

PROPOSED DRAFT OF NATIONAL POLICY FOR PERSONS WITH DISABILITIES, OUR PERSPECTIVES

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Abstract

Government of India had formulated National policy for persons with disabilities in 2006. Now after around 1.5 decade the government is in the process to introduce the new policy in line with the new legislation that has passed in 2016.

This document is an attempt to gather requirement of persons with disabilities in changed scenario from various secondary resources and design the summary draft of National Policy for persons with disabilities.



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1. Introduction

This proposed policy shall be applicable to all the organizations including government departments and establishments, Non-government organizations operating in the country, and corporate organizations. Ministry of social justice and empowerment in association with ministry of Finance, HRD, Urban Development, Rural Development, Information Technology etc will be nodal ministries to implementation of this policy.

2. Historical background

The evolution of the disability rights movement in India spans over four decades. Voices began demanding the rights of people suffering from disabilities in the early 1970s; it was, however, nowhere close to being a movement at that point. The various demands from groups and individuals were significantly scattered.

The 1980s witnessed the consolidation of demands from various groups and their organization under a cross-disability umbrella, representing the interests of the disabled. Many NGOs started operating in the disability sector during this decade and this subsequently provided further momentum to the Movement. After a series of petitions and protests, the government passed the Persons With Disabilities (Equal Opportunities,

Protection of Rights and Full Participation) Act, 1995 (or PWD Act), which reserved three percent of government posts for those in the PWD category. So the year 1995 became a benchmark year for the Movement, which stands for the beginning of a new era altogether, in which people suffering from disability found visibility in educational institutions and government services.

In the new millennium, the United Nations adopted the Convention on the Rights of Persons with Disabilities in 2006. India signed and ratified this convention in 2007. By then, there was a demand for an increase in the reservation for the Persons with disabilities category by various groups working on disability issues. By 2012, the Union Government of India came up with a disability bill, and after some amendments in the original draft, the bill was tabled in the parliament the very next year. After a wait of over three years, the Rights of Persons with Disabilities Bill, 2016 was passed by both houses of parliament than 26 million Persons With Disabilities persons in India are waiting anxiously to see the bill officially become a law.

(The History of India's Disability Rights Movement Racing the hopes of India's 26.8 million disabled population over 40 years of advocacy. By Martand Jha) December 2016.

Also National trust act was enacted in 1999 *for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities with the objective to build An inclusive society which values human diversity and enables and empowers full participation of Persons with Disability to live independently with dignity, equal rights and opportunities.* The Rehabilitation Council of India(RCI) was set up as a registered society in 1986. On September, 1992 the RCI Act was enacted by Parliament and it became a Statutory Body on 22 June 1993. The Act was amended by Parliament in 2000 to make it more broad-based. The mandate given to RCI is to regulate and monitor services given to persons with disability, to standardize syllabi and to maintain a Central Rehabilitation Register of all qualified professionals and personnel working in the field of Rehabilitation and Special Education. The Act also prescribes punitive action against unqualified persons delivering services to persons with disability.

[<http://www.rehabcouncil.nic.in/>]

Thus these acts gradually gave rights to the persons with disabilities for their Education, Employment, Rehabilitation and social independence. Before that persons with disabilities have to depend on the others mercy.

3. Constitutional provision and amendments

The Constitution of India unequivocally expresses its commitment to secure justice; liberty; equality; and fraternity to all its citizens. The list of fundamental rights enumerated in the Constitution guarantees among other provisions, access to equal opportunities of participation in socio-economic and political processes to all, without exception arising on account of any discrete individual or group identity. Citizens with Disabilities are an essential part of human diversity an all-encompassing welfare state bears the obligation to be accommodative of and sensitive to their circumstances and requirements.

In resounding acknowledgement of this obligation, India has ratified the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and undertaken the endeavour to ensure and promote the full realization of all human rights and fundamental freedoms for all Persons with Disabilities without discrimination of any kind on the basis of disability. In fulfilment of this international commitment as also to adequately address the shortcomings of the earlier legislation Persons with disabilities act (PWD) in this respect, an attempt has been made through the Rights of Persons with Disabilities act. The basic objective of the legislation is to align national laws in conformity with the international law which seeks to ensure furtherance of the rights recognized in the UN CRPD.

4. Laws and regulations

Currently there are 3 major laws/acts which are directly related to the individuals with disabilities.

