, Bishunpur, JhumriTelaiya, Kodarma, Jharkhand-825409 www.jharkhandvidhi.org
19	Vinobha Bhave University, University Law College	1500	2	Nil	2 nd . Floor Lift	University Law College Vinobha Bhave University Sindoor, Hazaribag- 825301 www.vbu.ac.in
20	Jamshedpur Corporation College	300	Nil	Nil	Ground Floor	Circuit House Area, Sonari, Jumshedpur- 831001 www.jclc.co.in

TABLE-1.1

It was observed that most of the institutions have physical accessibility to the academic building or

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the library, as the library is situated in the Ground Floor of the Academic Block of the Centre for Legal Education, or have an accessibility through the lifts installed in the building, but some of the institutions have very poor accessibility, where the Library is situated in First Floor or above and there is no lift in the building.

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Sl. no	Name of College/ University	Total No. of Disabled Students	Accessibility to Physical Library
1	National University of Study and Research in Law	2	LIFT Situated in 3 rd . Floor
2	Ranchi University	1	Ground Floor
3	Chotanagpur Law College	2	Ground Floor
4	Usha Martin University	Nil	1 st . Floor Lift
5	Amity university	Nil	1 st . Floor Lift
6	Arka Jain University	Nil	4 th . Floor Lift
7	Radha Govind University	Nil	G Block
8	Sarla Birla University	Nil	2 nd . Floor Lift
9	Law College Dhanbad	2	Ground Floor
10	Netaji Subhas University Jamshedpur	Nil	Ground Floor
11	ICFAI University	1	1 st . Floor Lift
12	Vinobha Bhawe University, University Law College	2	2 nd . Floor Lift
13	Jamshedpur Corporative College	Nil	Ground Floor

TABLE 1.2

The list of the institutions having physical accessibility is depicted under TABLE 1.2. However, some institutions having physical accessibility also suffer from poor maintenance. There are no proper washrooms or drinking water facility availability to the library premises. In most of the places, it was contended that the library staffs manually try to fix up the issues related to the disabled students by supplying them the required books or documents physically, though it still remains a challenge for the visually disabled or students with low vision. Figure-1.1 depicts the ratio of the especially abled students against the normal students. Though, it seems that the percentage of the especially abled students is quite low as compared to the normal children, but the fact remains, that the policy for the disabled has been designed on the bonafide interest of this merger population as per the census of 2011 and the National Statistical Office, Ministry of Statistics and Program Implementation, Government of India.^x

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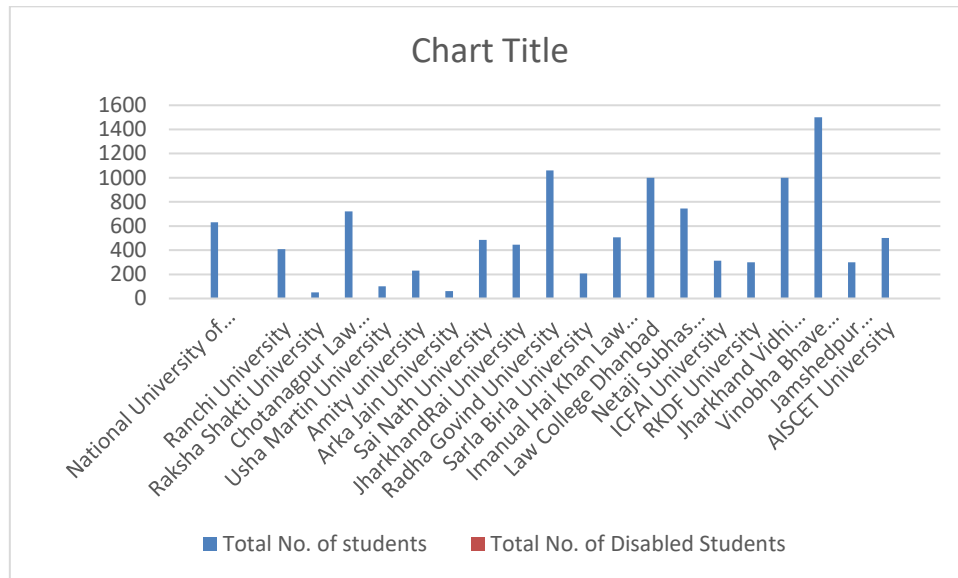


Figure 1.1

Though the institutions plead of providing the manual-aid to the students who are especially abled, but the fact remains that the staffing pattern in the library is also not adequate in most of the centres of legal education. The problem becomes more worse, when the especially abled child is a girl child.

Figure-1.2 clearly depicts the percentage of library accessibility to the especially abled students.32% of the total number of students, who are the variables collected for the research, out of which a few may be especially abled, are indirectly denied to the physical accessibility of the library.

