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Reasonable Accommodation of The Differently Abled – Expanding The Horizons Towards More 'Meaningful' Accommodation

by
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INTRODUCTION

As per Article 22 of the Universal Declaration of Human Rights, "Everyone, as an individual has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality." With the growing clout of the disabled persons as a pressure group, several reforms and measures have been taken up by the government, *inter alia* the Rights of Persons with Disabilities Act, 2016 and the *Sugamya Bharat Abhiyan*. The new act in fact has also embraced the idea of "reasonable accommodation" quite explicitly, including in situations such as disasters, workplace, schools/colleges etc. What is more endearing is that the courts in India have already been applying the concept of "reasonable accommodation" in spite of the same being absent from the current Persons with Disability Act, 1995. Recently there was a case filed by a woman with disability against an airline carrier for discriminating against her and not allowing her to travel.¹ The airline was thus slapped with charges of discrimination and was made to pay a hefty compensation amount, and rightfully so. In this paper, the authors have tried to analyse the other cases of the same kind which have shaped the course of "reasonable accommodation" jurisprudence in India. On the other hand, changes at the grass-root level are still not taking place in full swing and the reasons for the same must also be explored. Still further, such changes even at the urban level are slow, for instance, persons with disability still



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face discrimination when it comes to access to basic services, such as banking/financial services, public transport services. Recently, an advocate for disability rights Ms. Virali Modi, a paraplegic herself ran a petition on the website www.change.org² for "reasonable accommodation" of disabled persons in trains as she herself went through a horrible experience while travelling in trains, also being touched inappropriately! That is violation of several rights at once! Because of this website, ultimately, her petition was noticed by persons in the government and measures are being taken to improve the rail service. Several other petitions advocating for changes for the disabled over the internet platform have gained notice and change is certainly on its way.

In the light of these developments, this paper aims to see as to what extent the courts and other policy measures of the government (i.e., basically top-down approaches) have been useful in expanding the horizons of "reasonable accommodation" towards more meaningful accommodation, for example by way of addressing the rights of the disabled to digital inclusion; and whether these measures have been helpful in bringing about true attitudinal change in the society as opposed to mere cosmetic changes done only for the sake of not violating the law; and if these top-down institutional changes have not been able to fulfil the purpose of

“meaningful” realisation of the human rights of the disabled, and what more could be done in order to address their issues..

THE CONCEPT OF 'REASONABLE ACCOMMODATION'

Charles Darwin's theory of "*survival of the fittest*" is often invoked across the world, by the state and by the people by way of their policies and attitudes respectively in justifying the denial of rights of persons of vulnerable groups (either by commission or by omission). What the people as a whole fail to understand is that such theory of survival of the fittest hardly holds any ground today as more often than not such discrimination and denial of rights is the result of a proper "system" created by the dominating groups in the illusion that they are by way of self-proclamation, "the fittest" and most deserving to win the survival race. By this logic, extermination of the Jews, female foeticide and similarly, the exclusion of the disabled is justified. Therefore, to render this atrocious logic invalid, the concept of 'reasonable accommodation' is one such development in the legal world.

The genesis of this concept lies in the theory of substantive equality, the concept meaning "more than treating persons in the same way but requiring



