

Ensuring Physical Accessibility for Persons with Disabilities in Higher Education Institutes - An Assessment of Legislative and Supportive Framework for Inclusive and Equitable Quality Education in India

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Abstract

UN Sustainable Development Goals (SDG) 2030 Agenda aim to promote peace and prosperity for people on this planet. Agenda 4 is aimed at quality education and agenda 10 talks about reduced inequalities among people. Education and equality both are fundamental rights that must be extended to people irrespective of gender, religion, race, social status, economic background etc. Inclusion of persons with disabilities (PwDs) in education requires access to physical and learning environment on equal basis along with appropriate teaching-learning methods and access to information. There are many initiatives from Government of India to facilitate an inclusive and accessible education for PwDs. This paper is an assessment of initiatives by the government in terms of legislations and policies to encourage participation of PwDs in higher education, functions of statutory bodies responsible for implementation of these provisions. The method used in this study includes searching of relevant legislative instruments and critically analyzing the working of identified statutory bodies in ensuring physical accessibility for PwDs in higher education institutes within India. The results highlight the gaps between the legislative and the implementation mechanisms.

Keywords: Persons with Disabilities, higher education, physical accessibility, built environment,

1. INTRODUCTION

India has a long tradition of holistic education system, which extends beyond academic knowledge, emphasizing on ethical values such as humility, truthfulness, discipline, self-reliance, and respect for all creatures [1]. Post independence education sector in India witnessed steep growth and at present, India's higher education system may be ranked as world's third largest in terms of number of enrolled students [2]. India's higher education sector has also witnessed a tremendous increase in the number of universities, university level institutions & colleges in last few decades. As per census of India 2011 report, persons with disabilities (PwDs) constitute nearly 2.21% of the total population in the country and 45 % of these disabled persons are literate. However, only 5% of total disabled had higher education above or equal to graduation level [3]. Total students registered in higher education in academic year 2021-22 were 40.33 million, with only 0.088 million (0.22%) registrations of PwDs in the same year [4]. Assuming 2.21% representation of disabled population across all cross sections, 0.22% of registrations in higher education may be considered low. Among many reasons for this low representation of PwDs in higher education one reason could be non-inclusive higher education environment in the country. Provision of accessible and conducive physical environment in higher education institutes is the focus of this study. To improve the current status of inclusion in higher education, it becomes imperative to have a legal and a supporting framework to oversee the implementation of the legal provisions with monitoring and regular compliance checks in place. This paper reviews the supporting legislative framework, its implementation mechanism and the role of statutory agencies duly established by the government of India to promote and ensure the development of an inclusive and accessible higher education system in India.

2. METHODS

This study reviews the policies and legal framework addressing the rights and needs of persons with disabilities related to physical accessibility in built environment. The study identifies and analyses the functioning of various agencies, which are part of supporting and regulatory mechanism and reviews their role towards achieving the inclusion in higher education within the legislative framework. Identification of gaps in legislative and supporting framework with recommendations to ensure inclusion in higher education institutes in India will constitute the next part of this study.

To study the legislative framework, relevant national policies and legislations between 1990 and 2024, (major development in this area have taken place after early 90s) including international conventions and protocol that have been signed by the national government are identified and analyzed. Various government agencies as a part of implementation mechanism for legislative provisions and regulating higher education in India have been identified and their monitoring procedures along with rules, regulations and approval process are reviewed. This paper limits itself to online data bases from government websites, publications by government organizations, which have been thoroughly searched and included in the study.

