**Disability:IN Global Directory**

**India**

**Disability Definition**

A disabled person is a person with long-term physical, mental, intellectual and sensory impairment, which in interaction with barriers (social, communicational, cultural, economic, environmental, institutional, political,attitudinal or structural) hinders his/her effective participation in society equally with others.

21 conditions are considered to be disabilities:

Blindness, Low Vision, Leprosy – cured persons, Hearing Impairment (deaf & hard of hearing), locomotor disability, dwarfism, intellectual disability, mental illness, Autism Spectrum Disorder, cerebral palsy, muscular dystrophy, chronic neurological conditions, specific learning disabilities, multiple sclerosis, speech and language disability, thalassemia, hemophilia, sickle cell disease, multiple disabilities including deaf blindness, acid attack victim, Parkinson’s Disease.

Reference: [Rights of Persons with Disabilities Act, 2016 – India](https://megscpwd.gov.in/disability-def.html)

**Legislation**

Rights of Persons with Disabilities (RPD) Act of 2016 expands the definition from 7 to 21 conditions, aims to comply with the UN Convention on Rights of Persons with Disabilities, and introduces a new system to streamline the process for producing and obtaining disability certification for institutions. The RPD Act also increases the public sector quota from 3% to 4% for persons with certain types of disabilities and provides incentives for companies to ensure that at least 5% of their workforce is composed of people with disabilities of 40% or more. The Indian government provides disability certificates to people deemed to have disabilities of more than 40%, which allows them to avail of certain benefits and concessions.

**Employer Requirements**

According to the Center for Talent Innovation’s 2017 report Disabilities and Inclusion, the following are employer requirements in India:

– Provide facilities (such as training facilities), benefits (such as assistive devices), and a barrier-free accessible environment for people with disabilities, conform to new requirements for accessibility in all new buildings and building plans, frame and publish an Equal Opportunity Policy that also identifies posts and vacancies within the company that would be suitable for people with disabilities, appoint a “Liaison Officer” to oversee recruitment of and provisions for people with disabilities, if company size exceeds 20 employees, do not terminate anyone due to disabilities obtained while employed, do not discriminate based on disability, except when it is shown that “the impugned act or omission is a proportionate means of achieving a legitimate aim.”

Other employer guidance includes:

– There is no reporting requirement to the government. However, every establishment having 20 or more employees is required to publish an Equal Opportunity Policy which must identify positions suitable and open to disabled persons for employment, the facilities and amenities provided for disabled employees, appointment of a liaison officer to oversee these obligations.

– Such policy is required to be submitted to the state commission for disabilities. However, it has been reported that the state commissions are currently not insisting on submission of the same.

– Further, the employer is required to maintain records of disabled persons employed with details such as name, nature of disability, nature of work and facilities. The relevant authorities may inspect the policy and records for the purposes of determining compliance under the law.

– The government provides incentives (such as covering part of the cost of social security benefits) to employers in the private sector, if such employers ensure that at least 5% of their workforce are disabled persons.

– Such data is sensitive personal data under the Information Technology Act, 2000. Although the Rules relating to the processing of such sensitive data under the Technology Act is only in relation to a service provider collecting information for providing services, it is best to comply with the Rules. The Technology Act provides that sensitive personal information may be collected and processed only for a specific purpose and with the consent of the data subject.

– Employers are able to ask disability status during the application stage, after the offer has been made and after employment commences, assuming employee has been given notice of the data collection and their consent for processing has been procured for the stated purposes.

-Such data is necessary to ensure compliance under the RPD Act.

**Accessibility Requirements**

The RPD Act requires mandatory conformance to accessibility standards and recognizes that reasonable accommodation and universal design are critical for facilitating access in an equitable manner and creating an accessible framework for India going forward.

– The RPD Act clearly mandates that accessibility includes both environmental and information technology accessibility (ICT accessibility).

– The Act defines communication to include languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

– The Act defines reasonable accommodation as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

– The Act defines universal design as “the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and as being applicable to assistive devices including advanced technologies for particular group of persons with disabilities.

– The Act identifies failure to provide reasonable accommodation as a form of discrimination.

The Act defines information and communication technology as including “all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services; The Act defines “private establishment” as referring to “a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify; The Act requires the Central Government to formulate standards with advice from the Chief Commissioner in the areas of “physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas; The Act requires the appropriate government to take suitable measures for provision of facilities at different transport locations like bus stops, ticketing counters etc., provision of access to all modes of transport, accessible roads and development of appropriate schemes to promote mobility.

The Act requires the appropriate government to ensure that all content in audio, print and electronic formats are accessible, that there is access to electronic media for all by providing audio descriptions, sign language and close captioning and that daily use electronic goods are available in universal design. Learn more about India’s accessible government entity web policies via Guidelines for Indian Government Websites and visit the Accessible India Campaign website to learn more. Further, the Telecom Regulatory Authority of India published ICT Accessibility Recommendations.

**Cultural Norms**

A strong cultural stigma against disability heightens the challenges for employees with disabilities in India.

Source: [Coqual’s 2017 Report on Disabilities and Inclusion – Global Findings](https://coqual.org/wp-content/uploads/2020/09/CoqualDisabilitiesInclusion_KeyFindings090720.pdf)

**Insights**

According to [Coqual’s 2017 Report on Disabilities and Inclusion](https://coqual.org/wp-content/uploads/2020/09/CoqualDisabilitiesInclusion_KeyFindings090720.pdf):

India was one of the first countries to ratify the UN Convention on the Rights of People with Disabilities and, as the second most populous country in the world with an enormous population of young workers, is ripe with opportunity for companies tapping into the next generation of talent.

