

Accessibility of Central Government Buildings in Delhi



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Abstract

Every person is disabled at some moment in his/her life. If you are in city or state where no one understands the language you speak you are disabled at that moment. Disability is no longer associated with just a wheelchair; a fracture, sprain or a pregnancy etc can translate into incapability to access a building or a service. If our complete environment is designed in such a way that every person can access it without any difficulty or requirement of adaptation, we will be able to call it a barrier-free and universally accessible environment. United Nations Convention on Rights of persons with Disabilities (UNCRPD), 2008 has specified provisions for a completely accessible and barrier free environment for persons with disabilities. India has a reasonably good policy framework in place. An access audit of buildings belonging to the Central Government was carried out by Samarthyam, an agency appointed by the Ministry of Urban Development (MoUD). The audit brought out a wide range of deficiencies.

This study undertook the task of conducting a sample check to record the progress made on implementation of the observations of the audit. Case studies of three buildings visited by us, namely, Janpath Bhawan, National Gallery of Modern Art and Patiala House are presented in tabulated format showing the current status of work done against the relevant observations of the access audit. An analysis of the tabulated comparison reveals that the progress on improving the accessibility of these buildings has been minimal. The study found that while the architecture wing of the Central Public Works Department (CPWD) has been prompt in furnishing drawings for the required work, the civil and electrical engineering wings have shown tardy progress for executing the works. Reasons for such a performance could not be ascertained due to lack of transparency.

The Rights of Persons with Disability Bill, 2011 promises another ray of hope. Committed action on ground is, however, necessary to translate noble intentions into actual usable facilities.

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Introduction

The disabled need a barrier free environment, to have a semblance of equality with able bodied people. Census 2001 revealed that over 21 million people in India suffer from one of the five disabilities -visual, movement, speech, mental and hearing.¹ United Nations Convention on Rights of persons with Disabilities (UNCRPD), 2008 articulates provisions for a completely accessible and barrier free environment for persons with disabilities. India is a signatory to this convention and has declared a vision to implement all provisions by 2025. Adequate progress has been made on the front of formulation of policies. Translation of policies into actual provisions remains to be seen. An access audit of buildings belonging to the central government was carried out by Samarthyam, an independent organisation appointed by the Ministry of Urban Development (MoUD). The audit show a wide gap between what's desired and what actually exists on ground. Another reality check is necessary to gauge the level of commitment that various government agencies have demonstrated in the pursuit of the declared vision.

Aim

The aim of this paper is to assess the progress that has been achieved to implement the suggestions made through an access audit by Samarthyam for making the offices of the central government accessible to the disabled.

¹http://censusindia.gov.in/Census_And_You/disabled_population.aspx

Policy Framework

I. United Nations Convention on Rights of persons with Disabilities (UNCRPD), 2008

India is a signatory of the UNCRPD 2008 which articulates the provision of a completely accessible and barrier free environment for persons with disabilities. Article 9 on Accessibility expresses the requirement of adequate 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.*

- II. **The Persons with Disabilities (PwD) Act, 1995** provides guidelines for accessible environment which are not yet incorporated in the Building Laws. Section 46, Chapter XIII of The Persons with Disabilities Act 1995 states that there should be no discrimination towards the differently abled in the built environment. It sets out parameters for the same,

The appropriate Governments and the local authorities shall, within the limits of their economics capacity and development provide for-

- (a) Ramps in public buildings;*
- (b) Adaptation of toilets for wheel chair users;*
- (c) Braille symbols and auditory signals in elevators or lifts;*
- (d) Ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.*

Section 33 of the PWD Act 1995 states 3 per cent reservation of posts in Government establishments in the country for persons with disability of which one persons suffering from

- 1- Blindness or low vision;
- 2- hearing impairment;
- 3- locomotor disability or cerebral palsy, in the posts identified for each disability.

In pursuance of these legislations,certain guidelines and models have been developed by various government agencies to ensure barrier-free environment. These include:

- Bureau of Indian Standards, National Building Code, 2005
- CPWD (Central Public Works Department) guidelines and Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons, 1998
- Manual Barrier Free Environment, the Chief Commissioner for Persons with Disabilities, 2002
- Model Building Bye-Laws, Town & Country Planning Organization, 2004

III. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

One of its objectives is- *"the empowerment of persons with disability to live as independently and fully as possible within and as close to the community to which they belong"*.