3. LITERATURE REVIEW

India ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007 and is obliged to bring persons with disabilities to the mainstream by ensuring their human rights. Article 24 of the UNCRPD [5], provides for accessible, quality, inclusive education to persons with disabilities as their right to develop their full potential and talent to live independently and with dignity. Therefore, adopting inclusive approaches in education is imperative to achieve 'Education for all' [6]. Sustainable development Goals (SDGs) 2030 Agenda no 4 and 10 focus on 'Quality education' and 'Reduced inequalities' respectively. To provide quality education for PwDs, their diverse needs, abilities and body types must be viewed empathetically and there is a need to develop a non-discriminatory, inclusive built environment at higher education institutes, designed on the principles of equality. Inclusive campuses not only ensure accessibility to physical infrastructure, but also provide equal access to knowledge, information and communication technologies.

3.1 An Overview of Legislations and Policies for Persons with disabilities in India

Education helps enabling a person to develop an all-round personality identifying the best in him or her and to contribute positively to the society. In India, the 'Right to Education Act' 2009, which provides for compulsory and free education to all children within the age groups of 6-14 years, has been successful for improving access to primary education for the children from weaker sections of the society. To encourage participation of students with disabilities in higher education, government of India framed many policies and legislations.

The Constitution of India which is the supreme law in the country extends six fundamental rights to every citizen, right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, and right to constitutional remedies. Some provisions relevant to this study are –

Article 14, 15 and 16 of the Constitution guarantee equality for all its citizens before law, prohibits any kind of discrimination that any person may experience on the grounds of religion a person belongs to, his/her gender, race, caste or place of birth etc, and provision of equal opportunity in public employment respectively. Article 15 also talks about equal and nondiscriminatory accessibility to all citizens in public spaces. Article 21A, consequently known as Right to education Act (RTE) 2009, has provision of access to free and compulsory education for children within the age group of 6 to 14 years and relaxes upper age limit to 18 years for children with disabilities. The concern of welfare of PwDs is also reflected in the 73rd and 74th amendments, 1992 of the Indian Constitution, with emphasis on their representation in politics.

Apart from these constitutional provisions, there are acts, policies and government schemes in place to safeguard the interests of PwDs. India being a signatory to UN Convention on the Rights of Persons with Disabilities 2007 (UNCRPD) is obliged to make its legislations compliant with the UNCRPD. The most important revision in the Disability Act of India may be observed in "Rights for Persons with Disabilities Act" 2016 [7], which repealed and replaced older "Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act", 1995. This new act aims at protecting dignity of PwDs, with prohibition of any kind of discrimination and providing full acceptance to them in order to ensure their full participation and inclusion in the society. Regarding provisions for education needs of PwDs, this act provides for reservation of seats in higher education and employment. The Act puts liability on all establishments, public or private to provide facilities, benefits and accessible environment for PwDs. Introduction of "Accessible India Campaign" as a nation-wide campaign aimed at achieving universal accessibility for PwDs and formulation of accessibility guidelines are other significant features of this Act.

"National Education Policy", 2020 [8] of India also aims at full equity and inclusion in education, with emphasis on making quality education opportunities available to all individuals and advocates for wheelchair-accessible and disabled-friendly buildings and facilities in educational buildings.

To fulfill the accessibility needs of PwDs in built environment building standards, guidelines and codes were framed in India. Some important and recent guidelines and standards in place are, Hand book on Barrier Free and Accessibility 2014 [9], National Building Code of India 2016 [10] Harmonized Guidelines and Space

Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly Persons, 2016 [11], revised as Harmonized Guidelines & Standards for Universal Accessibility in India, 2021 [12], later are notified by the Government of India and are mandatory in nature.

Other significant developments in the favor of PwDs in the country worth studying is the land mark judgment passed by hon'ble Supreme Court of India (*Disability rights group vs Union of India*) in the year 2017 [13], to the plights of persons with disabilities in higher education institutions. University grants commission (statutory body to regulate higher education in India) under the Ministry of education was instructed to review its policies on infrastructure and pedagogy in higher education institutions and to adhere to the provisions covered by RPwD Act 2016. This judgment gives directives for all institutions and public buildings to be made accessible for persons with disabilities across the nation. As a result specific developments under Ministry of Education encompassing the provisions for PwD's may be observed in the following section of the study.