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special measures and the accommodation of differences."³ Thus the true meaning of 'reasonable accommodation' is that it is that it moves beyond 'respecting' differences to actually 'accommodating' the differences. In the Indian sense, it may be more easily understood as 'positive discrimination' for the advancement of a particular vulnerable group. However, it must be clarified that positive measures are general and not individualized whereas measures relating to "reasonable accommodation" are personalized as per the needs of each individual with special needs. This is also more relevant in the case of persons with disabilities as there are various kinds of disabilities and each such disabilities require individual special attention and accommodation. For instance, if a child with disability is put in school with other 'normal' children, then as per the concept of 'reasonable accommodation,' the school comprising of the buildings, the teachers and the students *et al* are to accommodate such a child by taking certain measures individualised to his or her requirement. In essence, the onus of 'assimilation' is not to fall on the disabled child alone. This child should thus not be pushed to forcibly 'normalize' himself/herself according to the majority beings. To explain further, generalized positive measures would mean for example providing underprivileged children in a class (studying with other privileged children) with same level of extra amenities, such as extra books, extra remedial classes, extra monetary allowances/scholarships etc. but in case there is a wheelchair-ridden child studying in this class (regardless of privilege), then this child must be provided with all these amenities as well as certain extra amenities such as a ramp to reach the school/class, a toilet which is designed for him/her etc. Suppose there is another child in this class who is visually impaired, then such child should be provided with extra amenities such as braille books, recorded lectures etc. Hence, these are examples of reasonable/personalized accommodation and the Act mandates the same.

Further, and most importantly, it is necessary to know what the magna carta for the differently abled people, the Convention on the Rights of Persons with Disabilities states on this issue. Quoting part of Article 2 of the Convention:

"Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on

an equal basis with others of all human rights and fundamental freedoms.”

Further, in Article 5(3) of the Convention, an obligation with regard to “reasonable accommodation” is placed on states as follows:


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“In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that ‘reasonable accommodation’ is provided.”

Apart from these main provisions, the Convention speaks generously of “reasonable accommodation” in various other provisions and in relation to various important aspects — such as Article 14(2) as per which state parties must ensure that if persons with disabilities are deprived of their liberty, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of ‘reasonable accommodation’. Article 24 similarly speaks of ‘reasonable accommodation’ with respect to right to education of the disabled. Article 25 speaks of ‘reasonable accommodation’ with respect to the right to health and the right to access healthcare services by the disabled. Article 27 speaks of the same with respect to work and employment.

Next, when it comes to the enshrinement of this concept within the currently enforceable Rights of Persons with Disabilities Act, 1995, no explicit reference has been made to ‘reasonable accommodation’ as such. However, implicit references are included — for instance — removal of architecture barriers in schools,⁴ restructuring the curriculum for children with disabilities,⁵ relaxation of age-limit in government employment⁶ etc. However, it does not address attitudinal discrimination and the overall need to remove it by explicitly providing for ‘reasonable accommodation.’ Due to this, even the limited rights to education and employment in the public sector guaranteed under the Rights of Persons with Disabilities Act, 1995 was not sufficient unless ‘reasonable accommodation’ are provided to ensure their access.⁷ This void has to a certain extent been filled by the judiciary until the new Rights of Persons with Disabilities Act, 2016 came about recently in December 2016 and thus deserves mention.

In the newly notified Rights of Persons with Disabilities Act, 2016,⁸ in Section 2(y), which is majorly drawn from the Convention on Rights of Persons with Disabilities, it is provided that: *“‘Reasonable accommodation’ means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case,*

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to ensure to persons with disabilities the enjoyment or exercise of rights equally with others.”

Moreover, the explicit enshrinement of ‘reasonable accommodation’ in the Rights of Persons with Disabilities Act, 2016 is not limited only to the above mentioned definition, rather, it is provided for several other times with respect to several aspects such as health, education, work etc. as it was also inherent in the Convention on the Rights of Persons with Disabilities. Also, the new law in section 2(h) makes the failure

to provide reasonable accommodation as an act of discrimination. However, it remains to be seen as to what extent the new law will be able to realize the idea of 'reasonable accommodation' into practice. This uncertain apprehension is felt because in section 24(1) of the act, the realization of several rights of the disabled by the government is made contingent on its economic capacity. In section 20(2), the burden of providing 'reasonable accommodation' at workplace is mainly that of the government, excluding private employers. Thus, it is interesting to analyse as to what extent, in spite of these shortcomings, efforts towards 'meaningful' accommodation are being made.