It asserts the inclusion of the disabled persons of the country in all spheres of life including the physical environment.

Access Audits

An access audit is performed to establish how well a building performs in relation to access and ease of use by a wide range of potential users, including people with impairments.²Samarthyam, a national information, technical assistance and research organization, was appointed by the Ministry of Urban Development (MoUD) in order to work towards the plan of the government to make central buildings in the country accessible by 2009-2011. For this it signed a MoA to conduct access audit of 50 central government buildings in Delhi. Up till now it has audited 45 buildings in total according to a list provided to us by the Ministry Of Urban Development (MoUD). Out of these, audits of 26 buildings are available to the public on the site of Ministry Of Urban Development (MoUD).

These reports are a comprehensive scrutiny of the buildings providing a detailed list of the required changes to make them accessible to the disabled.

We picked out 3 buildings of the list in order to review the status of implementation on the basis of mainly ease of permission to entry and also size of the building. For example, getting a permission to access the Prime Minister's Office was a laborious task and so we had to rule it out for review.

The buildings we personally visited and tried to review were-

- 1- Janpath Bhawan
- 2- National Gallery of Modern Art
- 3- Patiala House

The paper will treat these 3 buildings as case studies in order to figure out the current status of work done towards making these government buildings accessible. The review is in tabulated form and has three columns- location/aspects (of the building), the recommended changes by Samarthyam and status of change implementation (as on the date we visited the building). The tables by and large follow an order similar to that of the executive summaries of the audits by Samarthyam for ease of reference for the reader.

²Modified the definition provided by Access Staintons, Access Consultancy.

A- JANPATH BHAWAN³

Janpath Bhawan harbours offices of the CPWD service centre (civil), Bureau of Civil Aviation Security and Ministry of Agriculture to name a few. The access audit of the building was carried out in April 2010. Within these 2 years not much work has been done in the 3 wings of the Janpath Bhawan building. An analysis of the building according to the audit report was carried out. Following are the observations-

LOCATION/ASPECTS	RECOMMENDED CHANGES(according to Samarthyam access audit report April 2010)	STATUS OF CHANGE IMPLEMENTATION (AS ON 17 TH JULY 2012)
BUILDING SIGNAGE	1- To be provided at the entrance gate 2- Wing wise signage to be provided for each wing near the steps and lifts.	1- Change not implemented 2- Provided near lifts of middle wing and B-wing. No signage near stairs. Wing A signage at unsuitable location.
TACTILE PAVERS FOR ORIENTATION FROM MAIN GATE. FOR STEPS AND LIFTS.	1- To be provided from main gate to reception. 2- Warning strip to be provided 300mm before the lifts and before and after the first and last step.	1- Change not implemented. 2- Change not implemented.
PARKING	1- Two accessible parking to be provided in 30m of the entrance.	1- One accessible parking space

³Access Audit of Janpath Bhawan by Samarthyam obtained from the site of Ministry of Urban Development.

http://urbanindia.nic.in/programme/ud/Audit_Report/JANPATH_Bhawan.PDF

	<p>2- Indication of accessible parking at the entrance to the car park.</p> <p>3- On the routes of the entrance to the accessible parking spaces, signs should guide to the parking spaces.</p>	<p>available.</p> <p>2- Change not implemented.</p> <p>3- Change not implemented.</p> <p>The car parking space has a sign of the following type</p>  <p>mounted on the wall.</p>
STAIRS		
HANDRAILS	<p>1- Handrails to extend at least 300 mm beyond the head and foot of the flight and in the line of travel and grouted in the ground.</p> <p>2- Handrails to be provided on the both sides of the stairs.</p>	<p>1- Change not implemented</p> <p>2- Change not implemented</p>
STEP DIFFERENTIATION	Edges to have bright contrasting colour for differentiation of height and depth of steps.	Change not implemented
LIFTS		
	<p>1- Call and control buttons to be between 900mm-1000mm.</p> <p>2- Braille to be provided.</p> <p>3- Mirror, grab bars and audio announcement to be provided.</p> <p>4- 2nd Floor- B-Wing- big threshold in</p>	<p>1- Change not implemented</p> <p>2- Braille available in one of the 2 lifts in B-wing but not in the middle or A-wing.</p>