4.1 Rights of persons with disabilities act 2016 (RPWD act) which is the new legislation that provides numerous rights and benefits to the individuals with disabilities who are citizens of India. These rights are almost similar to the rights of persons with disabilities in other developed nations in World.

4.2 United Nations Conventions on Rights of Persons with Disabilities: (UNCRPD): This is an international law that we have signed in 2006 and ratified in 2007. This law puts many international obligations to the adapting nations to provide rights to the persons with disabilities in order to make them independent as well as their holistic development.

4.3 Rehabilitation Council of India Act 1992: (RCI act 1992) this act is for setting up a national body that will monitor, review and develop educational facilities for persons with disabilities.

4.4 National Trust Act 1999: This act is for Autistic and mentally challenged individuals with disabilities and their holistic development, Protection of rights and provision of equal opportunity to them.

These legislations ensure equal rights of individuals with disabilities similar to the other abled body citizens of the country.

5. Education

An attempt was being made in previous national policy for persons with disabilities to provide equal access to education to the individuals with disabilities. That was in accordance with Persons with disabilities act 1995. Provision of equal opportunities through reservation, assistive technologies and it's training, guidance and counselling to the students with disabilities etc were effectively implemented in the previous policies.

The new national policy for persons with disabilities should focus on Accessibility compliance in academic programs, services and activities of the institutes that can ensure effective inclusion of persons with disabilities in academics. Article 16 and article 17 of RPWD act 2016 makes all the academic institution to create barrier free environment for persons with disabilities in the entire academic processes and activities from KG to PG. The policy should also continue its focus on dissemination of assistive technologies and its training to all the students, researchers, staff and faculties with disabilities. Ministry of Social Justice and empowerment along with Ministry of Human Resource development are the nodal ministries for implementation of the education related provisions of persons with disabilities.

5.1 Primary education: Primary education is the foundation of the student. Hence effective inclusion of persons with disabilities should be ensured carefully. At least 1 primary school in a village or a small town, a school in a region in a and b grade municipality should be made model accessible school where students will have actual equal access to all the facilities in the school such as Accessible School building and premises, Accessible Digital services, Accessible course content in Electronic as well as Physical format, accessible teaching and course delivery mechanism. Such school should have at least 1 resource teacher for persons with disabilities who can facilitate entire schooling of the children with disabilities by providing knowledge of inclusive education to all the stakeholders of the school. The model inclusive school should also built clay models, tactile graphics, pictorial presentations and assistive technologies repository as appropriate to all kinds of the students with special need that also involves accessible indoor and outdoor gaming. Such facilities should also be

partially made available to all the operational schools even there will be non availability of single students with disabilities. Schools which enrol more students with disabilities shall be rewarded with extra funding and other benefits such as high accreditation. All the stakeholders of the schools should be given training on inclusive education as appropriate.

5.2 Secondary Education: All the secondary school must enrol students with disabilities and provide facilities as appropriate. Each large school or cluster of school should have a resource centre for persons with disabilities along with permanent appointment of Resource teachers for persons with disabilities and supportive staff. The resource centre should ensure equal access to all the programs, services and facilities of the school. The resource centre should also provide training, guidance and counselling to teachers, administrative staff of the school and parents of the children with disabilities. Government will provide appropriate funding to such resource centres of the schools to make Academic premises accessibility compliant. Resource centre along with national administering bodies of the school such as NCERT should engage for maintenance of the accessibility compliance of various academic services of the schools. The resource centres should also maintain the compliances in the services and make repository of assistive technologies and special teaching aids for persons with disabilities.

Affiliating or student's evaluation bodies like CBSE, State boards, ICSE etc should also adapt accessibility compliances in their entire services so that accessibility can be ensured and inclusion of persons with disabilities can be made successful unlike implementation of previous policies.

5.3 Tertiary education: The tertiary education decides the career of the persons with disabilities. In the previous policies the major focus was on dissemination of assistive technologies and barrier free academic campuses. Specially built infrastructure such as building ramps, installation of elevators and accessible toilets for persons with disabilities. In the new policy for persons with disabilities should expand these initiatives and adapt comprehensive compliances of academic programs, services and activities of Universities and colleges. The major focus should be on Accessibility compliance of Built infrastructure, Academic Web services, Accessibility of Academic course contents and Accessible course delivery mechanism. persons with disabilities have to struggle a lot for higher schooling during course selection, admission, classroom learning, exam preparation, writing exams, project and internship, research work, placement and recreational activities.

