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BRIDGING THE GAP: CRITICAL ANALYSIS OF ACCESSIBILITY AND THE RIGHT TO EQUALITY FOR PERSONS WITH PHYSICAL DISABILITIES IN INDIA

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Abstract

The Articles 14, 15, and 21 of the Constitution of India guarantees right to equality as a fundamental right to every citizen. For persons with disabilities (PwDs), this right encompasses not only formal equality before the law but also substantive equality that ensures equal access, opportunities, and dignities in all spheres of life. The enactment of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) marked a significant shift in the legal and policy framework concerning disability rights in India. The Act tried to bring domestic law in sync with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.

One of the core mandates of the RPwD Act, 2016 is the implementation of accessibility standards in public and private spaces, digital platforms, transportation, education, and employment. Sections 40 to 46 of the Act impose binding obligations on the appropriate governments and establishments to ensure accessibility in the built environment, information and communication technology, and services. However, despite the statutory provisions and deadlines, the actual implementation of these standards has been uneven, inconsistent, and often superficial.

Accessibility is not merely a technical or architectural issue; it is central to realizing the right to equality for PwDs. Inaccessible spaces and services constitute systemic discrimination and create barriers that perpetuate exclusion. The continued failure to enforce accessibility norms undermines the spirit of the RPwD Act and the constitutional promise of equality and non-discrimination.

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Judicial pronouncements, including those by the Supreme Court in *Vikash Kumar v. UPSC (2021)*, have emphasized the need to treat accessibility as a matter of rights and not charity. However, gaps in monitoring mechanisms, lack of awareness among implementing authorities, absence of punitive measures for non-compliance, and poor budgetary allocations remain critical challenges.

This paper argues that achieving equality for persons with disabilities requires a rights-based approach to accessibility that is proactive, comprehensive, and legally enforceable. It critically examines the legal framework, implementation practices, and compliance status of accessibility standards in India. Through doctrinal and empirical analysis, the study highlights the urgent need for stronger institutional accountability, cross-sectoral coordination, and participatory policymaking to ensure that the promise of equality under the RPwD Act, 2016 translates into lived reality for persons with disabilities

Keywords: Disability, Accessibility, Article 15, Right to Life, Equality

Literature Review

The following books, law reports, websites, and news articles have made a major contribution in helping me for carrying out my Socio-legal research comprehensively –

i. **Critical Essays on Disability Rights Jurisprudence Combating Exclusion, Embracing Inclusion**

Jain, S. (2022). Critical essays on disability rights jurisprudence: Combating exclusion, embracing inclusion. Bloomsbury Publishing. (pp. 15–303)

This book is a collection of high-quality research papers contributed by eminent academicians, philosophers and jurists. Its main objective is to disseminate and spread awareness about rights of persons with disabilities.

The book also provides useful inputs to activists, lawyers, jurists and academicians to evolve empowerment strategies for recognition, promotion and protection of rights of persons with disabilities. Besides the Indian scenario, the book also explores developments in disability rights in countries like Nepal, Sri Lanka and USA, thereby broadening the horizon of the field. It features high quality articles focusing on international law standards of Human Rights of persons with disabilities.

ii. Accessibility for Disabled in Public Transportation Terminal

Khalifeh Soltani, S. H., Sham, M., Awang, M., & Yaman, R. (2012). Accessibility for disabled in public transportation terminal. *Procedia - Social and Behavioral Sciences*, 35, 89–96. <https://doi.org/10.1016/j.sbspro.2012.02.062>

Accessibility is important in daily life especially when dealing with external and internal environment. Realizing that most public transport terminals still lack in terms of good design and facilities thus a serious concern for the matters is needed to ensure the convenient for all. It has been widely accepted that disabled people, have fewer opportunities and lower quality of life than non-disabled.

Added with poor accessibility, the disabled people face more challenges and difficulties while travelling and using the public transport. Therefore, it becomes increasingly difficult to ignore the disabled issues while using the facilities of the public transport.

iii. Empowerment of the Disabled: From Objects of Charity to Subjects with Rights

Gurpur, S., & Sekhar, V. (2017). Empowerment of the disabled: From objects of charity to subjects with rights. *Economic and Political Weekly*, 52(17), 35–40. <https://www.epw.in/journal/2017/17>

In the *Jeeja Ghosh & Anr v Union of India & Ors* (2012) case, which involved a passenger with cerebral palsy who was offloaded from the Spice Jet flight, the Supreme Court has highlighted two important rights of disabled travellers—accessibility and reasonable accommodation.