	front of the lift entrance to be embedded in the ground.	<p>3- Mirror in all lifts, grab bars in lifts in B and A-Wing. Audio announcement in only one lift of B-wing, this is the lift without Braille provision.</p> <p>4- Threshold not embedded.</p>
WAY FINDING AND ROOM SIGNAGE		
WAY FINDING SIGNAGE	To be provided at main gate, on all floors and the lifts. Should be in English, Hindi and Braille.	<p>Change not implemented at the main gate, provided at the lifts of Middle and B-wing, few way finding signage inside the building.</p> <p>Not signages in Braille</p>
ROOM SIGNAGE	<p>1- Non-reflective signage with embossed and Braille letters in contrast colour.</p> <p>2- To be provided at a height of 1400-1600 mm on the wall with pictogram and Braille for all rooms, sections and facilities.</p>	<p>1- Room signage same as before, no Braille and inconsistent most in reflective metal.</p> <p>2- Change not implemented.</p>
GENERAL TOILETS		
SIGNAGE	To be provided at a height of 1400-1600mm on the wall with pictogram and Braille.	Pictogram on the door with no Braille.
WARNING STRIP	Warning strip/door mat to be provided	Change not implemented.

	300mm before the toilet entrance.	
LADIES TOILET	No ladies toilet in the Middle Wing. Should be provided on all floors due to no connectivity of the wing with other wings.	Change not implemented.
URINALS	One urinal in each Gents toilet to be at levelled flooring and chest support grab bar to be provided.	Change not implemented.
ACCESSIBLE TOILET		
GROUND FLOOR- PROPOSED BY CPWD	Accessible toilets to be provided on all floors by combining two cubicles	Change not implemented.
CORRIDORS		
B-WING	An iron channel gate threshold at the entrance of Ministry of Agriculture to be embedded in the ground.	Change not implemented.
GENERAL CIRCULATION AREA	Fire extinguishers to be relocated near the bearing pillars.	Change not implemented.
EMERGENCY MEASURES		
ALL BUILDINGS	Emergency alarm both audio and visual to be provided on each floor.	Audio alarm found in A-wing only. Not visual alarms on any floors in any buildings.
DRINKING WATER		
OUTSIDE B-WING.	1- Step entrance to be levelled and taps to be lowered down so that operable parts are between 900-1200mm height. 2- Way finding pictogram to be provided.	1- Change not implemented. 2- Change not implemented.

B- NATIONAL GALLERY OF MODERN ART⁴

The audit report of National Gallery of Modern Art (NGMA) is dated on 13th November 2009. NGMA has a building called the Old Wing, the New Wing, an Exhibition Hall and a Cafeteria. The New Wing has ramps connecting each floor, wheelchair provision, unisex toilets for the disabled etc this qualifies the building for being a (fairly) accessible building. The table below lists out the status of the changes as on 13th July 2012. The Old Wing, Exhibition Hall and Cafeteria were out of reach because of renovation in progress. So we focussed mainly on the New Wing and the outside area of the building.

But during the process we noticed that other than the positives mentioned in the report by Samarthyam,

- 1- The Exhibition Hall had a temporary ramp in place.
- 2- The glass doors of the Hall had band of contrasting colour (white) at 2 levels as proposed for the other existing glass doors within the New Wing.

These facts gave us a happy picture of the future of the built environment for the National Gallery of Modern Art. It seems to be progressing towards being one of the completely accessible government buildings in Delhi.

LOCATION/ASPECTS	RECOMMENDED CHANGES (according to Samarthyam access audit report 2009)	STATUS OF CHANGE IMPLEMENTATION (as on 13 th July 2012)
MAIN GATE	1- Even the surface near main gate 2- Tactile pathway	1- Still Uneven 2- Tactile guiding tiles not installed

⁴Access Audit of National Gallery of Modern Art by Samarthyam obtained from the site of Ministry of Urban Development. http://urbanindia.nic.in/programme/ud/Audit_Report/National_Gallery_of_Modern_Art.PDF