APPLICATION OF THE CONCEPT

The application of the concept of 'reasonable accommodation' is discussed at mainly three levels — i.e., policy, citizenry/private and judicial implementation levels. The analysis will pertain to the realization of the idea of 'reasonable accommodation' by these three entities before the coming of the newly notified Rights of Persons with Disabilities Act, 2016 and then to see how these previous efforts will supplement and complement the idea of 'reasonable accommodation' enshrined in the new law.

Executive/Government Level

Firstly, it may be pertinent to point out here that in 2012, governments of ESCAP⁹ region had gathered in Incheon, Republic of Korea and adopted the Incheon Strategy to "Make the Rights Real" for persons with disabilities in Asia and the Pacific. The Incheon Strategy builds on the Convention on the Rights of Persons with Disabilities and provides the first regionally agreed disability inclusive "Development Goals."

Now, beginning with the policy and executive implementation of 'reasonable accommodation,' the first thing that comes to mind is the Accessible India Campaign or the "Sugamya Bharat Abhiyan" launched in




2015. The campaign mainly relates to the implementation of Goal No. 3 of the Incheon Strategy which mentions that access to the physical environment, public transportation, knowledge, information and communication is a pre-condition for persons with disabilities to fulfil their rights in an inclusive society; and article 9 of Convention on the Rights of Persons with Disabilities.¹⁰

The campaign targets three separate verticals for achieving universal accessibility namely the built-up environment, transportation eco-system and information & communication eco-system.¹¹ Further, "Access Audit" of these buildings and websites will be conducted by professional agencies. As per the audit findings, retrofitting and conversion of buildings, transport and websites would be undertaken by various government departments. Department of Empowerment of Persons with Disabilities is collaborating with Ministry of Home, Ministry of Health and Family Welfare and Ministry of Tourism for creating 'Accessible police stations,' 'Accessible hospitals' and 'Accessible tourism' respectively across the country.¹² The Department is also coordinating with the Ministry of Information & Broadcasting for enhancing accessibility of television programmes by incorporating features like captioning, text to speech and audio description. Department of Empowerment of Persons with Disabilities is also in the process of creating a mobile app, along with a web portal for crowd sourcing the requests regarding inaccessible places.

The government has come up with a unique feature of incentivising the private sectors to increase accessibility for the disabled. The proposed index based on ratings will give credits to companies for disabled-friendly office buildings, the number of disabled persons on their rolls, investment in training and career development of the

disabled staff and the quality of facilities provided to them. The index will also assess companies on sensitisation of peers towards persons with disabilities, providing products such, provision of facilities like toilets and percentage distribution in employment of physically and mentally challenged persons.¹³ Therefore, in spite of there not


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being much thrust on the private sector in the new Rights of Persons with Disabilities Act, 2016, steps like this will ensure that such void is filled.

Presently, the highlights of the implementation of this programme include the launching of the "*Sugamya Pustakalaya*" which an online library consisting of a variety of material is made accessible for the disabled.¹⁴ In August 2016, 400 out of nearly 1800 websites of government were made accessible.¹⁵ Further, the government is all set to come up with the country's first-of-its-kind dictionary that aims to bring together various sign languages used by people with speech and hearing impairments.¹⁶ The Indian Sign Language (ISL) dictionary, which is being developed by the Indian Sign Language Research and Training Centre (ISLRTC), has so far compiled 6,032 Hindi and English words and corresponding graphic representations of signs. The dictionary is being developed in both print and video formats.¹⁷ The Election Commission has made some strides in ensuring availability of Electronic Voter Machines with braille, training and sensitizing the polling personnel etc., all based on the Convention on the Rights of Persons with Disabilities principles of 'reasonable accommodation.

