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**BREAKING BARRIERS: A HOLISTIC APPROACH TO DISABILITY  
INCLUSION**

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**ABSTRACT:**

The paper talks about the disability and the crucial areas in employment, education, social media, sports and the social legal aspects of the disability in India. Especially employment is a area where the necessity of focus and providing equal opportunities and status is required. This study helps to emphasize on the workplace accommodations and accessibility, policies and the rules affecting the employment of the disability people. The education talks about the special programs and the barriers which was faced by the disabilities. This ensures to highlights the social securities faced by the disability people and challenges face in accessing the government schemes by emphasizing on the effectiveness of each program. The basic amenities like housing and healthcare have not been the same for the disabilities like the normal people. This ensures that the access to the health care services must be improved and help the disabilities to ensure equal access as a normal human. The sports talks about the significance for individuals with disabilities and the challenges in access to the individual and the organizations promoting the disability rights.

The study also explores the analysis between India Law and International Law. The social aspect of disability includes the stigma and the awareness campaigns which improve the wellbeing of the disabilities, community support which an important role to help the disability. The legal aspects include the overview of the Rights of Person with **Disabilities Act, 2016**, Landmark judgments and the Legal Precedents, Role of judiciary in uplifting the disability rights and the challenges and recommendations for legal reforms. This article delves in research article, research note, commentary, book review.

**Research Objectives:**

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This study focuses on

1. To have the access of the structural barriers which have been dealt by PwDs for the access of employment and education.
2. To examine the impact of social security benefits for PwDs.
3. To explore infrastructure and systemic challenges, sports.

## **INTRODUCTION:**

Disability is a physical, mental health condition or problem which restricts the person's ability to involve in day-to-day activities or social functions. Disability could be a physical inadequacy or lack. To understand the barriers involved, we should first identify the types of disabilities. Disability is divided into 3 aspects that are the impairment, handicap, disability. Impairment means the loss of hearing or visual, speech deficits. Disability means in a situation to stop functionally as reasonable which can any of the aspects like communication, movement, etc. Handicap means there is no certain roles of gender, age, etc. It involves a various condition and challenges. The scope of disability extends to various aspects and barriers that promote equal contribution. Analysing disability involves in analysing the overall aspects of the disability and the problems faced by them and curing the problems. In the ancient times, disabilities were misinterpreted. The Industrial revolution has brought many changes i.e. need of special support and increase in workplace injuries. The modern century (20<sup>th</sup>) has brought many changes by implementing the rights for disabilities and specific movements by guiding the changes in legislative international and national.

## **EMPLOYMENT:**

This chapter discusses the employment for the people with impairments and the difficulties they encounter.

- **Employment Opportunities and challenges:**

Though many companies provide employment opportunities to disabled people, but without proper facilities. This makes the people not to work in a certain company and face difficulties.

## **Challenges in Employment:**

### **1. Personal Barriers:**

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Disabled people always have less educational opportunities because of no proper schooling, discrimination, lack of infrastructure, no specific learning programs. This makes the disabled persons deprived of access to specific job compared to several other jobs<sup>3</sup>. It is also because of the discrimination and social- stigma where the individuals lose self-confidence, rejections and failures which stops them from employment. Even when the disabled have secured a job but because of the medical attention where the individual could not have completed the work. This could also stop from hiring the disabled individuals.

## **2. Physical Barriers:**

Several workplaces do not have accommodation like lifts, elevators, ramps, etc which the individuals would face difficulties. Due to this the individuals lack access to public transport and makes it challenging. Certain workplaces do not assure to provide screen readers, hearing impairment these limits the ability of the individual.

## **3. Institutional Barriers:**

Several employers have a presumption that hiring the disabled ones would lead a less productive and excessive use of infrastructures. Thus, the hiring of disabled persons would lead to less employment opportunities.

## **4. Psychological barriers:**

Some employers presume that the individuals with disabilities need of lavish control or cannot handle the responsibilities oneself. Many individuals of disabled ones do not disclose their conditions as they feel they may be rejected to the job or treat them separately. Colleagues don't engage with disabled ones as they face discomfort, or they are unaware about it.

