

Accessibility: Building Capacity

Sarabjit A Singh
Independent Consultant

People with Disabilities in India: Status,
Challenges and Prospects

Joint workshop of Ministry of Social Justice and
Empowerment and World Bank

November 21-22 2007 New Delhi

Legislative Framework

(The existing legal framework and
Is is adequate for achieving
the agreed standards?)

Institutional and Management Capacity

(The institutional
architecture
of the system.
How is the legal
and regulatory
framework operating
in practice.)

The Four Pillars

Transparency

(Appropriate measures to
address potential
non compliance of the
implementation
of the system in accordance
with legal and regulatory
framework)

Operations and PwD Assessment

(The operational effectiveness
and efficiency at the
level of the
implementing entity)

Legislative and Regulatory Framework

Indicator	Requirement	Assessment
1) The legislative and regulatory framework achieves the agreed standards and complies with applicable obligations	What we are looking at through this indicator is if the legal and other regulatory instruments from the Disability Act down to the detailed regulations like bye laws, procedures and building standards adequate and does the frame work provide the principles and polices, which will govern creation of a barrier free environment.	Though we have a Disability Act, and are in the process of brining in building bye laws and adoption of accessibility standards they are basically limited to public entities and need to be extended to the private sector. <i>There are no principles for deciding how economic capacity of an entity is to be determined nor system of addressing complaints and no list of statutory duties imposed on public functionaries.</i>

Legislative and Regulatory Framework

Indicator	Requirement	Assessment
2) Existence of Implementing Regulations and Documentation	This verifies the existence, availability and quality of implementation regulations, operational procedures, handbooks and standards and indicate <i>how to make the law operational and apply to specific circumstances.</i>	Implementation methods Regulation and Documentation are limited in scope and Standards for compliance are basic and a handbook needs to be developed. The qualification of the entity for certification of plans as compliant is not clear.

Institutional and Management Capacity

Indicator	Requirement	Assessment
<p>3) The system for generating accessibility is mainstreamed and well integrated into the system of governance</p>	<p>This looks at the degree of integration of the accessibility system with other parts of government and particular with budget preparation and planning of facilities</p>	<p>No integration into the planning, budgeting and implementation system nor do the financial and budgeting rules specifically support accessibility.</p>
<p>4) The regulatory function is independent and effective</p>	<p>This looks at appropriate level of authority, defined set of responsibilities and separation from implementation</p>	<p>Completion certificates can be issued without certification for accessibility and the CCPD has no powers to enforce his judgments.</p>

Institutional and Management Capacity

Indicator	Requirement	Assessment
<p>5) Systems to support and monitor performance of entire system ie to formulate and implement improvement plans.</p>	<p><i>This involves availability of information systems, a capacity for analysis, feedback mechanisms and planning capacity. The responsibilities to be clearly defined.</i></p>	<p>There is no accessibility information system nor statistical data collection system in place The system does not have quality of accessibility evaluation systems and existing training systems are insufficient to meet the needs of implementation.</p>

Operations and PWD Assessment

Indicator	Requirement	Assessment
6) Entities operations and practices for accessibility are efficient	This looks at the efficiency at the level of the entity charged with operating the facility on day to day basis	In general competence of the persons charged with operation is not consistent with their responsibilities and there is no systematic training or information program nor a mandatory list of documents or requirement for such records to be maintained by the operators

Operations and PWD Assessment

Indicator	Requirement	Assessment
7) Functionality of the NGO sector pertaining to accessibility	The objective is to assess the response of the NGOs to operation of the facilities	There are no obvious mechanisms of partnership with NGOs or PWD nor is the private sector or operators organized for maintaining accessibility. However, no major systemic constraints inhibit the operators in this.
8) Existence of operational administration and dispute resolution after facility becomes operational	This is specifically about quality of administration practices which begin after the facility is made operational.	Procedures for operation of facility are normally not defined nor procedures for resolving disputes and enforcing outcomes.