3.2 Regulatory Bodies for Higher Education in India

Higher education institutions have been classified in following 3 broad categories in India [14].

University and University Level Institutions are the Institutions set up and empowered to provide degrees under an Act of Parliament or State Legislature. These may further be classified as central, state, private, deemed and institutes of national importance such as Indian Institutes of Technology (IITs), National Institutes of Technology (NITs) and All India Institutes of Medical Science (AIIMS).

Colleges/Institutions are affiliated to universities and not empowered to award degree on their own name. these may be classified in two broad categories as affiliated college and constituent college.

Stand-alone Institutions neither affiliated with universities nor empowered to provide degree and run diploma level programs.

There are statutory agencies established under Act of Parliament [15] for regulating, approving and to maintain teaching-learning environment across all categories of higher education institutes in India. These agencies ensure implementation of legislations, policies, programs and schemes of government in higher education institutes. To monitor infrastructural facilities in all higher education institutes among other requirements, these agencies have framed their regulations as per the needs of specific programs and courses. As a common practice, this process of monitoring the quality of education involves monitoring of teaching standards alongwith availability of desired academic and physical infrastructure in institutes. This process involves self declarations on prescribed formats, by the institutes, followed by visits of teams of experts duly appointed by respective statutory agencies to verify the facts as declared by these institutes. These statutory agencies work within the scope of their respective rules and guidelines. Inclusion of PwDs in education is a mandate of the Government of india, hence the responsibility to check the presence of inclusive and accessible physical infrastructure lies with these regulatory bodies.

This study identifies prominent statutory agencies for regulating higher education in India and reviews methods of their functioning within applicable rules and regulations.. Table-1 presents detailed information on the regulations, standards with guidelines including accessibility compliance checks and approval process adopted by these statutory agencies. Approval process means granting timely permissions to institutes for starting and continuing with the desired academic programs and courses by concerned statutory agency within the scope of its rules and regulations. The table highlights the specific information on physical accessibility checks for PwDs adopted by these agencies.

Table-1 Functioning of statutory bodies to regulate higher education in India.

Name of statutory agency	Details of standards /guidelines (References)	Benchmarks for compliance check	Approval process	Observations and remarks
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University Grants Commission (UGC)	UGC Guidelines for Institutional Development Plans for Higher Education Institutions.[16] Accessibility guidelines and standards for higher education institutions and Universities, 2022 [17].	Compliance with UGC norms and provision of barrier free access to all space for PwDs. Zero-tolerance approach towards any discrimination.	The institute applies for recognition in a prescribed format, and on clearing preliminary scrutiny of this application, a visiting committee of empanelled experts physically evaluates the physical infrastructure for facilities and amenities in the institute.	Guideline(s) are prescriptive in nature and not complete by themselves and are to be read together with Harmonized Guidelines & Standards for Universal Accessibility in India, 2021. Accessibility checks in approval process are limited and not holistic.
All India Council for Technical Education (AICTE)	AICTE Guidelines for inclusive education for all including persons with disabilities, 2022.[18] Guidelines and space standards for barrier free built environment for disabled and elderly persons” by CPWD [9] and National Building Code of India, 2016 [10]	To accommodate all students including students with disabilities and other elderly users. Absence of barrier free environment in the institute is liable for penal action against the institute.	Approval process is similar to UGC. The physical assessment by expert visiting team essentially has one experienced architect /civil engineer on the panel, checks the presence of accessible features in built environment of applicant institute.	There are multiple guidelines recommended by the institute. However, the guidelines need to address accessibility needs of technical education institutes, including academic, administrative spaces and facilities. The inspection process include limited aspects of accessible built environment, e.g presence of ramps/lifts or accessible washrooms, qualitative aspects are not covered .
Council of Architecture (COA)	COA (Minimum Standards of Architecture Education) Regulations, 2020. [19] COA - Graduate Degree Program) Guidelines, 2022. COA Guidelines for Diploma Course, 2022	Physical infrastructure as per the guidelines and as/ building approvals / permissions /completion letter by respective competent local authorities. Certificate from architect on sewage disposal system, barrier free environment , PwDs toilet and all-weather motorable approach roads is one of other mandatory requirements.	The institute seeking approval must apply in prescribed format and the application is reviewed by COA. Qualifying institutes are physically inspected by a team of empanelled members who are essentially architects.	Details on barrier free environment are not included in the guidelines. Accessibility issue is not addressed in the inspection process.
Bar Council of India (BCI)	Legal education rules-2019 (Draft), BCI.[20] Notification by BCI (Ministry of Law and Justice), “Accessibility for PwDs in legal profession”. [21]	Institutes to comply with accessibility standards with provision of ramps, lifts, and other access features to enhance participation of students with physical disabilities.	After applying for approval and clearing review process of application, the institute is inspected physically by a team of duly appointed experts.	There are no dedicated accessibility guidelines for law education. Application format and inspection performance must include questions regarding physical accessibility in the institute.
Indian Nursing Council (INC)	Guidelines and minimum requirements to	Infrastructural facilities in conformity with	After application and preliminary review process, team of	The available guidelines do not include accessibility requirements in the institutes.