WAY FINDING SIGNAGES	1- More signages 2- Route Map	1- Signages put in place in both English and Hindi but need to have a greater font. 2- No route map
ACCESSIBLE PARKING	Two parking bays of size 3600mm x 5000mm with access symbol imprinted on the ground.	Change not implemented.
NEW WING		
ENTRANCE (LEVEL ENTRANCE TO THE WING HAS BEEN PROVIDED)		
CLEAR GLASS DOORS	Band of contrast colour marking or symbol at 2 levels 800-1000mm and 1400-1600mm.	Change not implemented
INFORMATION FOR THE VISUALLY IMPAIRED AT ENTRANCE	3D tactile map proposed	Change not implemented
WHEELCHAIRS FOR PERSONS WITH REDUCED MOBILITY OR DISABILITY	Existing signage to be prominently displayed.	Signage not prominent enough
WAY FINDING SIGNAGE AND EXHIBIT SIGNAGE		
SIGNAGE	1- Exhibit signs to be in big fonts. 2- Braille signage to be provided between 1400-1600mm from floor	1- Exhibit signs in small fonts. 2- Change not implemented

	level.	
ORIENTATION FOR THE VISUALLY IMPAIRED INSIDE THE EXHIBIT ROOM	PVC strip 800mm wide to be provided in front of the exhibits.	Change not implemented
AUDIO TOUR FACILITY	Audio tour benefitting everyone	Change not implemented
GENERAL CIRCULATION AREA (RAMPS HAVE BEEN PROVIDED CONNECTING ALL FLOORS)		
HANDRAILS (RAMPS)	<ul style="list-style-type: none"> 1- Handrail ends of all ramps to be rounded off or grouted in the ground. 2- Handrails to be painted in bright colours (yellow/red) for easy identification 3- Handrails to extend till the ramp edges. 4- Ramp signage with Braille markings to be provided. 	<ul style="list-style-type: none"> 1- Handrails on 1st and 3rd floor on the left side of the building not grouted or rounded off. Those on the 2nd floor on the same side enter into the wall at their ends. Those on the right side of the building not grouted or rounded off. 2- Handrails of steel colour. 3- This feature is of a specific railing and is still the same. 4- Change not implemented
WARNING STRIP	Warning strip to be provided 300mm before and after the ramp edges.	No warning strip on any ramp on the left side of the building. 2 out of 2 floors of the 3 on the right side have a warning strip on the beginning of the ramp.
EXHIBIT AREAS	Some exhibit areas have ramps and stairs with no handrails.	Change not implemented.

	Handrails proposed.	
EXTERNAL STEPS	Handrails on both sides and warning tiles before and after the first and the last edges.	Change not implemented.
STAIRS		
1- HANDRAILS HAVE BEEN PROVIDED ON BOTH SIDES. 2- CONTRASTING STEP EDGES HAVE BEEN PROVIDED.		
HANDRAILS (STAIRS)	1- To extend 300mm beyond the head and the foot of the light of the line of the travel and grouted to the ground. 2- Handrails may be provided with Braille plates.	1- Change not implemented. 2- Change not implemented.
WARNING STRIP	To be provided 300 mm before and after the first and the last step edges.	Change not implemented
LIFTS		
NEW LIFTS HAVE BEEN PUT IN PLACE BUT ARE CURRENTLY UN-OPERATIONAL DUE TO RENOVATION AND NEW CONSTRUCTION.		
CALL BUTTON	Call button to be placed at a height of 900-1000mm. To have Braille markings.	Change not implemented
LIFT SIGNAGE	Signage to be provided, with Braille markings.	Change not implemented.
AUDIO INDICATORS	Audio to be provided in the lift.	Change not implemented
WARNING STRIP	To be provided 300mm before the entrance of the lift.	Change not implemented

ART SHOP		
DOORS	<p>1- Contrast bands to be provided at 2 levels – 800-1000mm and 1400-1600mm.</p> <p>2- Signage with opaque background and Braille to be provided.</p>	<p>1- Change not implemented.</p> <p>2- Background is fairly opaque, Braille not provided.</p>
GENERAL TOILETS		
WAY TO THE TOILET	<p>1- Ramp of 1:12 gradient with handrails on both sides.(Ground Floor Toilet)</p> <p>2- Warning tiles/PVC mats before and after the last and first step of the edges.</p>	<p>1- No ramp provided.</p> <p>2- Rubber mat serving as warning strip provided before the first step of the stairs.(Ground Floor Toilet)</p> <p>3- Water Cooler near the same area has a rubber mat serving as a warning strip before it.</p>
PICTOGRAM	Proposed triangular and circular pictograms for male and female toilets respectively with Braille plates and raised alphabets.	Pictograms are rectangular without Braille and raised alphabets.
WARNING STRIP	To be provided 300mm before the toilet entrance.	Change not implemented.