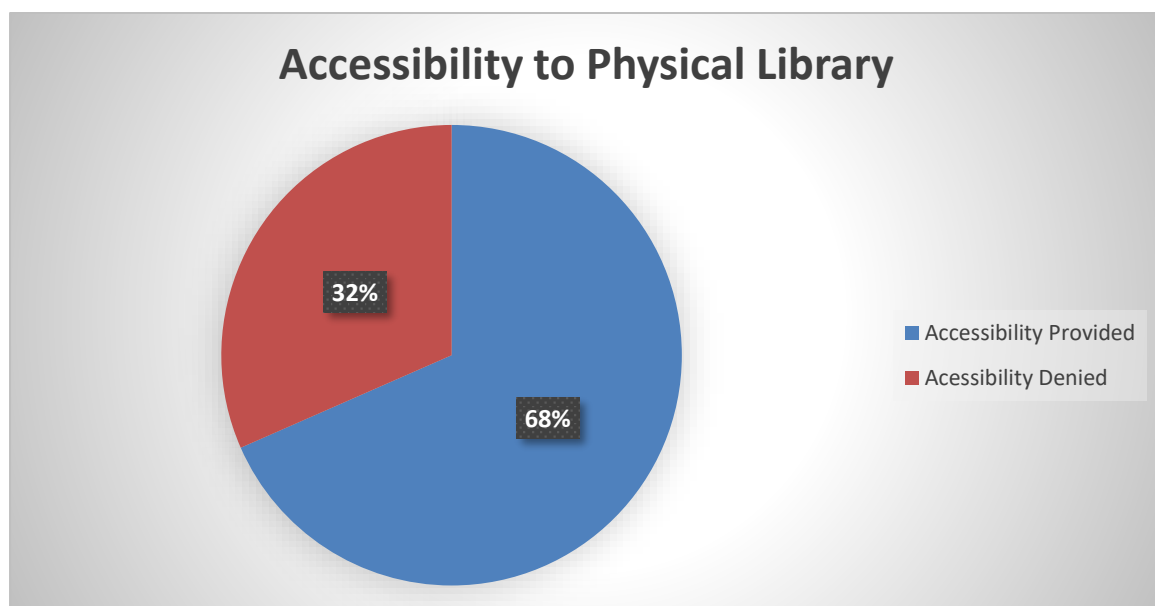


Figure-1.2

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Total Number of Educational Institutions Imparting Legal education in State of Jharkhand with Special Reference to Ranchi and disabled accessibility to library (Accessibility through Devices and AI)-

Under the present circumstances, due to technical advancements, several devices have been designed for the disabled accessibility to the library. Some of the equipment's are Braille Embosser, Braille Reader and Printer, Screen Reader and Magnifier, Digital Reading systems for the Blind, Assistive Learning Devices for the hearing impairments or disabilities such as Augmentative and Alternative Communication Devices, etc. are some of the devices installed in the libraries for the purpose of accessibility of the students.

It was observed that even the pioneer institutions imparting legal education and training in the state of Jharkhand do not have any such devices. The awareness regarding such devices is also absent among the librarians and the institutions.

Conclusion and Suggestions-

It is evident from the above that the concept of disability is visualized as a matter of sympathy and empathy, across the population, laws and regulations have been framed for the empowerment of the disabled, but the practical scenario is quite different. Their accessibility to law library as part and parcel of the Right to Education is still a dream to come true. The legal implementation of the same is still very weak. The Bar Council of India, Rules, empower the authority to affiliate the institutions of the legal education subject to proper library facilities, but failed to address the accessibility concern for the disabled categories. The Rehabilitation Council of India Act, 1992, though provides provisions for the appointment of the inspectors for addressing issues related to disabled accessibility to institutions, but scope is limited to the physical accessibility and not the virtual accessibility through various aids and devices. It also failed to address the training of the library staff who are the primarily dealing with the accessibility concern of the students.

Though the Supreme Court of India, on 8th November 2024, said that the disabled persons right to access environments, services, and opportunities is an essential human and fundamental right, the same has been failed to be recognized yet.^{xi}In *Akshat Baidwa & Ors. Vs. Yash Raj Films*. Stated that accessibility is a crucial legal right and that even the private entities have a duty to provide.

It is noteworthy to state that the library accessibility of the disabled students is in a bad shape across the law libraries of Jharkhand. In order to address the issue, proper implementation mechanism must be developed along with proper drives for the awareness among the services providers. And the subjects.

LAW LIBRARY ACCESS TO DISABLED STUDENTS- A CRITICAL ANALYSIS WITH SPECCIAL REFERENCE TO THE STATE OF JHARKHAND

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ⁱ Scheme of Scholarship for Students with Disabilities, Effective from 1st. April 2022, Department of Empowerment of Persons with Disabilities (Divyangian) and Ministry of Social Justice and Empowerment, Government of India Page no-8 and 9

ⁱⁱ Constitution of India

ⁱⁱⁱ<https://www.disabled-world.com/disability/discrimination/udhr.php>, Last accessed on 15th. May, 2025

^{iv}[The Connection Between Disability Rights and Human Rights - bertacaceres.org.](https://www.bertacaceres.org/) , Last accessed on 15th. May, 2025

^v https://www.unicef.org/eca/sites/unicef.org.eca/files/IE_summary_accessible_220917_0.pdf#:~:text=The%20UN%20Convention%20on%20the%20Rights%20of%20Persons,measures%20are

^{vi}**Rights of the Persons with Disabilities and Equal Opportunities Act, 2016**

^{vii}**The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999**

^{viii} The Rehabilitation Council of India Act 1992

^{ix} COMPREHENSIVE ACCESSIBILITY GUIDELINES AND STANDARDS FOR HIGHER EDUCATION INSTITUTIONS AND UNIVERSITIES (DRAFT) February, 2022

^x 2021 data published by National Statistical Office, Ministry of Statistics and Program Implementation, Government of India.

^{xi} The New Indian Express, dated 15th. November, 2024