

Disability Bulletin

Developments in Disability Law & Policy

Edition 5

Policy Developments

1) An Initiative to Strengthen Anganwadi Centers and Data on Children with Disabilities at the ECCE Level

The Ministry of Women and Child Development released the [Anganwadi Protocol for Divyan Children](#) in November 2023 to promote screening and referral procedures, advance early identification of disabilities in children from 0-6 years, and provide and strengthen opportunities for their inclusion in ECE. In the move to offer [better services and education](#) to children with disabilities at the ECCE level in Anganwadi centers, the protocol also emphasizes on Anganwadi workers tracking and maintaining data on the children with disabilities. Furthermore, the children will be tracked through the [Poshan Tracker](#) due to the integration of health, nutrition and educational services at the Anganwadi centers. Educational services are to be strengthened through the adoption of the National Curriculum Framework - Foundational Stage (2022) to promote inclusive education practices for children with disabilities at the ECE level. In addition, the protocol has emphasized on the convergence of different Ministries including the Ministry of Health and Family Welfare, the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Welfare, and Ministry of Women and Child Development to deliver effective inclusive programs at the Anganwadis for children with disabilities.

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2) An Initiative to Strengthen Anganwadi Centers and Data on Children with Disabilities at the ECCE Level

The Ministry of Railways has notified [Guidelines on Accessibility of Indian Railway Stations and Facilities at Stations for Differently Abled Persons \(Divyangjans\) and Passengers with Reduced Mobility](#). The guidelines

were notified on Nov. 28, 2023 after the Department of Empowerment of Persons with Disabilities directed the Ministry to do so. The guidelines envision a more inclusive railways system that is accessible and user-friendly for persons with disabilities. The guidelines have focused on making the following aspects of the railways system accessible:

- a) Information System Accessibility
- b) Station Accessibility
- c) Platform Accessibility
- d) Train Coach Accessibility
- e) Monitoring & Feedback Mechanism

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On March 8, 2024, the Guidelines were notified by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment for amendment of Sub-Rule 1 under Rule 15 under the Rights for Persons with Disabilities Act Rules 2017. The notification states the following amendments:

"In the Rights of Persons with Disabilities Rules, 2017, in rule 15, in sub-rule (1), after clause (k), the following clause shall be inserted, namely: - "(l) Guidelines on accessibility of Indian Railway stations and facilities at stations for differently abled persons (Divyangjan) and passengers with reduced mobility as specified, in the notification of the Ministry of Railways, Government of India vide notification number F.No.2019/Stn.Dev.-I/03/06/Policy/PwDs, dated 13th November, 2023."

The Rules are now referred to the [Rights of Persons with Disabilities \(Amendment\) Rules, 2024](#).

3) Issuance of the Accessibility Standards and Guidelines for the Banking Sector

The Department of Financial Services, Ministry of Finance notified the [Accessibility Standards and Guidelines for the Banking Sector](#) that were prepared by the Indian Banks' Association in September 2023. The guidelines cover accessibility standards for physical infrastructure, digital infrastructure, training, and other services that will facilitate ease of banking for persons with disabilities. Some of the accessibility standards and guidelines covered include:

- a) Standards and guidelines for the built environment
- b) Standards for Automated Teller Machines, Bulk Note Acceptors (BNAs), Cheque Deposit Machines, Cash Deposit Machines, Passbook Printing Machines, and Coin Vending Machines
- c) Standards for website accessibility and digital documents
- d) Implementation of standards through training of the bank staff
- e) Other implementation measures (not limited to) - policies that allow for effective banking for persons with disabilities, appointment of nodal officers to address concerns of persons with disabilities, and make space for persons with disabilities to be part of bank processes including membership on the Customer Service Committee.

Legal Developments

1) Supreme Court Issues Notice on Collecting Disability Status of Applicant-Advocates at Time of Enrolment

Fateh Mohit Whig filed a representation to the Bar Council of India (BCI) to collect data on applicant advocates on their disability status at the time of enrolment. The representation was, however, not responded to by the BCI. The Petitioner filed a Writ Petition (Civil) Case No. 1218/2023 Fateh Mohit Whig (Petitioner) Vs. Union of India & Ors. with the Supreme Court to "seek direction to the State Bar Councils to collect in the enrollment form details on the disability status of applicant-Advocates so that data driven policies which provide for accessible justice to the disabled can be implement-

ed." The petitioner argued that the Rights to Persons with Disabilities Act, 2016, provides for equal opportunities for persons with disabilities and in favor of the importance of data in enforcing the rights of persons with disabilities. According to the petitioner of this case, data on applicant-advocates who are disabled will help provide the necessary accommodations, increase representation, drive evidence-based policies, and challenge stereotypes and stigma around disability. The Supreme Court under a three-judge bench issued a notice on the public interest litigation, seeking that the State Bar Councils collect data on applicant advocates who may be disabled.