### **• Workplace Accommodations and Accessibility:**

Workplaces accommodations mean which enables the employees with disability to perform the work efficiently and effectively. Workplaces should facilitate lifts, elevators, automatic doors, wheelchair, screen readers and keywords, adjustable computers monitors, noise cancelling headphones for impairments helps the disabled individuals to work effectively. Companies must allow the disabled

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<sup>3</sup> Interdisciplinary Research Review, *Barriers in the Employment of Persons with Disabilities*, RES. GATE(July 2022).

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individual to work from home, providing the time schedule for the health checkup. Providing nonphysical tasks to the disabled individual so that it helps the individual to work.

- Regulating that office doors and entrance to be wide so that the wheelchair can be accessed.
- Ensuring that the documents are be printed in a large and the audio versions. Regulating the training the staff for sign language.
- Install alarms in both audio and flashing lights to ensure for both the hearing and visual impairments.

### **Some Important Policies and Legislations:**

#### **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD):**

The main aspect of this is to recognize the rights for the disabled people for equal basis compared to others. It promotes equal pay for both the disabled people and other and equal protection. Prohibits discrimination in employment. There must be accommodations to disabled people for the job to be effective.

### **EDUCATION:**

Special Education Programs were implanted to support the individuals by ensuring accommodations, tailored learning experiences and special teaching methods. This is to ensure that there are equal educational opportunities.

- **Special Education Approaches:**

Schools ensures to provide advanced technology, special teaching methods to support the disabled people. Necessary facilities to be enabled to receive high quality education. Specific institutions are to be provided special care for students of blindness, deaf, etc. Specially trained teachers and new methods should be accommodated into this area by using technology to be adapted by focusing both academic and life skill. Focusing on job training, career aspects and life skill development. Ensuring that the disabled individuals are to be brave to face the employment and independent living<sup>4</sup>.

- **Advanced Technology:**

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<sup>4</sup> The Rights of Persons with Disabilities Act, No. 49 of 2016, India Code(2016).

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Individuals suffering from deaf are provided by the hearing aids and cochlear implants. Providing the disabled from impaired software of text- to – speech devices for alternative and augmented communication for the pupils who are nonverbal.

### **Challenges for Special Education Programs:**

Societies face the struggles for the acceptance of students with disabilities. Due to insufficient of trained teachers there is shortage in special education programs. Several programs require advanced technology and accessibility improvements. Shortage of infrastructure like lifts, ramps and accessible learning methods.

### **Barriers to education:**

- **Physical Barriers:**

Inaccessible of infrastructure like elevators, ramps and toilets in many schools and university leading difficult for the students. The usage of desks, chairs, whiteboards are not suitable for disabled individuals. Lack of Public transportation or schools' transportation.

- **Financial Barriers:**

Students of disabilities often invest expensive for education which is leading to inequality. Device like screen reads, hearing machines and wheelchairs are expensive. Even some countries do not adapt to provide special education for disabled individual. Several parents face difficulties to afford a special education program for the individual as they are expensive<sup>5</sup>.

- **Social Barriers:**

Teachers presume that the disabled child cannot perform well in academics and disabled students face discrimination and bullying from peers.

- **Institutional Barriers:**

Several teachers are not trained to teach the students with disabilities. Many schools and universities do not have required equipment to train the disabled students.

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<sup>5</sup> Anitha Ghai, *Rethinking Disability in India* 134-136(Routledge India, 2018).

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- **Parental and Family Barriers:**

Due to financial problems, family prioritize the siblings without the disabled individuals. Parents were in a view that the school is unsafe for the disabled individual. Even though some parents can afford to special education programs there were not aware of it.