As every country has a statutory as well as international obligation to ensure the right of disabled people to access in transport services, these rights have to be realised prior to the realisation of all other rights.

iv. Evaluation of Environmental Barriers faced by Wheelchair Users in India

Devi, S., Goyal, S., & Ravindra, S. (2013). Evaluation of environmental barriers faced by wheelchair users in India. *Disability, CBR & Inclusive Development*, 24(1), 61–74. <https://doi.org/10.5463/DCID.v24i1.142>

Environmental factors restrict the extent to which people with disabilities can participate in society. The reduction of environmental barriers will increase their participation in the social, educational and vocational spheres of life. With the use of a valid and reliable tool - the Craig Hospital Inventory of Environmental Factors (CHIEF) questionnaire - this study aimed to evaluate the environmental barriers faced by

wheelchair users in Bangalore city, India.

The maximum percentage of participants did not face problems in Resource availability (43%), Social support (50%) and Equality (59%), and therefore these aspects were not felt to be a big problem. Conclusion: An understanding of the environmental barriers faced by wheelchair users can provide guidance in mapping policies and strengthening laws which would help to improve their quality of life.

v. **Enhancing Accessibility in India: A Roadmap for Inclusive Development**

Batra, A. (2023). Enhancing accessibility in India: A roadmap for inclusive development.

India has initiated some reforms for disabled persons but it lags behind international standards. Especially in sports, India has talented players but no support.

A brief survey of para-athletes and women para-athletes show that the situation is dismal. This article propounds that subpar governance mechanisms and inadequate funding hinders basic infrastructure provisions to para-athletes.

By clearly articulating the governance policies, structures, budgets and regular monitoring, the quality of services provided to disabled persons can be improved. Supportive infrastructure is essential to support women para-athletes who face social stigma and often, multiple marginalities due to intersections of gender, race and economic status with disability.

While weaving accessibility in the built environment, transportation and information and communication technology is indispensable, India will have to work on changing public perception towards disabled individuals through innovative features, communication, awareness, training programs, and partnerships with private initiatives to improve the lived experiences of this community.

Designing gender-inclusive infrastructure, adaptive sports equipment for women para-athletes, supplemented by comprehensive health, education and employment benefits will boost participation of women with disabilities in sports. As Indian para-sports picks speed as a result of supportive policies, governance and infrastructure, it can bring recognition and subsequent opportunities to the disabled community as a whole.

This publication aims to inform policymakers, organizations, and the public about the impending progress yet to be made in accessibility and inspire efforts to create more inclusive and equitable environments for all individuals, regardless of their abilities.

vi. **“Social Empowerment for Differently Abled” – Yojna, August 2018, Vol. 62**

Limaye, S. (2018). Social empowerment for differently abled. Yojana, 62(8), 28–32.

This article helped in understanding the importance of empowering the most marginalised section of our society i.e. Persons with Disability. It further discusses that empowerment forms a practical approach of resource-oriented interventions and goes on to discuss various government initiatives that are being carried out for empowering them.

Research Methodology

The Research was completed by incorporating partly doctrinal and partly empirical methods. The study aims to evaluate the effectiveness of the law and policies dealing with accessibility for Persons with Disability in India by studying the available data. Research was based on primary & secondary sources by interpreting and analysing the legislations, relevant data available, different Government report and statistics, research articles, other relevant resources

Introduction

Disability is often seen as a limitation or a deviation from the norm, but this perspective overlooks a fundamental truth i.e. disability is a form of human diversity. Like race, gender, or culture, disability represents a variation in human experience. Unfortunately, this diversity is often least appreciated, and instead of being celebrated or normalized, it is frequently stigmatized. Many still view disability through a lens of deficiency, focusing on what a person cannot do, rather than recognizing the unique perspectives and contributions disabled individuals can bring. This lack of appreciation stems from deep-embedded biases and a failure to understand that diversity includes a wide range of abilities, and each has its own intrinsic value.