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2) Supreme Court Releases Report on A Court for All

The Supreme Court constituted a committee to conduct an audit of the physical and functional access of the Supreme Court premises. The Committee released its report on 16th October, 2023 entitled "[A Court for All: Paving the Way for Greater Accessibility in the Supreme Court for Persons with Disabilities, Women and Senior Citizens](#)", which describes the state of physical and functional access of the Supreme Court.

The Mandate (as elaborated in the Report)

- a) Conduct an accessibility audit of the Supreme Court premises and its functioning (the audit shall extend to both physical accessibility as well as technology accessibility)
- b) Prepare and release a questionnaire for persons with disabilities, who visit the Supreme Court premises (including employees of the Supreme Court, advocates, litigants, interns, etc.) to assess the nature and extent of the problems they face
- c) Prepare a report that contains: (a) The results of the accessibility audit, (b) The results of the survey of persons with disabilities, and (c) Recommendations/proposals geared towards removing barriers to access.
- d) Carry out any other activity required to conduct the accessibility audit.

The Report

The study methods included conducting surveys, interviews (with a special focus on women, senior citizens and other vulnerable groups), on-site visits, process evaluations, and accessibility audits. The Committee conducted an assessment of the physical infrastructure of the Supreme Court including courtrooms, washrooms, drinking water facilities, bathrooms, canteens, registrar courts, administrative offices, common facilities, and libraries.

The study found inaccessibility at two-levels 1. In physical infrastructure and availability of facilities that offer accommodation, and 2. In services provided and navigating legal procedures. In addition, the study noted an inability of the system to respond and cater to differing needs of those with disabilities, women, and senior citizens. More details can be found in the report.

- a) Creating accessible physical infrastructure to include route maps, pathways, designated parking spaces, and accessible courtrooms.
- b) Providing accessibility solutions through reasonable accommodation in legal procedures such as sign language interpreters, options to have all documents in an accessible format, and mediation protocols to enable participation of persons with disabilities.
- c) Renovating restrooms and drinking water facilities to make them accessible.
- d) Creating accessible websites and augmenting IT services to accommodate the needs of persons with disabilities.
- e) Increasing representation of legal staff with disabilities by implement an equal opportunity policy, granting reasonable accommodations to lawyers with disabilities, and increasing physical accessibility of the court complex.

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3) Updated Rules for the Information Technology Act (Intermediary Guidelines and Digital Media Ethics Code [Updated as of 6.4.2023]

[The Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021 \(Updated as on 6.4.2023\)](#) makes provisions to facilitate internet

utilization by individuals with disabilities. The guidelines ensure that people with disabilities have equal access to the internet regardless of their physical or cognitive abilities.

1. Sec 2(b) of the act defines 'access services' as any measure through which the accessibility of the online curated content may be improved for persons with disabilities.

a) The purpose of access service is to increase the accessibility of content on the internet, it aims to remove barriers that prevent individuals with disabilities from enjoying or comprehending the content completely. This is an essential provision to ensure that online content is inclusive and can be enjoyed by a broader audience, including those with disabilities, who may have specific needs when accessing digital media.

b) The term access includes a wide range of techniques employed to make online content more accessible to individuals with disabilities. Technical measures are tools that are used to improve accessibility to the content online, use of closed captioning subtitles involves adding text that displays on the screen alongside video content, spoken dialogue, and other relevant audio information. Audio descriptions are additional audio tracks that provide a spoken description of the visual elements of video.

2.The code of ethics for the general principles of online curated content the guideline mentions that there should be measures to improve the accessibility of online content by persons with disabilities, every publisher of online curated content shall, to the extent feasible, take reasonable efforts to improve the accessibility of the curated content transmitted to person with disabilities through the implementation of appropriate access services.

a) It is the responsibility of the entity who publishes or distributes content to make efforts as reasonably possible to increase the accessibility of their content online so that their content is available and understood by individuals with disabilities.

b) The publishers can expect to increase accessibility by implementing appropriate access services such as tools, techniques, services to assist people with disabilities to access content available online.