### **SOCIAL SECURITIES AND BENEFITS:**

These are the programs to benefit the disabled individual from the financial, healthcare, housing, etc. For financial assistance in India, the government provides the monthly aid for individuals who are unable to work due to disability<sup>6</sup>. U.S provides aid for the disabled individuals with low income. Access to health care benefits in India includes the surgeries, hospitalization. Government also provides the wheelchairs, hearing aids at a low cost. Comparing with other countries like U.S. Healthcare access was given to low income or disabled individuals. In India, we also have special insurance plans for disability. Government also provides jobs for the disabled individuals. Certain government ensures to have tax benefits if they have hired a disabled individual. Government provides the disabled individuals for special housing with living spaces. Government ensures to provide free education for children with disabilities. Certain governments provide financial aid for care givers and family members of disabled individuals.

#### **1. Eligibility Criteria:**

To cover under the disability related social security benefits:

- To cover under this the applicant must suffer from physical, mental, sensory impairment with stops them to perform activities. Some programs need a handicap to be lasted at least 12 months or lifelong. Disabled individual is required to submit the medical report, doctor's reports to come under the conditions.
- Some programs require the financial statues to be low to cover under the scheme and the history of employment.
- The applicant must be a citizen, permanent resident or legal resident in the country to qualify under the schemes.

### **BASIC AMENITIES:**

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<sup>6</sup> Javed Abidi, Accessibility for Persons with Disabilities in India: Issues and challenges,2 Disability Stud. Q.12,15 (2017).

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Disabled individuals require accessible amenities to have an independent life in the society. These includes healthcare, education, employment, infrastructure and transportation.

- **Healthcare Access:**

Hospitals must have disability friendly services like examination tables, sign language. Assistance of wheelchair, hearing aids, speech to text devices are to be enforced. Government provides programs for free healthcare services. Therapy sessions, support groups should be provided for intellectual and mental disabilities<sup>7</sup>.

- **Education Access:**

Disabled individuals should be interacted with the non-disabled individuals. Schools and Universities must provide scholarships and financial aids for disabled individual. Online leaning must be promoted for a disabled individual with screen reader friendly access. Schools should also access to advanced technology learning methods, sign languages.

- **Public Transport Access:**

Government should regulate the vehicles with wheelchair access and special programs that offers door-to-door access. Countries should promote the transportation access by providing free travel passes or discounted for disabled individuals<sup>8</sup>.

- **Barrier- Free Infrastructure Access:**

Public places, hospitals, company, schools must provide ramps, elevators, accessible restrooms.

## **SPORTS:**

Sports offer various benefits for a disabled individual by benefiting the mental, physical health and social inclusions.

### **Benefits Of Sports:**

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<sup>7</sup> Renu Addlakha, Deconstructing Mental Illness: *An Ethnographic Study of the Psychiatric Institution in India*, 12(2) Indian J. Gender Stud. 253,257(2005).

<sup>8</sup> Indian Railways, Accessibility Report for differently Abled Passengers(2022).

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- **Physical Health Benefits:**

It mainly focuses to develop the muscle strength, fitness, wellbeing of individual and it helps to balance and coordination. It also reduces the risk obesity, hypertension, diabetes.

- **Mental health Benefits:**

It boosts the self-esteem and confidence and reduces the stress, anxiety, depression and it fosters an independent and achievement sense by improving the cognitive function.

- **Social Benefits:**

It increases the awareness and advocacy for disabled individuals. It encourages the leadership skills and teamwork by promoting social integration and friendships<sup>9</sup>.

- **Empowerment:**

It challenges the societal stereotypes about the disabilities and encourages the independence and accomplishment.

### **Barriers to Participate:**

- **Accessibility:**

There is a limited amount of transportation to access the sports events for a disabled individual as there is lack of infrastructure like ramps, elevators.

- **Financial Status:**

There is no proper financial support to the disabled sports programs and high costs of equipment and limited training programs.

- **Social Stigma:**

There is high level of discrimination within the community level sports and they misconside the capability of a disabled individuals.

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<sup>9</sup> Simon Darcy, Enabling Inclusive Sport Participation: Effects of Disability and Support Needs on Constraint to Sport Participation, 39 *Leisure Sci.* 20 (2017).