The incidence of visible disabilities among survey respondents in India is higher compared to the U.S. (49% vs 13% in the U.S.) – perhaps a reason the disclosure rates to HR are also high among Indian survey respondents (52% vs. 21% in the U.S.).

Of those surveyed in India who have visible disabilities, 74% say they will never achieve a position of power at their companies no matter how high-performing or qualified they are (vs. 50% in the U.S.). Meanwhile, among all employees with disabilities in the India sample, 93% expend some energy repressing parts of their personas in the workplace (vs. 60% in the U.S.) and 43% say “colleagues stare at me” (vs. 9% in the U.S.).

A robust culture of telecommuting and remote work poses a unique opportunity for employees with disabilities in India: fully 62% of employees with disabilities in the India sample work remotely or telecommute (vs. 30% in the U.S.), and 76% of employees with disabilities in the India sample who telecommute fell they are being promoted quickly (vs. 29% in the U.S.).

**Supplier Diversity**

Certification is in place for women-owned business enterprises (WeConnect).

Certification is in place for LGBT-owned enterprises (NGLCC Network: RWS: India’s Diverse Chamber of Commerce)

Part of the Out and Equal Global Network

**Talent Sourcing Resources**

[Enable India](http://www.enableindia.org/): Enable Employers Consultancy for D&I Vision Sensitization; Train and Hire; Policies and Procedures; Outsourcing services; Campus Recruitments; Scaling and Impact Services; SPICE™ Employability Framework. The Collaborative Model offered by Enable India is a talent sourcing model.

Department of Empowerment of Persons with Disabilities As part of the Ministry of Social Justice & Empowerment, facilitates empowerment of the persons with disabilities. Centralized resources for information on laws, regulations, policies, schemes, programs and NGO services. This organization also operates an employer / applicant matching services at [www.disabilityjobs.gov.in](http://www.disabilityjobs.gov.in).

Register as an Employer in the Government’s talent placement program. Also active on Facebook and Twitter.

Jobability is an online job portal that matches job seekers from people with disabilities with job vacancies, placements and resources. It provides a wealth of information and services for potential employees, employers and service providers, including advertising job vacancies online, managing applications, and providing access to training opportunities.

Developed by Leonard Chesire through its Access to Livelihoods programme, which is supported by the Accenture Foundation. This programme helps people with disabilities across India, Sri Lanka, Bangladesh, Pakistan, The Philippines and South Africa to gain the skills they need to enter employment or start their own business. Visit the website as an Employer to register and become part of their talent sourcing pipeline partners.

Pankh, a collaboration between Trust for Retailers & Retail Associates of India (TRRAIN) and Youth 4 Jobs Foundation (Y4J), offers a comprehensive 60-day training program, which includes trade specific training as well as training in life-skills, soft skills, and spoken English. Students spend the first 45 days sharpening their skills in the classroom. The last 15 days are spent applying their theoretical knowledge to practice with on-the-job training. At the end of the program, Pankh organizes campus recruitment and helps facilitate placement of all students.

**Additional Resources**

Accessible India Campaign (Sugamya Bharat Abhiyan): A nation-wide flagship campaign, the goal is to achieve universal accessibility that will enable persons with disabilities to gain access for equal opportunity and live independently and participate fully in all aspects of life in an inclusive society. The campaign targets at enhancing the accessibility of built environment, transport system and Information & communication eco-System.

– Blind People’s Association India, India Association of the Blind The India Association of the Blind (IAB), All India Confederation of the Blind All India Confederation of the Blind (AICB), Mobility India (MI), Rehabilitation Council of India The Rehabilitation Council of India (RCI).

National Institute for Visually Handicapped The objective of the Institute is to conduct, sponsor and coordinate all aspects of education for rehabilitation of persons with visual disabilities and coordinate research in these areas. The Institutes also assisted in running a Composite Regional Centre (CRC) for persons with disabilities at Sundernagar in – – Himachal Pradesh. This apex level Institute is engaged in education, vocational training, training of teachers and other personnel, research and development of service modules, production of Braille books, aids and appliances for the visually handicapped.  
– Eyeway India Eyeway aims to enable persons with blindness and visual impairment to become personally independent, economically self-reliant and integrate well into the social community. Eyeway comprises of a network of partners that disseminates information, provides counselling, conducts research and engages in advocacy.

– Deaf EnAbled Foundation The DEF mission is to achieve equal access for deaf people in every area of their lives. We are dedicated to work for the development of the Deaf community, enhancing the quality of life, providing educational facilities, promoting social and cultural awareness while working towards independence and barrier free communication for the Deaf.

– Disability Alliance of Voluntary Organisations is an information sharing platform of voluntary organisations involved in providing services to persons with disabilities. The DAVO also insists on bringing service providers together from time to time to know about current trends in disability services, initiatives of Governments and international organisations to empower persons with disabilities.

Assistive Technology Accelerator The Assistive Technology Accelerator (ATA) has built a business, technology and disability ecosystem to help assistive technology startups.

The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities maintains an Aids and Assistive Devices Page.

**References**

[Financial Times Article: Why start-ups are hiring India’s disabled workers](https://www.ft.com/content/ee83b842-f3ba-11e7-88f7-5465a6ce1a00)

[Coqual – Disabilities & Inclusion Report](https://coqual.org/wp-content/uploads/2020/09/CoqualDisabilitiesInclusion_KeyFindings090720.pdf)

[World Bank India Page](https://www.worldbank.org/en/country/india)

**NGOs**

[V-Shesh](https://v-shesh.com/) – Improving access to income and job opportunities by creating effective and efficient market oriented solutions with an enterprise like approach