The Right to Equality is a cornerstone of the Constitution of India, ensuring that every citizen is treated equally under the law. However, for Persons with Disabilities (PwDs), the realization of this right is often hindered by social, infrastructural, and systemic barriers. Disability can be understood through two primary models - the medical model and the social model. The medical model views disability as a defect or impairment located within the individual that needs to be cured or corrected. Historically, disability was perceived through a medical model, framing it as an individual physical defect. This perspective perpetuated exclusion rather than structural

accommodation. In contrast, the social model sees disability as a socially constructed disadvantages arising from the interaction between individuals with impairments and attitudinal or environmental barriers that hinder their full participation in society. The shift towards a social model, which identifies barriers in the environment and attitudes as the real disabling factors, aligns with constitutional morality and substantive equality. Article 15 of the Indian Constitution, if interpreted dynamically, can embed this model by prohibiting disability-based discrimination and mandating accessibility as an equal right, not charity. Accessibility is not merely a technical issue; it is a matter of rights and social justice. An inaccessible environment reinforces systemic discrimination and exclusion. Substantive equality, therefore, requires affirmative measures, such as barrier-free infrastructure and inclusive design.

The Hon'ble Supreme Court of India in *Vikash Kumar v. Union Public Service Commission*³ emphasized that accessibility¹ is an essential to the right to equality under Article 14 and must be treated as an enforceable right, not a matter of discretion or charity. Courts have increasingly recognized that failure to ensure accessibility amounts to a violation of fundamental rights.

Inclusion of disabled individuals in education, employment, and social life offers opportunities for innovation, empathy, increased sensitivity and a broader understanding of human potential. By marginalizing people with disabilities, society deprives itself of rich contributions that could emerge from their unique life experiences. Appreciating disability as diversity means recognizing the varied ways in which people engage with the world, thereby fostering a more inclusive, equitable environment where all forms of human difference are respected and valued. Only then can we fully appreciate disability as an integral part of the human experience.

International & Domestic Framework

In India, the Rights of Persons with Disabilities Act, 2016 (RPwD Act) was enacted to align domestic law with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which India ratified in 2007. One of the critical aspects of this legislation is the mandate to implement accessibility standards across public and private sectors.

Part III of the Constitution of India guarantees fundamental human rights to all persons. The Right to Equality as enshrined in Article 14 of the Constitution recognizes that all persons are

³ AIR 2021 SC 2447

equal before the law and there ought to be Equal Protection of Laws. Persons with disabilities are entitled to this guarantee, to not be discriminated against in any manner and to be treated equally, which includes the requirement for special treatment where required. For this reason, the Judiciary over the decades has described that, Article 14 has concept of Equity and Affirmative Action deeply ingrained within it. Similarly, Article 15 and 16 prohibits discrimination on the grounds of "religion, race, caste, sex, place of birth or any of them and guarantees equal opportunity in matters of public employment. Article 15 of the Constitution of India specifically stands as a vital safeguard against discrimination, ensuring that every citizen is treated equally irrespective of their religion, race, caste, sex, or place of birth. This Article is fundamental in shaping the discourse on equality and non-discrimination in India, including the rights of people with disabilities. While the Article does not explicitly mention "disability" as a category of protection, subsequent legal developments and interpretations have extended its provisions to cover this vital area of human rights.

Right to Access public spaces & Equality

The Right to Access public spaces is an integral part of this framework of equality, grounded in the belief that everyone should have equal opportunities to participate in social, cultural, and economic life. For individuals with disabilities, access to public spaces such as schools, hospitals, parks, government buildings, private organisations and transportation is essential for their full and equal participation in society. Unfortunately, barriers to access—both physical and attitudinal—persists, reinforcing the marginalization of people with disabilities.

Disability rights advocates argue that access to public spaces should not be seen as an act of charity or benevolence but as a fundamental right⁴. The distinction between charity and rights is crucial. Viewing access to public spaces through the lens of charity implies that accommodations for people with disabilities are optional or exceptional, to be provided at the discretion of the state or society. This approach fosters dependency, reinforcing the notion that people with disabilities are passive recipients of aid rather than equal participants in society.