Private/Citizenry Actions

The authors' felt that without mentioning the civil society and private sector activism, the discussion regarding 'meaningful' accommodation would be unfortunately incomplete and so briefly, the importance of such activism will be highlighted. The need to highlight these actions also stems from the fact that the government may not always be the best judge to decide upon the welfare of the disabled, hence, it may often leave out aspects may be because of lack of knowledge or feasibility or any other reasons which may in fact be necessary for the meaningful accommodation of the disabled. It must also be understood that as per the authors, such 'reasonable accommodation' to be 'meaningful' must pervade all aspects of life. Whereas the government is doing much to reasonably include such persons within the physical and economic environment and the judiciary is doing its bit in more or less the same areas, what both these organs lack is the means to take steps to assure meaningful accommodation in the socio-cultural lives of the disabled people as well, i.e., essentially the government and judicial level approaches are kind of top-down in nature, relying on the

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trickling-down of benefits to the disabled; whereas private actions are more humane and in touch with the ground realities of the disabled and active in accommodating such personal needs of the disabled and also help in truly bringing about attitudinal changes in the society which is most essential as the top-down approaches cannot be said to be very successful in ensuring this.

To mention one such example is that of "*Inclov*", a mobile app, which seeks to

empower specially-abled people by giving them an option to find their soul mate.¹⁸ The app indeed takes care of personal needs of the disabled. It lets one find a match on the basis of age, location, lifestyle, medication, disability type, disability percentage, level of independence, assistive devices used and cure availability.¹⁹ Physical meet-ups at accessible locations are also organized as part of this service. The app in itself is made in a way that provides accessibility options for varied visual disabilities. Another example is that of UMOJA, an online travel service for people with disabilities which is planning a beach festival at Goa's *Candolim beach*, joining hands with disabled persons' organisations, local shacks, water sports operators and hotels to transform Candolim beach into India's first completely wheelchair accessible beach.²⁰ As part of this initiative, the service providers also collaborated with a local operator to create Goa's first and only wheelchair accessible taxi service, Freedom Cabs. A wheelchair user's guide and accessible water rides for the disabled are also being planned. There are many such other apps developed by private individuals/organizations to cater to the specific needs of the differently abled. The 'Be My Eyes' mobile app, for example, connects persons with visual impairment with volunteers: the person with visual impairment holds up their phone camera, and the volunteer describes the surroundings, helping the former to navigate a new place.²¹ 'Eye Sign' is a mobile app that helps those who don't know how to sign to communicate in sign language. Such initiatives show how technology can integrate persons with disabilities into the society, overcoming barriers and promoting inclusion.²²

Another recent civil society example is that of members of disability rights groups who along with Chennai Corporation assistant engineers conducted an access audit of polling stations and booths in the R.K. Nagar



constituency and it was found that about 40% of the polling booths were accessible, while 60% required work.²³ It was found that hardly any toilets were accessible and most of them were dirty and damaged.²⁴ This is an excellent example of the public institutions and civil society institutions coming together to fix a very big problem, that is, right of the disabled to access voting facilities and thus be meaningful participants in the democratic process of the country.

At this juncture one global example may also be mentioned — that of the world-over famous TV show for kids — Sesame Street which now is introducing a new character, a muppet named Julia who has autism and Julia's puppeteer in real life is Stacey Gordon who is the mother of an autistic son.²⁵ The show-makers are putting in much thought into the portrayal of autism, conducting extensive research, including consultations with educators and child psychologists, and in this case autism organisations, to understand how best to normalise autism for non-autistic children.²⁶

Judiciary

Judiciary, no doubt it is in the "activism" mode presently and this activism or "over-activism" as some may call it has actually been more of a boon than a bane in the case of differently abled persons at least. This is so because the judiciary has been active in ensuring the accommodation of the principle of 'reasonable accommodation' in spite of its explicit absence in laws and government schemes prior to the coming of the new Disability Law of 2016, as also mentioned previously. Thus, for this reason it becomes pertinent to examine how exactly the judiciary has been treading this path and how has it, that is, if at all, translated into any "meaningful" attitudinal changes.