The ministry should propose model accessible universities across the country to implement and promote inclusive education. The model accessible university shall have barrier free environment for all kinds of persons with disabilities. its program, services and activities will be accessible. Such universities shall have accessible built infrastructure, accessible course content, accessible teaching and learning and accessible web services.

- Building infrastructure will be fully accessible with ramps and accessible toilets. No hurdles of parked vehicles on road side, dustbins, chairs and tables, tree pots, trimming branches of trees in passage way and buildings corridors. Bips, braille signs and other signal for identification of certain places. Classroom, laboratories, seminar halls, library, cafeteria, gymnasium, playgrounds, garden and landscape, internal roads and foot paths etc. will be accessible with ramps, tactile paths, color contrast of doors and walls, floors and stare cases, accessible toilets and accessible electric switches for wheelchair users.
- Information technology services like university website, online admission, examination, transcript request, e-learning portals, discussion forums, notices and circulars, employee portal, webmail services etc will be accessibility compliant to national and international accessibility standard for web accessibility.
- Course material like text books, reference books, notes, including graphs, charts and tables etc will be readily available in alternative formats like audio, digital, large prints, Braille and sign languages.
- All the faculties, academic administrators, non-teaching staff, abled body students are sensitized about special needs of individuals with disabilities. Faculties will have proper training of accessible teaching to inclusive class and dealing with students and researchers with disabilities.
- A center for disability services will be available in the model accessible university which will be headed by a director and supported with the team of permanent experts staff in assistive technology and accessibility. The center will address all the matters of students, researchers, staff, faculties, and visitors with disabilities in the university. The center shall have assistive technology training lab, accessibility research lab and accessible digital library. The center will conduct accessibility research, monitor and ensure accessibility services to the persons with disabilities in university schools and departments and affiliated colleges. At least 1 model accessible university should be developed in each state in coordination with the respective state agencies and governments. All the central universities and institutes of eminence should it self be a model accessible institutes. All the IITs, IIMS, AIIMS, NITs

should also be made model accessible institutes in stipulated time period. All the Central university and at least 1 state university in the state should establish Centre for Disability Studies to carry out advanced research regarding all the aspects of persons with disabilities. NHERA shall provide partial funding support to the universities which will establish Centre for Disability Studies.

All the large colleges/Institutes/Deemed universities should also establish Disability support service Centre in their premises to ensure equal access to the stakeholders with disabilities that will include Students, researchers, staff, faculties, and administrators with disabilities regardless of their availability in the institute system. These colleges and deemed universities should also comply their programs, services and activities to the appropriate accessibility standards and regulations to create barrier free environment to the individuals with disabilities.

5.4 Vocational education and skill development: Vocational education has huge potential to create productive human resources with disabilities in short period of time and limited resources. All the vocational training centres for persons with disabilities should be equipped with advanced assistive technologies and accessible machines and equipment so that persons with disabilities can have accessible and workplace to effectively utilize their skills and potential. All the Industrial Training Institutes (it is) should create accessible and barrier free environment for persons with disabilities. The it is should start special courses for persons with disabilities and provide equivalent certification as they provide to other abled body individuals. it is should also comply to appropriate accessibility standards to make their premises accessibility compliant to the individuals with disabilities.

6. Employment

In the previous policy the major focus of employment of persons with disabilities was on the reservation provision. Recruitment of persons with disabilities are largely reservation driven. The new policy for persons with disabilities should focus on qualification and skills of the individuals with disabilities as well as the accessible workplace where they will work.

6.1 Setting up disability and inclusion unit: It is imperative to all the government, non government and corporate organizations to Set up diversity and inclusion unit in the organization which will be responsible for addressing all the matter related to disability work force such as accessibility of workplace, procurement of assistive technologies, training and sensitization to staff about employees with disabilities, accessible recruitment, orientation, training, retention etc. It shall have representatives from board of directors, VP HR, a person

with disabilities from middle level management and a technical person from middle level management along with a small team of HR and web accessibility.

6.2 Equal Employment Policy: Each organization should have clear policy and procedures for disability workforce management which will be monitored by diversity and inclusion unit. Small organizations can avail such services from the experts outside of the organization.

6.3 Provision of Accessible Workplace: All the organizations should make their workplace accessible as it is the crucial part of retention of employees with disabilities and their productivity. Therefore, it is essential for organizations to ensure accessibility at workplace before starting recruitment. The entire infrastructure including digital and built infrastructure should be made accessibility compliant as per appropriate standards and regulations. Services like web portal, web mail services, human resource management system, inventory management system, customer relationship management system, sales and distribution system etc should be made accessibility compliant. Built infrastructure such as building corridors, restrooms, staircases, furniture, parking, cafeteria and recreational facilities etc should be made accessibility compliant as per appropriate standards and regulations. Appropriate assistive technologies should be made available to the employees with disabilities to access the systems.