URINALS	One of the urinals in the Gents toilet to have grab bars installed on each side and in front.	Change not implemented
ACCESSIBLE UNISEX TOILET (TOILET HAS INSUFFICIENT SPACE FOR A WHEELCHAIR)		
DOOR	Should open outwards instead of inwards.	Change not implemented.
DIRECTIONAL SIGNAGE	To be provided	Change not implemented
WASHBASIN	Existing should be replaced by a corner washbasin.	Change not implemented
TOILET	Alarm switch at two levels to be provided near the water closet.	Change not implemented
WAY TO EXHIBITION HALL, CAFETERIA AND OLD WING		
HANDRAILS (RAMPS)	Railings to be raised at 850mm- upper and 700mm- lower.	Change not implemented.
DRINKING WATER FACILITY		
WAY FINDING SIGNAGE	To be provided.	Change not implemented
DRINKING WATER COOLER OUTSIDE NEW WING	To be removed and relocated as access to it was restricted.	Removed.
EMERGENCY EVACUATION (FIRE EXIT SIGNAGES AND EXIT DOORS IN BRIGHT CONTRASTING COLOURS HAVE BEEN PROVIDED)		
INTERNAL SIGNAGE	Internal way finding signage should include directional signages leading to fire exits.	Change not implemented.

EMERGENCY ALARM	Both audio and visual to emergency alarms to be provided.	Hooter (audio) alarms provided.
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C- PATIALA HOUSE⁵

Patiala House Courts Complex is one the five District Courts complexes in Delhi. It is situated near India Gate in central Delhi. The criminal Courts at Patiala House Courts Complex deal with cases pertaining to New Delhi, South and South-West Districts. The District Judge, Additional Sessions Judges, Rent Controllers and Civil Judges are some of the courts functioning at Patiala House Courts Complex. The Delhi Legal Aid Authority also has its office here.

LOCATION/ASPECTS	RECOMMENDED CHANGES (according to Samarthyam access audit report 21 DECEMBER 2009)	STATUS OF CHANGE IMPLEMENTATION (as on 3 rd July 2012)
ENTRANCE		
RAMPS	1- Not available at the main gate. Plinth level to be raised at main entrance near advocate parking and ramp to be provided with handrails	1- Change not implemented 2- Change not implemented 3- Change not implemented

⁵Access Audit of Patiala House by Samarthyam obtained from the site of Ministry of Urban Development. http://urbanindia.nic.in/programme/ud/Audit_Report/Patiala_House.PDF

	<p>2- Main entrance near Advocate parking area-porch area to be raised upto plinth level</p> <p>3- Gate No 4- L- shape ramp alongside the wall is proposed with handrails and head over shelter.</p> <p>4- Entrance to court no. 3 & 4- L-shaped ramp to be provided with warning strips.</p>	4- Implemented
PARKING		
Accessible parking	Parking bay to be provided near gate no 2, 3 and 4.	Change not implemented
STAIRS		
Handrails	To be provided on both sides and at landing at a height of 850mm-900mm.	Change not implemented
Step differentiation	Edges to have bright contrasting colour for differentiation of height and depth of steps.	Change not implemented
Tactile warning for person with vision impairment	Warning strip/bright colour studs to be provided 300mm before and after the first and last step.	Change not implemented
LIFT		

	A platform/external lift is proposed near the Lawyers' Chamber area	Change not implemented
INTERNAL WAY FINDING AND ROOM SIGNAGE		
Internal way finding and Room Signage	<p>1- Non reflective signage with embossed and Braille letters in contrast colour.</p> <p>2- To be provided at a height of 1400-1600mm on the wall with pictogram and Braille.</p>	<p>1- Change not implemented</p> <p>2- Change not implemented</p>
ACCESSIBLE TOILET		
Accessible unisex toilet	<p>1- To be provided near general toilets near water cooler.</p> <p>2- Sulabh toilet- Gents toilet cubicle to be modified.</p>	<p>1- Change not implemented</p> <p>2- One toilet in the Sulabh toilet area but was closed. Had a proper signage on it.</p>
Urinal in gents toilet	Grab bars to be provided with chest support.	Change not implemented
GENERAL		
	Resting benches to be provided in the lawn area	Change not implemented
CONNECTING PATHWAYS		
	Small ramps to be provided to merge the cemented pathway with	Small ramps built but inconsistent.