In contrast, framing access to public spaces as a fundamental right asserts the legal and moral obligation of the state and society to ensure equal treatment for all. This shift in perspective

⁴ Limaye, S. (2018, August). Social empowerment for differently abled. *Yojana*, 62, 15– 303 <https://www.thehindu.com/news/national/accessibility-for-disabled-persons-is-a-human-and-a-fundamental-right-sc-judgment/article68849155.ece>

aligns with international norms, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. The UNCRPD, which India ratified without reservations, obligates signatory states to ensure full and equal enjoyment of all human rights by PwDs. Article 9 of the UNCRPD specifically mandates that States take appropriate measures to ensure accessibility in physical environments, transportation, information, and communications technologies. This global standard provides the foundation for India's legislative response through the RPwD Act, 2016.

Article 15 of the Constitution of India explicitly prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. However, it does not expressly include disability as a prohibited ground of discrimination. This omission has critical implications for persons with physical disabilities (PwDs) in India, particularly concerning accessibility and equal opportunity. Article 15(1) states that the State shall not discriminate against any citizen on certain enumerated grounds, and Article 15(2) extends this prohibition to access to shops, public restaurants, hotels, and places of public entertainment. Importantly, Article 15(3) and 15(4) allow the State to make special provisions for women, children, and socially and educationally backward classes.

Ultimately, the inclusion of disability in the interpretation of Article 15 represents a crucial step in ensuring that individuals with disabilities are no longer marginalized. They have the right to access public spaces on an equal footing, making it a matter of justice, not an act of benevolence.

Disability is absent from these explicit grounds. Consequently, the constitutional mandate against discrimination does not automatically extend to PwDs unless interpreted broadly through the lens of “intelligible differentia” under Article 14 or under the expansive reading of Article 21. While the judiciary has often bridged this gap through purposive interpretation, the absence of explicit mention has left persons with disabilities vulnerable to systemic exclusion. There is dire need for Judicial Expansion of the term Equality to include persons with disability. Indian courts have progressively read Article 15 in conjunction with Article 14 and 21 to safeguard the rights of PwDs. For example, in *Vikash Kumar v. Union Public Service Commission*, (2021)⁵, the Supreme Court held that denial of a scribe to a candidate with

⁵ AIR 2021 SC 2447

writer's cramp amounted to discrimination and violated his right to equality and dignity. Similarly, in *Jeeja Ghosh v. Union of India* (2016)⁶, the Court invoked principles of non-discrimination to uphold the dignity of a passenger with cerebral palsy who was deboarded from a flight. In *Rajive Raturi v. Union of India*(2018)⁷, the Supreme Court emphasized accessibility as an inalienable component of equality and directed the government to implement accessibility standards in public buildings. Similarly, in *Disabled Rights Group v. Union of India*(2018)⁸, the Court stressed effective enforcement of the RPwD Act. However, judicial interventions often suffer from delayed implementation, reflecting weak administrative accountability. However, these interpretations are case-specific and reactive, rather than a structural guarantee akin to the explicit protections under Article 15 for other marginalized groups.

Accessibility forms the backbone of equality for PwDs. Without access to public spaces, transportation, education, healthcare, and digital platforms, the promise of equality remains illusory. Here, the Rights of Persons with Disabilities Act, 2016 (RPwD Act) attempts to fill the constitutional silence by recognizing accessibility as a statutory right. Sections 40–46 of the Act mandate accessibility in the built environment, information and communication technology, and services.

Adding to the above discussion, Constitution of India under Article 16 (3) & (4) provides that the State can make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services. It is on the basis of Article 16, that the guarantees to reservation and equal opportunity in public employment are made under the RPwD Act, 2016. The right to equality has been upheld for persons with disabilities not to be discriminated and to be provided equal opportunity in recruitment to public employment especially civil services⁹. While, Article 21 of the Constitution guarantees the right to life to all persons, which has been interpreted by the Supreme Court to include the right to live with dignity¹⁰, the right to livelihood¹¹ and the right to education¹². Not just this but, Chapter IV of the Constitution contains the Directive Principles