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**Organizations Promoting Disability Rights in Sports:****1. Paralympic Games:**

It is world's premier international sporting events to help the disabled athletics. There provide wheelchair basketball, para-swimming and para-athletics by challenging the stereotypes and drive the social change.

**2. National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), India:**

It was established by Government of India to encourage sports and recreational activities for disabled individuals. This Institute promotes sports events, training programs, awareness campaigns. It plays a significant role to overcome the barriers by a disabled individual.

**Critical Analysis of Law existing in India and International Laws:****Rights of Persons with Disabilities Act, 2016:**

This act is replaced by earlier act in 1995 with **UNCRPD**. It considers the new disabilities from 7 to 21 involving disease like Parkinson's disease, thalassemia and acid attack. It provides education, employment, healthcare for disabled persons. It also provides 4% reservation in government jobs, 5% in higher education institutions<sup>10</sup>. It also considers the main aspect that is it gives punishment like penalties for discrimination of disabled individuals.

**Key Legal Provisions and Protections:**

The Act protects the disabled individuals from discrimination and provides reasonable accommodation in workplaces, education, health, public place. Companies and Government institution must provide equal employment opportunities in workplaces. Disabled children receive inclusive education from Right to Education Act. This act also provides free healthcare services, insurance schemes and special provisions in hospitals.

**What is the role of Judiciary in Upholding the Disability Rights:**

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<sup>10</sup> Singh, Neha, *A Critical Appraisal of the RPWD Act, 2016: Bridging or Creating Gaps*, 34 Indian J. Law & Policy 72,77 (2021).

Courts mandates reservations, workplaces accommodation and access to education for disabled individuals. To guarantee justice and fairness for disabled individuals the judiciary plays a crucial in interpreting the laws. The judiciary observes the government implementation of disability related laws.

### Laws in International Countries:

U.S. laws, such as **Americans with Disabilities Act of 1990** forbid the discrimination in the workplace and in education. It has no specific quotas for disabled individuals, but equal access is required. There is strong legal action for violations of the act and penalties.

Laws in EU that is **EU Disability Strategy** has a wide accessible standard for transport, education, healthcare services. It also promotes the education policies for disabled individuals. This act also provides pensions and financial aids for disabled individuals.

### Social Aspects of Disability in India:

Disabled individuals face rejections in marriage, employment and education thus many families in rural areas hide the disabilities. They also face negative stereotypes.

### DATA ANALYSIS:

The quantitative data was analysed.

Respondent	Disability Type	Employed	School	Social Benefits	Wheelchair	Sports
1	Visual	Yes	Yes	No	No	No
2	Hearing	No	Yes	Yes	No	Yes
3	Physical	No	Yes	No	Yes	Yes
4	Intellectual	Yes	No	No	No	No
5	Visual	No	No	Yes	No	Yes

**Fig:1**

Qualitative data

**Participant 1:**

I have completed by degree, but no company would hire me as i have hearing impaired. **Problems:**

Employment discrimination

**Participant 2:**

There are many sports conducted in my college, but no one allows me to be part of it because of the Visual impairment. This makes to be unwelcome to attend the events.

**Problems:**

Omission from sports.

**Participant 3:**

The buses do not have wheelchair assistance which I have stopped attending the school because of lack of transportation.

**Problems:**

Lack of Infrastructure and Transport facilities.

**CURRENT ASSPECT:**

Disability is multi complex issue which deals with various aspects like economic, social, cultural and for approaching it we require several ways from education, health, employment, law, etc. This note explores all these aspects and delve into it.

**1. Employment:**

Disability persons face many difficulties for employment because discrimination, lack of accessibility and insufficient workplace accommodation like transport, infrastructure. The **Rights of Persons with Disabilities (RPWD) Act 2016**, ensures the accommodation and infrastructure to be provided by every disabled individual and it also prohibits the discrimination.

**2. Education:**

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The disabled individuals do not have the opportunity to access the education system because of lack of infrastructure and trained mentors. Schemes like the Inclusive Education for Disabled at Secondary Stage aim to promote the disabled student into the mainstream education.