In *Ranjit Kumar Rajak v. SBI*²⁷ (SBI), the petitioner was declared to be medically unfit for employment as an officer in SBI in spite of him being able to perform all the required duties after his renal transplant. SBI rejected him on the ground that it would have to bear his monthly medical expenses which would be substantially high. The Bombay High Court rejected SBI's contention and ordered it to appoint the petitioner as well as provide him 'reasonable accommodation' in the form of his medical

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expenses. The court also ruled that the concept of 'reasonable accommodation' could be read into article 21 and the same would also not be contradictory to the municipal law and would in fact supplement it. Most importantly, the court rationalized its ruling by citing India's obligations towards the disabled as it was a party to the Convention on the Rights of Persons with Disabilities.²⁸

In a Public Interest Litigation filed in *Deaf Employees Welfare Assn. v. Union of India*,²⁹ the petitioner brought to notice the lack of sign language interpreters in public services such as medical, transport, banking and police services. The Delhi High Court thus cited India as having ratified Convention on the Rights of Persons with Disabilities, one of its provisions stating the necessity of taking measures to provide live assistance and intermediaries to facilitate accessibility to buildings and other facilities open to the public.³⁰ Thus the court issued directions to the concerned respondents to undertake a survey to assess the availability and requirement of sign language interpreters, appoint nodal officers to seek concerned information from relevant authorities and prepare a report to be used for creation of new posts, creating courses and curricula for training of interpreters.

Further, coming to the issue of disabled children and their education, architectural and social barriers are still present in majority of the educational institutions of the country. The problem is greater when the complete onus is on the differently abled child to 'adjust' to his surroundings rather than the other 'able' people and their 'able surroundings' trying to meaningfully include the differently abled. The goal of 'mainstreaming' disabled pupils has sometimes but gravely been misused as an excuse to dump them into the regular classroom environment without adequate support services and personnel.³¹ In *Social Jurist, A Civil Rights Group v. Govt. of NCT of Delhi*,³² the Delhi High Court held that no disabled child can be denied admission in schools run by state or local bodies even if necessary facilities are lacking. In fact, it was ruled that it was obligatory on the state to ensure accessible education for the child. In *Dhawal S. Chotai v. Union of India*,³³ the petitioner on the ground of him suffering from cerebral palsy was denied three extra hours to complete his exam. The Bombay High Court, citing the Convention on the rights of Persons with Disabilities, the Rights of Persons with Disabilities Act, 1995 and articles 21 and 12 of the

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Constitution, decided in favour of the petitioner, justifying that right to have a decent life includes the right to receive proper education.

In *Kaukab Naqvi v. Union of India*,³⁴ the Delhi High Court issued guidelines to the Railways to provide various facilities for the disabled at the railway stations — such as pictorial signs, availability of wheelchairs/stretchers and trolleys, canes/walking sticks, staff for assistance etc. In another case, based on a letter written by the Disabled

Rights Group to the Supreme Court complaining of non-access to voting for the disabled, the court heeded to the same as a Public Interest Litigation and directed the Chief Secretaries and Chief Electoral Officers of all states to make available wooden ramp facilities at polling stations.

The most recent and impactful decision of the Supreme Court, *Jeeja Ghosh v. Union of India*,³⁵ the petitioner, a disability rights activist travelling to Goa from Kolkata in a Spice Jet flight was off-loaded by the airline on the ground that she was unfit to travel due to her condition of 'cerebral palsy.' Ghosh thus went to court seeking justice for the mental agony that she had to go through because of the airline's 'attitude' as she had to miss an international conference due to this incident. The Court, while allowing her petition, echoed the contemporary shift in disability discourse from the charity and medical models to a rights-based paradigm. Persons with disabilities are now considered subjects with rights and the Court observed that the rights granted to persons with disabilities under the Rights of Persons with Disabilities Act, 1995 formed human rights in themselves.³⁶ The Court also took note of the fact that in spite of international law and domestic legislation being in place to protect the rights of persons with disabilities, their lives are handicapped by social, cultural and attitudinal barriers. The Court has recorded a finding that this is "the worst form of discrimination."³⁷ Consequently, the court rightfully ordered the airline to pay to Ghosh Rs. 10 lakhs as compensation. The Court held that private airlines, like their public counterpart, are equally liable under the numerous international covenants and instruments guaranteeing rights to persons with disabilities.³⁸ This judgment thus marks a true shift from its previous decisions, i.e., from a directive approach mainly directed at public authorities to a firm, assertive approach indicative by the inclusion of responsibility of private entities towards the disabled and provision of compensation as well.