	establish school of nursing. [22]	regulations as/guidelines.	empanelled experts evaluate physical infrastructure for facilities and amenities provided in the institute.	The approval process does not lay any emphasis on accessibility in built environment.
National Council for Teachers Training (NCTE),	Accessibility guidelines for teacher education institutions.[23] National Council for teacher education (Regulation, norms and procedure) amendment regulations, 2019. [24] National building code of India 2016 and Harmonized Guidelines & Standards for Universal Accessibility in India, (HG) 2021.	All spaces in the institute should be inclusive and have barrier free access. Spaces must have functional and appropriate furniture for PwDs. There shall be provision of toilets for PwDs.	The application and review process is same as other body's. Team of empanelled experts consisting of one architect, evaluate physical infrastructure in the institute.	The guidelines do not encompass all provisions of physical accessibility for PwDs. The guidelines must be comprehensive and complete in themselves, to avoid dependence other guidelines. The inspection form has only one question "Whether the institute is barrier free"? The accessibility checks must be reviewed.
National Medical Commission (NMC)	National Medical Commission (Minimum standard requirements) for establishment of new medical college/increase of seats in MBBS course) guidelines, 2023-reg [25]	All buildings and campuses of the medical college and hospital must comply with the norms for providing access and facilities to those who are disabled.	Institute submitting applications, and after clearing scrutiny are inspected by a team of empanelled experts essentially medical professionals, evaluate physical infrastructure in the institute.	Accessibility guidelines must be clear and include accessibility requirements in all potential spaces and facilities required in medical institutes e.g. accessibility in clinical and other academic spaces as both are part of teaching curriculum. The application format does not cover a single question on accessibility, and The inspection form has one question only on accessibility "Are the college and hospital areas accessible to persons with disabilities? Yes/ No". The coverage on accessibility needs to be reviewed.
Pharmacy Council of India (PCI)	Approval Process Handbook-2024-25 [26]. Minimum requirement for obtaining the approval of PCI for conducting the Bachelor of Pharmacy (Practice) course [27].	These institutes must comply with the requirements as/ regulations.	Institutes to submit proofs on availability of toilets for males, females and physically challenged, ramp at entrance/ lift in case of multi storied building. Team of empanelled members are required to inspect the physical infrastructure in the institute.	There are no specific accessibility guidelines for built environment of institutes. Accessibility guidelines specific to Pharmacy education must be formulated. The Inspection performa must include specific questions on accessibility in a pharmacy institute e.g. laboratories, libraries, class rooms etc.