⁶ AIR 2016 SC 2393

⁷ (2018) 2 SCC 413

⁸ AIROnline 2018 SC 543

⁹ NFB vs. UPSC (1993) 2 SCC 411, *Amita vs. Union of India* (2005) 13 SCC 721

¹⁰ *Francis Coralie Mullin vs. Union Territory of Delhi*, (1981) 1 SCC 608

¹¹ *Olga Tellis and Ors. vs. Bombay Municipal Corporation and Ors.*, (1985) 3 SCC 545

¹² *Unnikrishnan J.P. and Ors. vs. State of Andhra Pradesh and Ors.*, (1993) 1 SCC 645

of State Policy, which are also aims for the State to comply with. The DPSPs provide in Article 38 that the State Policy has to be directed to minimize inequalities, secure right to an adequate means of livelihood and also secure that the operation of legal system promotes justice. Under Article 41, the State shall make provisions for ensuring the right to work, education and public assistance in case of unemployment, old age, sickness and disablement and in other cases of undeserved want. The State shall endeavour to provide for free and compulsory education for all children until they complete the age of 14 years and under Article 46 the State has also the responsibility of promoting with special care the educational and economic interests of the weaker sections of the people. All these provisions are equally applicable to the persons with disabilities.

Yet, practical implementation is inadequate. The Accessible India Campaign that was launched in 2015, sets targets for making public buildings and transportation accessible, but even after a decade of its inauguration, the progress has been slow, and audits by the Comptroller and Auditor General (CAG) reveal widespread non-compliance¹³. The campaign has fallen short of its targets due to weak enforcement and monitoring mechanisms. This indicates that without constitutional-level recognition under Article 15, the enforcement of accessibility norms will always remain weak. Article 15(3) empowers the State to make special provisions for disadvantaged groups, though historically applied to women and children. By analogy, a purposive interpretation could extend similar affirmative measures to PwDs. Reservation in education and employment for PwDs under the RPwD Act is an example of such positive discrimination. However, this is legislative grace rather than a constitutional guarantee, leaving scope for dilution or non-implementation.

In India various legislations cover some specialized aspects of disability issues like - National Trusts Act, the Rehabilitation Council of India Act and the Mental Health Act 1987. This research will be dealing with these legislations, but main focus will lie on the PwD Act as this is the main legislation covering all rights of persons with disabilities in the country. The RPwD Act, 2016 replaced the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It expands the recognized categories of disability from 7 to 21 and adopts a rights-based approach in line with the UNCRPD.

¹³ Nath, D. (2025, February 23). CPWD didn't audit 80% of govt buildings examined before making them disabled-friendly, says CAG. The Indian Express. <https://indianexpress.com/article/india/cpwd-disabled-friendly-audit-bulidings-9846369/>

Under the RPwD Act, a 'person with disability' has been defined as any person having 40% or more of any of the following disabilities: (i) Blindness; (ii) Low vision; (iii) Leprosy cured; (iv) Hearing impairment; (v) Locomotor disability; (vi) Mental retardation; and (vii) Mental illness. This is a limited definition, as only persons who fall within this definition as having 40% or more of the above 7 disabilities would be categorized as persons with disabilities and would be entitled to get the benefits of the rights and schemes under the PWD Act.

The main rights available to persons with disabilities are in the field of education in public schools, public employment, infrastructure on the roads and in public transport and access to public buildings and a grievance redressal procedure for protection of their rights.

Key sections related to accessibility include:

- **Section 40:** Mandates the formulation of accessibility standards.
- **Section 41:** Obligates appropriate governments to provide accessible transport.
- **Section 42:** Requires the promotion of universal design in public and private infrastructure.
- **Section 43-46:** Cover access to information, communication, and services, including time-bound implementation and review mechanisms.

Accessing public spaces and infrastructure has been addressed in Sections 44 to 47 of the RPwD Act. Such measures included adapting public transport facilities for easy access to persons with disabilities, installing auditory and tactile indicators on public roads and pavements to aid those with auditory and visual disabilities, and installing ramps, Braille symbols and auditory signals in facilities in public buildings and medical institutions

These provisions seek to integrate PwDs fully into society by eliminating physical and attitudinal barriers.