CONCLUSION

Human rights are accorded to all human beings solely by virtue of being human beings. It doesn't matter if they are male, female, straight, gay, transgender, Hindu, Muslim, able or disabled. The need for according such human rights after World War II arose due to the lack of any such order previously where all human beings had a fair chance at living their lives with dignity and purpose. However, the application of these human rights is still half-baked in almost all countries around the world, including India and especially when it comes to disabled persons. After a holistic analysis of the positives of implementation of 'reasonable accommodation' by judiciary, private entities and the government, the authors have found that there is still much to be done. This is because firstly when it comes to the government initiatives, much discrimination is still visible. For instance, recently, the Department of Empowerment of Persons with Disabilities drafted the rules of the new law³⁹ which have now been made available to the public for comments. The 74-page-long comprehensive document will be scrutinised by many, but not by those whose lives these rules directly impact as it is ironic that the rules, a public document on the department's website, are not published in an accessible format to those whose roar made this happen!⁴⁰ What this reeks of in fact is an attitudinal barrier on part of the very people who have been given the huge responsibility of realising the rights of the disabled! All that can be said here is that charity must necessarily begin at home. The persons with the power of implementation must realize that this is their duty and must not depend

on the court to come after them behind a stick for such violations every single time (and then in turn also receive blame for being "over-active"). Also, usage of the term 'divyang'⁴¹ for persons with disability has also been objected to vehemently for the same being paternalistic and undignified in nature. The government needs to correct itself on this count as well.

Secondly, coming to private/citizen activism, while their ideas are noble and effective, and mostly pertaining to the use of technology, it must be noted that the under-use of such technology is also creating 'zones of exclusion.' This is particularly so because — firstly, there is the question of affordability — currently, very few assistive technology products are manufactured in India, and their costs remain very high, limiting their potential reach; secondly, there is a general lack of knowledge amongst persons with disabilities, their caregivers, service providers and others about what



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is available and how to use it to support the person with challenges; finally, many mainstream products, including websites, smartphones and mobile apps, are not accessible for persons with disabilities.⁴² Not only this, the civil society must make the effort as a community to ensure inclusion of the disabled at rural and urban levels as they are the most proximate to disabled people (at public spaces for example where the judges or government officials may not be found as often) and ensure attitudinal changes in themselves as well as their children, thus passing down these values to the future generations.

Lastly, it is felt that the judiciary must be even more pro-active in taking notice of issues regarding the rights of the disabled, through the newspaper or other media and take stiff actions *suo motu* and move on from its 'directive' rhetoric. The case of *Jeeja Ghosh* is a right step in this direction but hopefully more are to come. Also, taking cue from Canada, South Africa and Sri Lanka who have explicitly recognized the 'fundamental rights' of persons with disabilities, it is suggested that a new Article 15 (6) be added to the effect that nothing in the Constitution shall prevent the State from making any special provision for the advancement of persons with disabilities including to ensure that the State and citizens remove barriers and provide accommodation to persons with disabilities.⁴³ All in all, it is felt that all these efforts being made by the executive, the citizens and the judiciary will eventually help in the full realization of 'reasonable accommodation' for the disabled, as envisaged in the new law, and in spite of the shortcomings of the new Rights of Persons with Disabilities Act, 2016, these previous efforts have set precedents which will complement the new law, to ensure that these precedents are followed and strengthened further. It is also to assert here, that attitudinal discrimination and 'meaningful' accommodation cannot be addressed by laws only. All the organs of the country need to converge and integrate their solutions together to holistically address these problems.