the brick floor.		
DRINKING WATER		
	<ul style="list-style-type: none"> 1- Water cooler to be brought forward and tap to be lowered down so that all operable parts are between 900-1000mm, leg and knee space to be provided. 2- Way finding signage with pictogram to be provided. 	<ul style="list-style-type: none"> 1- One water basin provided complying with the requirements. All other water coolers are inaccessible. 2- Change not implemented.
BARRICADES		
	Spacing between two barricades is too narrow and prohibits mobility aid users to access Lawyers' chamber. To increase the spacing.	Change not implemented
SNACK STALLS		
	<ul style="list-style-type: none"> 1- Flooring to be leveled and paved. 2- A portion of the counters to be lowered down to 800mm. 	<ul style="list-style-type: none"> 1- Change not implemented 2- Change not implemented
LOK ADALAT		
	<ul style="list-style-type: none"> 1- Sunken area to be raised to match room levels. 2- External paving 	Change not implemented

	maintained with 1:12 slope.	
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Analysis

We found that the chain of work to make central government buildings accessible is as follows-

The Ministry of Urban Development (MoUD) had appointed Samarthyam to conduct access audits of central government buildings in Delhi. Samarthyam submitted the reports to the Ministry of Urban Development (MoUD). The Ministry of Urban Development (MoUD) then sent them to the Central Public Works Department (CPWD) for implementation. Within the Central Public Works Department (CPWD), the architectural department forwarded drawings (for the changes that come under their purview) to the engineering department. After this, it fell on the engineering department to implement. Within the engineering department, the electric and the civil department were also supposed to perform their respective jobs to make the buildings accessible. All these required changes had to be implemented by the Central Public Works Department (CPWD) within two years of receiving the reports.

The review of the 3 buildings in the above section may not provide sufficient evidence to make a generalized comment on all the 45 buildings which have been audited, but it can definitely give a sense of the current status of accessibility of the central government buildings in Delhi. The deadline of 2 years has lapsed for most of the buildings but there seems to have been little work done. For instance, no work has started in the Indraprastha (IP) Bhawan but the Central Public Works Department (CPWD) considers it to be pardonable as the central area is a priority over the IP estate area⁶. On the bright side we learnt from an official⁷ that all changes in Transport Bhawan have been implemented to all extent that was possible.

Following the chain of work, we can try to figure out which department may be responsible for the lack or slow implementation of the recommended changes. An official in the Ministry for Urban Development (MoUD) shared that the audits were sent immediately to the Central Public Works Department (CPWD) for their part of the job. The architectural department at Central Public Works

⁶ From a talk with a government official who did not wish to be cited.

⁷ An official from the CPWD who did not wish to be cited.

Department (CPWD) which is next in line has also seemed to have done its part of the work as there were 2 reports⁸ one dated January 2010 and the other 30-01-2012 sent from the architectural department to the engineering department giving a detailed account of the drawings sent and the requirement of action by the executive engineers for different buildings. An architect mentioned that drawings for changes of few sections of certain buildings are still in the process because of the hindrance posed by the existing structural characteristics of the building. For example, the location at which a ramp is proposed is too narrow for it. But this is the case for very few buildings, for the others the work by the architectural department is complete and rest is in the hands of the engineering department to be taken forward.

There is a reasonable ground to surmise that it is the engineering department of the Central Public Works Department (CPWD) that has been lagging behind in delivering what it is expected to. But why it is so is a difficult question to answer. The reason is that the officials of this department are not particularly open to questions. They either talk of what has been done or avoid the questioner by diverting him to another official. Not surprisingly this is a vicious circle and one ends up getting no information and only a string of 'NO's or "I don't know"! Speculations about the implementation lag can be made, some of them being the priority of construction of new buildings, the Commonwealth Games in 2010, financial glitches, lengthy procedures (like tenders) etc. But as there is lack of concrete information this question will remain unanswered by this paper and thus is open to further research.

⁸Seen personally at the CPWD architect department office.