Accessible workplace ensures productivity of employees with disabilities and organizations can use their full potential and capability.

6.4 Accessible Work culture: Organizations must ensure accessibility compliance at workplace. Experts in disability matter should be deployed for job identification. These experts will analyse various available portfolios in the organizations and segregate them with the consideration of specific disabilities. All the recruitment activities like job advertisement, recruitment venue, aptitude test, group discussion and personal interviews, communication of results and offer letters should be made accessibility compliant with the consideration of appropriate accessibility standards and regulations.

The activities like job orientation, training and work culture should be made accessible. Appropriate assistive technologies shall also be provided to the employees with disabilities by understanding their need. All the peer staff of the employees with disabilities in the organization should be sensitized about persons with disabilities and their specific need so that all the people in the organizations will be aware of challenges of persons with disabilities and they will help include them all the activities. Employees with disabilities will have perfect inclusion in the entire work force and their subordinates will also be get

motivated by them. Diversity and inclusion unit of the organization shall provide concern support service and consultation about identification of specific need of employees with disabilities, procurement of assistive technologies, assistive technology training and sensitization in all the employees in the organization.

6.5 Budget and funding: Understanding business case of equal opportunity employment, appropriate budget should be allocated for accessibility implementation and retention of employees with disabilities at organizational level. This investment for accessibility compliance and equal opportunity employment be helpful for the organization in long run growth. and On bench employees can be engaged for creation of accessible work culture. Job extension of interested employees can also be done for ensuring accessibility compliance.

7. Welfare

Several stapes have to be initiated for the welfare of individuals with disabilities.

7.1 Universal Disability Identification card (UDID Card) is being introduced for benefits of all the government schemes and facilities instead of having separate ID cards for specific facilities. Railway and bus concession, disability pension scheme, Disability scholarship, Disability loan benefits scheme, National awardee benefit schemes, Reservation clam in academic institutes and employment can be granted on only one universal ID card. It will be essential for all the individuals with disabilities to have their computerised evaluation of their Disability to obtain Disability certificate and UDID card to avail all the benefits of central, state and local governance. Government should ensure issue of UDID card to all the individuals with disabilities in stipulated time period.

7.2 Creation of Accessible environment: Government of India has initiated an ambitious plan to integrate accessibility at all the level in order to create accessible and barrier free environment to the individuals with disabilities. The flagship program “Accessible India Campaign” was introduced in 2015 to effectively implement accessibility at all level. Department of Empowerment of Persons with Disabilities (DEPwD) is the nodal agency which launched the program as a nation-wide Campaign for achieving universal accessibility for Persons with Disabilities (PwDs). It has the following three important components:

Part A: Built Environment Accessibility

An accessible physical environment benefits everyone, not just persons with disabilities. Measures should be undertaken to eliminate obstacles and barriers to indoor and outdoor facilities including schools, medical facilities, and workplaces. These would include

not only buildings, but also footpaths, curb cuts, and obstacles that block the flow of pedestrian traffic.

An accessible government building is one, where persons with disabilities have no barrier in entering it and using all the facilities therein. This covers the built environment – services, steps and ramps, corridors, entry gates, emergency exits, parking – as well as indoor and outdoor facilities including lighting, signage, alarm systems and toilets.

Identifying accessible buildings requires annual accessibility audits that determine if a building meets agreed upon standards. Once a building is deemed fully accessible, an annual audit is not necessary, but should be required for any proposed changes to the structure or systems contained therein. A full audit can then be done on a less frequent basis.

Standards of accessibility should be as consistent as possible with international standards, such as those of the ISO, taking into account the local context. In regards to the built environment, ISO 21542:2011, Building Construction – Accessibility and Usability of the Built Environment, delineates a set of requirements and recommendations concerning construction, assembly, components and fittings.

Objectives are

1. Conducting accessibility audit of most important government buildings and converting them into fully accessible buildings in Important cities.
2. Converting 50% of all the government buildings of National Capital and all the State capitals into fully accessible buildings
3. Conducting audit of 50% of government buildings and converting them into fully accessible buildings in 10 most important cities / towns of all the States

Part B: Transportation System Accessibility

Transportation is a vital component for independent living, and like others in society, PwDs rely on transportation facilities to move from one place to another. The term transportation covers a number of areas including air travel, buses, taxis, and trains.