Recently, surveys were carried out by the University of Pennsylvania Institute for the Advanced Study of India known as the *SARI: Social Attitudes Research for India*, published in "*The Hindu newspaper*" to assess the prevailing caste/religion/gender consciousness among the people of Delhi and Uttar Pradesh⁴⁴ wherein it was found that even after so many years of independence, people still practiced untouchability, religious and gender discrimination in subtle and explicit ways. Thus, taking cue from

such a study, it is suggested that new and novel ideas by way of thorough research is required so as to really assess the ground realities, particularly, a dire need is to research about the social attitudes towards the disabled people to really find out what is lacking — physical infrastructure, education or rights/legal awareness etc. and only then can plans be made which would target both attitudes and other tangible barriers holistically. Hence, the quest for justice for the persons with disabilities must begin with the efforts of the researching community of the country.

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¹ *Jeeja Ghosh v. Union of India*, (2016) 7 SCC 761.

² See Change.org, accessed March 23, 2017, <https://www.change.org/p/pmoindia-sureshprabhu-railminindia-implement-disabled-friendly-measures-in-indian-railways>.

³ Section 2 of Employment Equity Act, 1995 (Canada).

⁴ Section 30(b) of the Rights of Persons with Disabilities Act, 1995.

⁵ Section 30(g) of the Rights of Persons with Disabilities Act, 1995.

⁶ Section 38(b) of the Rights of Persons with Disabilities Act, 1995.

⁷ Jayna Kothari, *The Future of Disability Law in India: A Critical Analysis of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995* (Oxford University Press 2012), 197.

⁸ "The Rights of Persons with Disabilities Act, 2016," Ministry of Law and Justice, accessed April 10, 2017, <http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf>.

⁹ United Nations Economic and Social Commission for Asia and the Pacific (one of the five regional commissions of the United Nations Economic and Social Council under the administrative direction of the United Nations headquarters. It was established in 1947 to encourage economic cooperation among its member states.

¹⁰ Article 9 of Convention on the Rights of Persons with Disabilities — It casts an obligation on all the signatory governments to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

¹¹ "Accessible India Campaign (Sugamya Bharat Abhiyaan) to make India Disabled — Friendly," Press Information Bureau, accessed March 24, 2017, <http://pib.nic.in/newsite/mbErel.aspx?relid=126123>.

¹² *Ibid.*

¹³ Nidhi Sharma, "Accessible India: Disabled friendly initiatives to earn firms brownie points," The Economic Times, October 22, 2016, accessed April 8, 2017, <http://economictimes.indiatimes.com/news/economy/policy/accessible-india-disabled-friendly-initiatives-to-earn-firms-brownie-points-from-modi-government/articleshow/49474198.cms>.

¹⁴ Ambika Pandit, "Centre launches 'Sugamya Pustakalaya' an online library for persons with disabilities" The Times of India, August 24, 2016, accessed March 21, 2017, <http://timesofindia.indiatimes.com/India/Centre-launches-Sugamya-Pustakalaya-an-online-library-for-Persons-with-disabilities/articleshow/53847985.cms>.

¹⁵ *Ibid.*

¹⁶ Press Trust of India, "Sign language dictionary to release in India soon," The Hindu, March 21, 2017, accessed March 28, 2017, <http://www.thehindu.com/todays-paper/tp-national/sign-language-dictionary-to-release-in-india-soon/article17548183.ece>.

¹⁷ *Ibid.*

¹⁸ S. Ravi, "Making it happen," *The Hindu*, March 4, 2017, accessed March 25, 2017, <http://www.thehindu.com/society/making-it-happen/article17407037.ece>.