Implementation Status and Challenges

With the intention to ensure that everyone, including the persons with disabilities and elderly should have equal access to all services and facilities in all public buildings, the Ministry of Urban Development (MoUD), Government of India has come up with set guidelines – the **‘Harmonised Guidelines and Space Standards for Barrier-Free Built Environment for persons with Disability and Elderly Persons’**. These comprehensive guidelines are inclusive of all provisions updated and harmonized to act as an easy reference Practitioner’s Guide for Barrier Free Designs with universal access, responding to the varying needs of the persons with

disabilities. These Guidelines explicitly covers universal accessibility standards and responds to the varying needs of all users including those with reduced mobility. The Guidelines are effective tool for the executing agencies, planners, designers, contractors, civic agencies, development authorities and urban local bodies, etc. to pave the way for inclusive and accessible built environment.

Despite a robust legal framework, the ground reality remains far from satisfactory. Many government buildings, schools, hospitals, public transport systems, and digital platforms remain inaccessible to PwDs.

Key challenges include:

- Lack of coordination between central, state, and local bodies.
- Poor awareness and sensitivity among architects, engineers, and planners.
- Institutions such as the Office of the Chief Commissioner for Persons with Disabilities (CCPD) are mandated to monitor implementation, yet their capacity remains limited. There is also a need for greater involvement of State Commissioners and stronger grievance redressal mechanisms.
- Limited budgetary allocations and absence of punitive measures.
- Delays in framing and notifying rules and standards.

Recommendations

- **Strengthening Accessibility for Persons with Disabilities in India- Policy Imperatives and Strategic Interventions** - Accessibility is a fundamental precondition for the realization of equality, dignity, and autonomy for persons with disabilities (PwDs). In India, the Rights of Persons with Disabilities (RPwD) Act, 2016 and initiatives such as the Accessible India Campaign (Sugamya Bharat Abhiyan) have laid the legal and policy foundation for creating inclusive environments. Section 40 of the RPwD Act mandates the Central Government to notify accessibility standards for physical environments, transportation, and information and communication technologies (ICTs). Furthermore, India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which under Article 9 obligates State Parties to ensure accessibility to the physical environment, transportation, and ICT on an equal basis with others. However, the gap between policy and practice remains significant. Many public spaces, transport systems, and digital platforms continue to be

inaccessible, limiting opportunities for education, employment, and social participation for millions of PwDs. To address these challenges, a comprehensive and enforceable strategy is required.

- **Establishing Stronger Compliance and Monitoring Authorities** - One of the major barriers to effective implementation of accessibility norms is the lack of robust enforcement mechanisms. While the RPwD Act mandates accessibility, the current compliance monitoring process is weak. The Chief Commissioner for Persons with Disabilities (CCPD) and State Commissioners have limited powers and resources to ensure strict enforcement. The Comptroller and Auditor General (CAG) Report 2022 on the Accessible India Campaign highlighted delays and inconsistencies in achieving accessibility targets for government buildings and public transportation. Establishing independent compliance and monitoring authorities with statutory enforcement powers is essential. Such bodies should be authorized to conduct inspections, investigate complaints, and impose penalties for non-compliance. This is in line with Section 79 of the RPwD Act, which empowers authorities to take punitive action but lacks strong execution mechanisms. Strengthening these bodies would ensure accountability and faster implementation of accessibility norms.
- **Increasing Budgetary Allocations for Accessibility Improvements** - Ensuring accessibility is not merely a legal obligation but also a financial commitment. Retrofitting existing infrastructure, installing assistive technologies, and developing inclusive digital platforms require substantial investment. The Department of Empowerment of Persons with Disabilities (DEPwD) allocated only ₹315 crore for the Accessible India Campaign between 2015 and 2020, which was found insufficient by the Parliamentary Standing Committee on Social Justice and Empowerment (2021). To address this gap, it is imperative to earmark dedicated funds under both central and state budgets for accessibility improvements. These funds should cover structural modifications in public buildings, development of barrier-free transportation systems, and incentives for private sector compliance. Enhanced financial support will accelerate progress towards a barrier-free environment, enabling PwDs to participate equally in social, economic, and cultural life.
- **Mandatory Accessibility Audits for Public and Private Buildings** - Despite legislative provisions under Section 44 of the RPwD Act, which requires public buildings to comply with accessibility standards within five years of the Act's enforcement, many government and private establishments remain non-compliant. Introducing mandatory