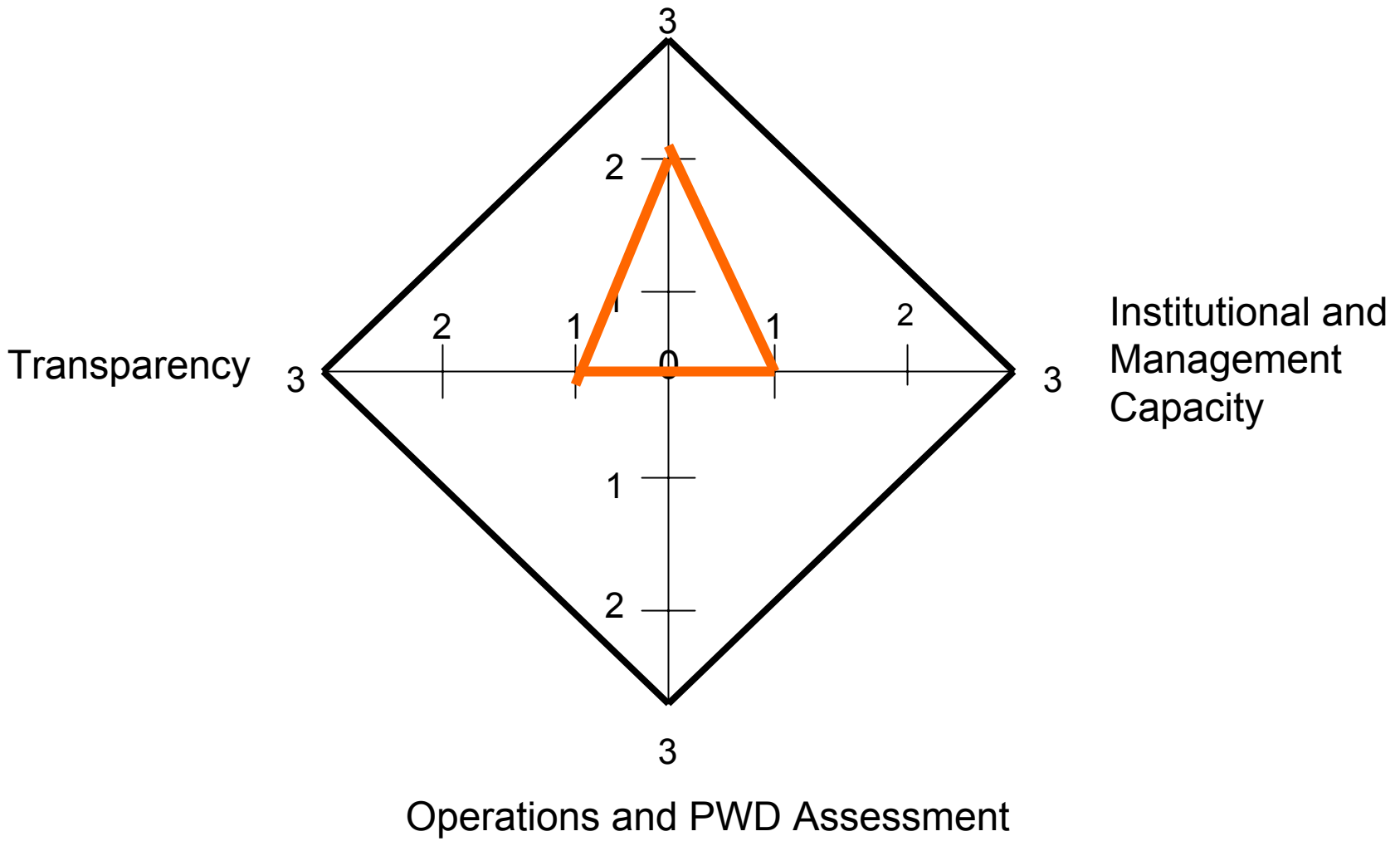
Systems For Transparency

Indicator	Requirement	Assessment
9) Effective Control and Audit Systems	The objective of this indicator is to determine the quality. Reliability and timeliness of the internal and external controls for the facility.	No legal framework, organization, policy and procedures for audit of accessibility and daily operation of the facility is in place nor a follow up system nor internal controls for providing timely information to facility managers.
10) Efficiency of Appeals Mechanism	The objective of this indicator is the efficiency of the appeals mechanism in contributing to compliance environment of the country for accessibility	There are no stipulated terms and timelines for resolution of complaints and responsibility for enforcement is not clear and CCPD does not have powers to enforce judgments.

Systems For Transparency

Indicator	Requirement	Assessment
11) Degree of Access to Information	The indicator deals with the quality. Ease of access and comprehensiveness of information on accessibility	No defined system
12) Penal measures and Ethics	The nature and scope of penal measures and ethics in implementation of accessibility standards	The legal framework does not define responsibilities accountabilities and penalties for entities and individuals that have failed in providing accessibility

Legislative Framework



Recommendations

- **Legislative and Regulatory Framework**
 - Principles for deciding economic capacity
 - List of Statuary duties
 - Qualifications for certification
 - Development of Handbook of acceptable practices

Recommendations

- **Institutional and Management Capacity**
 - Planning, Budgeting and Financial rules to include accessibility
 - Completion reports to include accessibility
 - A regulatory model that can enforce judgments (may be Disability Tribunal)
 - Information System
 - Institution of Accessibility and Universal Design

Recommendations

- **Operations and PWD Assessment**
 - Rules, procedures, training and documentation for entity managers/operators
 - Mechanism for NGO partnership and interaction with operators
 - Procedures for resolving disputes with operators for non maintenance of accessible features

Recommendations

- **Systems for Transparency**

- Legal framework for periodic audit of facilities in use for accessibility
- Timelines for resolution of disputes
- Information on accessibility for dispute resolution
- Penal measures to be specified for entities and individuals

Thank You