### 3. Social Security Benefits:

The social security benefits the disabled individuals from financial problems, healthcare, education, housing.

### 4. Basic Amenities:

This ensures to provide barrier free environment in public places, and housing essentially. The **RPWD Act, 2016** mainly focus on ramps, toilets.

### 5. Sports:

Sports which have wheelchair assistance like basketball and para-athletics promotes the social inclusion. The Paralympic games and Special Olympics provide the platforms to the competition.

## Interdisciplinary aspects of Disability: A Critical Analysis of Legal and Judicial Development

Disability rights divide with various spheres of both public and private life including employment, education, social security, basic amenities and sports. These combine with legal approach, human rights, public policy, economics and social justice. This commentary helps to analyse Indian and International judicial decisions, legislations, to access the programs in ensuring inclusion and equity.

### Employment: Legislative Vs. Workplace Realities

The rights of disability were both asserted and denied. The Disability Act 1995 to Rights of Persons with Disability Act, 2016 has been amended and there was a significant change. It thus expanded the scope of recognized disabilities and improved reservations in public sector jobs however the participation has not fully translated<sup>11</sup>.

In case of **Rajeev Kumar Gupta vs. Union of India** the SC has improved the reservation in promotions and employment equality by not just entry level jobs.

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<sup>11</sup> Committee on the Rights of Persons with Disabilities, *General Comment no.6 (2018); Equality and Non-Discrimination*, U.N, Doc. CRPD/C/GC/6.

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In Global level, **Article 27** of the **UN Convention on the Rights of Persons with Disabilities** protects the rights of disabilities individuals. This interdisciplinary approach requires the legal reforms to be increased by workplace innovations, training programs.

### **Education: Moving Beyond Enrolment**

Education access for disabled children have been increased from past decades but challenges remain around the quality. The RPwD Act has introduced the concept of inclusive education. In **Disabled Rights Group vs. Union of India**, the Sc directed the central government to make sure that the schools are ensured with required infrastructure and trained staff.

Reports like UNESCO's State of the Education Report for India reveal that several students with disabilities are enrolled but could not attend the schools due to physical needs.

### **Social Security: From Welfare to Rights**

These are one of the least developed aspects of Disability rights in India. Though the RPwD Act mandates financial support and health insurances for disabled individuals. Monthly pensions are too low to meet the basic requirements.

In *Vikash Kumar vs. Union Public Services Commission*, the SC recognized the right for accommodation as the constitutional guarantee of equality.

Globally, **Article 28 of CRPD** it recognizes the rights for disabled individuals to social protection without any discrimination.

### **Basic Amenities and Accessibility: The Foundation of equal Citizenship**

An increase in facilities of accessibility such as transport, sanitation, housing remains limited for many persons with disabilities. *Justice Sunanda Bhandare Foundation vs. Union of India* has criticized the failure of government to provide accessible without real commitment.

### **Sports: Inclusion still underdeveloped**

Sports has a significant role to improve and promote the confidence, well-being and inclusion for the disabled individuals.

In the case of *Vikas Kumar vs. Union of India* the Delhi HC has highlighted the discrimination faced by para-athletes in India. The court's ruling emphasized equal treatment in access to facilities and selection process.

In International bodies like International Paralympic Committee have an important role in changing global attitudes towards disabled athletes.

### CONCLUSION:

Disability is a multifaceted issue that cannot be compressed on a single domain like health or welfare but intersects with various key areas in life including education, employment, social protection, infrastructure and cultural participation. The understanding must go beyond the legal frameworks and institutional practices and economic structures. Rights of Person with **Disabilities Act, 2016** implementation has fallen short, and the judicial interventions have strengthened rights particularly in employment and education. Moving from formal recognition to real inclusion the legal protections must be backed by reforms in infrastructure, public policy, education and urban planning. Development cannot be achieved it requires collective responsibility and collaboration between the state, civil society and communities. Only by that approach we can construct a society where the persons with disabilities are not merely accommodated but truly empowered to participate as equal citizens.