¹⁹ *Ibid.*

²⁰ See "Goan beach experience on offer for wheelchair users," *The Hindu*, March 20, 2017, accessed March 25, 2017, <http://www.thehindu.com/life-and-style/travel/goan-beach-experience-on-offer-for-wheelchair-users/article17546428.ece>.

²¹ AmritIndia Team, "Can Technology Redefine Disability?," *Youth ki Awaaz*, February 7, 2017, accessed March 19, 2017, <https://www.youthkiawaaz.com/2017/02/can-technology-redefine-disability-2/>.

²² *Ibid.*

²³ Zubeda Hamid, "Disability rights groups audit accessibility to booths," *The Hindu*, March 28, 2017, accessed March 28, 2017, <http://www.thehindu.com/news/cities/chennai/disability-rights-groups-audit-accessibility-to-booths/article17688291.ece>.

²⁴ *Ibid.*

²⁵ Agence France-Presse, "Tackling autism with Julia the muppet," *The Hindu*, March 21, 2017, accessed March 25, 2017, <http://www.thehindu.com/todays-paper/tp-national/tackling-autism-with-julia-the-muppet/article17548181.ece>.

²⁶ *Ibid.*

²⁷ *Ranjit Kumar Rajak v. SBI*, 2009 SCC OnLine Bom 732 : (2009) 5 Bom CR 227.

²⁸ Article 27 of the Convention on the Rights of Persons with Disabilities is pertinent here which speaks of 'reasonable accommodation' for persons with disabilities at the workplace.

²⁹ *Deaf Employees Welfare Assn. v. Union of India*, (2014) 3 SCC 173.

³⁰ Article 9(2)(e) of Convention on the Rights of Persons with Disabilities.

³¹ *Supra* note 9, at 78.

³² *Social Jurist, A Civil Rights Group v. Govt. of NCT of Delhi*, 2013 SCC OnLine Del 703 : AIR 2013 Del 52.

³³ *Dhawal S. Chotai v. Union of India*, 2003 SCC OnLine Bom 444 : AIR 2003 Bom 316.

³⁴ *Kaukab Naqvi v. Union of India*, 2001 SCC OnLine Del 1330 : AIR 2002 Del 240.

³⁵ *Supra* note 1.

³⁶ Shashikala Gurple & Viswesh Sekhar, "Empowerment of the Disabled from Objects of Charity to Subjects with Rights," *Economic & Political Weekly* LII, 8 (2017): 17.

³⁷ *Ibid*; See *Supra* note 3.

³⁸ Krishnadas Rajagopal, "Private airlines equally accountable to disabled: SC," *The Hindu*, May 13, 2016, accessed March 26, 2017, <http://www.thehindu.com/news/national/private-airlines-equally-accountable-to-disabled-sc/article8591989.ece>.

³⁹ "Draft Rules for Rights of Persons with Disabilities Act, 2016," Ministry of Social Justice and Empowerment (Department of Empowerment and Persons with Disabilities), accessed April 9, 2017, <http://enabled.in/wp/wp-content/uploads/2017/03/Draft-RPWD-Rules2017.pdf>.

⁴⁰ Parul Ghosh, "Not so accessible after all," *The Hindu*, March 15, 2017, accessed March 26, 2017, <http://www.thehindu.com/opinion/op-ed/not-so-accessible-after-all/article17462709.ece>.

⁴¹ Meaning 'divinity,' i.e., disability being a state of 'divinity.'

⁴² *Supra* note 22.

⁴³ Rahul Cherian & Amba Salelkar, "Sympathy not the solution," *The Hindu*, June 21, 2012, accessed March 25, 2017, <http://www.thehindu.com/todays-paper/tp-opinion/sympathy-not-the-solution/article3552481.ece>.

⁴⁴ "SARI: Social Attitudes Research for India," University of Pennsylvania Institute for the Advanced Study of

India, accessed March 28, 2017, <https://casi.sas.upenn.edu/upiasi/programs/sari>.

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