accessibility audits by certified professionals is an effective way to ensure compliance. These audits should assess adherence to the Harmonised Guidelines and Standards for Universal Accessibility in India (2021) and identify gaps that require corrective action. Compliance with accessibility audits must be a prerequisite for granting building approvals and occupancy certificates, as per the National Building Code. Public disclosure of audit results will further promote transparency and accountability, aligning with the UNCRPD's emphasis on monitoring accessibility in Article 33.

- **Capacity Building through Regular Training Programs** - A key reason for inaccessible infrastructure is the lack of technical expertise and awareness among professionals responsible for designing and approving public spaces. Planners, architects, and government officials often overlook accessibility requirements due to inadequate training. The RPwD Rules, 2017 and the Harmonised Guidelines (2021) mandate the integration of accessibility features, yet these are frequently ignored during implementation. To address this, regular capacity-building programs must be institutionalized. These programs should focus on Universal Design principles, national and international accessibility standards, and the social importance of inclusive environments. Incorporating accessibility modules into architecture and urban planning curricula, as well as including them in government induction programs, will ensure long-term integration of accessibility considerations into infrastructure development.
- **Participation of PwDs and Disabled Persons' Organizations in Policy Formulation** - Policies designed without consulting stakeholders often fail to meet real-world needs. The UNCRPD under Article 4(3) mandates that States consult and actively involve PwDs and their representative organizations in policymaking. In India, this principle is echoed in Section 72 of the RPwD Act, which calls for the involvement of PwDs in the implementation of policies. However, actual participation remains limited. Institutionalizing mechanisms such as advisory councils, monitoring committees, and policy boards with substantial representation from PwDs and Disabled Persons' Organizations (DPOs) can ensure that accessibility policies are responsive, inclusive, and effective.
- **Amending the RPwD Act for Stricter Timelines and Penalties**- While the RPwD Act, 2016 provides a robust legal framework, its implementation has been hampered by vague timelines and weak penalties. Many accessibility targets, such as those under the Accessible India Campaign, were revised multiple times and remain unmet. To address this, the Act must be amended to include strict deadlines for achieving accessibility in

public buildings, transport systems, and digital services. Additionally, penalties for non-compliance under Section 89 of the RPwD Act should be significantly enhanced, including monetary fines and cancellation of licenses for private entities. Introducing stringent legal provisions will create a sense of urgency and compel stakeholders to prioritize accessibility.

Conclusion

Accessibility is not a matter of charity or optional compliance; it is a human right enshrined in Articles 14 and 21 of the Indian Constitution and reinforced by the RPwD Act and the UNCRPD. The promise of equality for persons with disabilities cannot be realized without a sincere and systematic implementation of accessibility standards. While the RPwD Act, 2016 provides a comprehensive legal framework, the challenges in its enforcement undermine its potential. Moving from a charity-based to a rights-based approach is imperative. Ensuring accessibility is not merely about removing physical barriers but about affirming the dignity, autonomy, and equality of every individual. The need of the hour is robust institutional mechanisms, political will, and societal commitment to make accessibility a lived reality for all PwDs in India.

The Right to Access public spaces is an integral part of this framework, grounded in the belief that everyone should have equal opportunities to participate in social, cultural, and economic life. For individuals with disabilities, access to public spaces such as schools, hospitals, parks, government buildings, and transportation is essential to their full and equal participation in society. Unfortunately, barriers to access—both physical and attitudinal—persist, reinforcing the marginalization of people with disabilities.

Despite progressive legislation, India's journey towards universal accessibility has been slow and uneven. Strengthening enforcement mechanisms, increasing financial allocations, mandating regular audits, building professional capacity, ensuring participatory policymaking, and amending legal frameworks are critical steps towards creating an inclusive society. A multi-pronged approach that combines legal accountability, financial investment, and social awareness will ensure that persons with disabilities can lead dignified, independent, and fulfilling lives.

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