Enhancing proportion of accessible airports

An airport is accessible, if a person with a disability has no barrier in entering it, using all the facilities, and boarding and disembarking from airplanes. This covers the built environment – surfaces, steps and ramps, corridors, entry ways, emergency exits, parking – as well as indoor and outdoor facilities including lighting, signage, alarm systems and toilets.

Objectives are:

1. Conducting accessibility audit of all the international airports and converting them into fully accessible international airports
2. Conducting accessibility audit of all the domestic airports and converting them into fully accessible airports
3. Enhancing the proportion of accessible railway stations
4. Ensuring that A1,A & B categories of railway stations in the country are converted into fully accessible railway stations
5. Ensuring that 50% of railway stations in the country are converted into fully accessible railway stations
6. Enhancing the proportion of accessible Public Transport
7. Ensuring that 25% of Government owned public transport carriers in the country are converted into fully accessible carriers

Part C: Information and Communication Eco-System

Access to information creates opportunities for everyone in society. Access to information refers to all information. People use information in many forms to make decisions about their daily lives. This can range from actions such as being able to read price tags, to physically enter a hall, to participate in an event, to read a pamphlet with healthcare information, to understand a train timetable, or to view webpages. No longer should societal barriers of infrastructure, and inaccessible formats stand in the way of obtaining and utilizing information in daily life.

Enhancing proportion of accessible and usable public documents and websites that meet internationally recognized accessibility standards

This target will ensure conversion of public documents published as of a specified year and all current websites meeting the relevant International Organization for Standardization (ISO) criteria, that are found in ISO / IEC 40500 : 2012, Information Technology – W3C Web Content Accessibility Guidelines (WCAG) 2.0.

Public documents refer to all documents issued by the national government as well as all subnational documents. They include all publications such as laws, regulations, reports, forms and informational brochures.

Objectives Are:

1. Conducting accessibility audit of 50% of all government (both Central and State Governments) websites and converting them into fully accessible websites
2. Ensuring that at least 50% of all public documents issued by the Central Government and the State Governments meet accessibility standards
3. Enhancing the pool of sign language interpreters

A sign language interpreter is one, who meets professional standards in the official sign language.

Part D: Training and developing 200 additional sign language interpreters

Enhancing the proportion of daily captioning and sign-language interpretation of public television news programmes

The proportion of public television news programmes that meet agreed upon standards of daily captioning and sign-language interpretation. Public television refers to programmes that are produced, funded or subsidized by the government.

Developing and adoption of national standards on captioning and sign-language interpretation in consultation with National media authorities.

Ensuring that 25% of all public television programmes aired by government channels meet these standards

Accessibility is about giving equal access to everyone. Without being able to access the facilities and services found in the communities, persons with disabilities will never be fully included. Accessible India Campaign will seek cooperation of all Central Government Departments/Ministries and State Governments to seek “accessible police stations”, “accessible hospitals”, “accessible tourism”, and “accessible digital India” etc.

Organisations, both public and private are encouraged to use their CSR funds for building accessible infrastructure. They may adopt projects of their interest e.g. making a hospital accessible or creating an accessible toilet in a school. Once an organization decides to adopt certain number of projects from this portal, they would be entitled to become the “Organizational Stars” and name and logo of Organization will appear on the home page of Accessible India portal. These organizations will also be rewarded and recognized in annual award ceremony of the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India.

Thus government will ensure provision of high level of accessible environment to the persons with disabilities to make them independent and productive citizens of the nation.

8. Disability prevention

Prevention of disabilities could be the best practice to develop productive human resource. Ministry of public health along with Ministry of social justice and Empowerment will be the nodal agencies to coordinate disability prevention activities. Awareness programs about Public health will be organized in each locality and their wrong habits that are responsible for acquiring disability can be prevented. Especially Pregnant women are educated about diet and nutrition of infants to avoid disability in them. Several kinds of disabilities are due to wrong habits in the routine life of the people. All the people are educated about healthy living practises so as to prevent disabilities in them.

9. Implementation

Implementation of this policy will be through all the government departments. Chief Commissioner for persons with disabilities will monitor the implementation at central level along with his advisory committee.

State level Implementation and monitoring will be done through State commissioner for persons with disabilities along with state advisory committee. District level implementation will be with the district welfare officer and district nodal officer for persons with disabilities along with district advisory committee. These committees should review the progress periodically and send the report to the central government.

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