The Future

The Delhi metro infrastructure and Dill Haat can serve as inspirations for the future of accessibility in the country. The Model Building Bye-Laws (Nov 2004) are followed in the country for construction of buildings in India.⁹ These bye-laws do talk of a barrier-free environment but do not have a detailed outlook towards the concept of accessibility. An analysis of these bye-laws is provided by a paper available on the site of Ministry of Urban Development (MoUD) which is a much detailed document focussing mainly on the accessibility of buildings¹⁰. It incorporates the importance of moving towards universal design (The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design).¹¹

The key focus here is universal design and keeping that in the picture we mention of The Rights of Persons with Disability Bill, 2011. The new bill has been drafted in harmony with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It focuses on moving towards the universal design which is a milestone for accessibility in India. Section 4 of the bill calls for accessibility on an equal basis with others to the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. The importance given to universal design is one deserving special mention. According to the bill, The National Centre for Universal Design and Barrier Free Environment (NCUDBE) established by order by the Government of India in 2010 will primarily assist the country in becoming universally accessible and inclusive. Also the bill suggests the

⁹Link to the Model Building Bye Laws (2004) as given on the site of Ministry of Urban Development (MoUD). <http://urbanindia.nic.in/publicinfo/byelaws.htm>

¹⁰Accessibility Research and Comparative Analysis of Building Standards & Regulations (Building Bye-Laws) in various states in India: Space Standards & Planning Guidelines for Public Buildings. Research Report by Anjilee Agarwal, Access Consultant. http://urbanindia.nic.in/programme/ud/Research%20Study_Building%20Regulations_Access%20Standards.pdf

¹¹Universal design definition and principles. <http://livableforalifetime.org/pdf/Universal%20Design%20Principles.pdf>

setting up of a National Disability Rights Authority which will be the guardian of the disabled under the proposed law. It says¹²

(1) In order to ensure such accessibility, the Disability Rights Authority shall formulate suitable Regulations

(2) The Disability Rights Authority shall in consultation with subject and experiential experts formulate these Regulations by adopting or adapting prevailing standards on physical environment and information and communication technologies and systems to Indian conditions. Whilst making the adaptation and laying down the standards the authority shall ensure that the regulations are age and gender appropriate and are applicable to:

(a) All buildings and facilities used by the public;

(b) Permanent, temporary or emergency conditions;

(c) All new community residential places and private residences to make them visit able and live-able;

(d) Road based transport;

(e) Aviation;

(f) Railways;

(g) Maritime transport and ports;

(h) Pedestrian infrastructure;

(i) Rural Public Transport System;

¹² Working Draft of the proposed Act prepared by Centre for Disability Studies, NALSAR University of Law, Hyderabad, India (9th February 2011). <http://socialjustice.nic.in/pdf/workdraftdd.pdf>

(j) All modes of transport so that any person with disability is able to travel with safety and comfort.

One of the functions of the Disability Rights Authority under this Act will be to formulate suitable regulations. For this, The National Centre for Universal Design and Barrier Free Environment (NCUDBE) has been acknowledged by the bill as a supporter of the Disability Rights Authority in developing and monitoring the accessibility regulations by incorporating the theory and practice of universal design. The bill also mandates the observance of accessibility norms by all individuals, organizations and establishments, *“No individual, organization or establishment shall be granted permission to build any structure if the building plan does not adhere to the regulations formulated by the Disability Rights Authority.”*

The bill gives a definite time limit for making existing infrastructure and premises accessible- maximum 3 years from its enactment for existing public buildings used for government purposes and maximum 5 years for all other public buildings. Any individual, organization or establishment which fails to meet the deadline will be penalized under section 30E of the proposed Act. The penalties are a suspension of water and electricity till the accessibility requirements are met, or a fine which may extend to 5% of the market value or the estimated market value of the building; or both.

If the offender fails to comply with the above provisions within a period of six months from the date of conviction, the offender shall be penalised with additional fine which may extend up to one lakh rupees for every day during which such failure continues after the conviction for the first such failure.

This bill is landmark in case of accessibility of the physical environment in India. It has at least driven home the point that the accessibility standards conforming to the universal design are important for the government. The penalties associated with the lack of implementation of the regulations infuse strength in the ideology behind the bill.

Final Comment

The 45 buildings that Samarthyam has audited in the past are a small fraction of the total public buildings in India. The lacklustre performance of the Indian government in bringing them to an accessible status clearly shows that the issue has been given a back seat even after decent policy backing. The carrying out of access audit of buildings was a positive move by our government towards the issue after signing and ratifying United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008 but there still is a lack of impetus for its implementation. There is a need for further sensitization towards the issue of accessibility in India. The proposed disability bill, 2011 seems to promise a breakthrough but what are few lines on paper worth unless backed by concrete action on ground.