Rehabilitation COUNCIL of India (RCI)	Manual on Assessment of Academic Institutions (Revised Guidelines for New & Extension Proposals) Academic Session 2025-26 [28]. Norms, Regulations and Standard of ISITEP, Rehabilitation Council of India [29] Other guidelines Office of Chief Commissioner for Persons with Disabilities.	The infrastructure should include ramps and lifts to ensure easy access to classrooms, toilets, and drinking water facilities for PwDs. Clear and accessible signage, tactile paths, adequate lighting, display boards, and signposts, to guide people with visual or other impairments.	After clearing initial stages of application and scrutiny, the team of empanelled experts evaluate physical infrastructure and amenities provided in the institute.	The guidelines have limited coverage on accessibility, and are recommends on HG,2021. The inspection format checks barrier free environment in classroom, toilet, drinking water facility etc. Accessibility in all other spaces needs to be included in the approval process. Multiplicity of guidelines is also observed.
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Note: Compiled from official websites, annual reports of respective organizations indicated in the tab

4. DISCUSSIONS

Table-1 presents a comprehensive study on the working and regulatory mechanism of selected statutory agencies, with compliance checks and approval process adopted by these agencies for maintaining quality in higher education in India. Some important issues that emerged after examining the working of these agencies are reported here-

- Multiplicity of accessibility guidelines adds confusion on the part of stakeholders. Most guidelines recommended by these agencies are incomplete and do not cover all aspects on built environment accessibility in higher education institutes, e.g. *Accessibility guidelines and standards for higher education institutions and universities, 2022* by UGC and *Harmonized Guidelines & Standards for Universal Accessibility in India, 2021* are supplementary to each other. There is a need of a detailed and comprehensive accessibility guidelines on higher education institutes.
- Some of these agencies recommend *Harmonized Guidelines and standards for universal accessibility in India, 2021, Guidelines and space standards for barrier free built environment for disabled and elderly persons*” by CPWD and *National Building Code of India, 2016* which are notified and mandated by Government of India. These guidelines although are comprehensive but cover general accessibility standards in common types of buildings, and do not cover educational buildings in detail, like academic areas, laboratories etc.
- The compliance checks adopted by most of these agencies seem to be very generic e.g. *presence of barrier free environment*. To comply with requirements of barrier free environment, needs specific guidelines on barrier free environment in higher education institute buildings.
- The approval process adopted by almost all agencies is standard, having three distinct stages, starting from application submission process in required format as prescribed by the concerned agency, second stage normally consists of review of application and once the application gets clearance from this stage, inspection process takes place. The application format of some agencies e.g. *Bar Council of India (BCI), Indian Nursing Council (INC)* donot include information on accessibility aspect. Similarly inspection performa of some agency do not have any question on accessibility features in the built environment of the institute. Some agencies have few questions on accessibility but the coverage is not enough.
- The empaneled experts on the inspection team appointed by different statutory agencies, are from varying backgrounds and expertise and most of these may not have expertise on assessment of physical assessibility in built environment, e.g. *National Medical Commission (NMC)*, has all the expert members from medical background, therefore, they may not be necessarily conversant with the built environment accessibility

standards for PwDs. While few agencies e.g. *All India Council for Technical Education (AICTE)*, *National Council for Teachers Training (NCTE)* essentially has one architect on their inspection panel.

The above reported issues may be addressed to improve the accessibility coverage in the approval process of these statutory agencies, for ensuring and promoting an inclusive and accessible built environment in higher education campuses.

5. Recommendations

The issue of non-availability of specific and comprehensive accessibility guidelines and standards for higher education institutes may be taken up by department of higher education under the Ministry of Education in India, which governs all statutory agencies. This apex body may formulate comprehensive and detailed accessibility guidelines and standards for higher education institutes to avoid dependence on other general guidelines. These guidelines must address contextual requirements in specific type of institute e.g. Institutes for medical education must have accessibility in academic as well as hospital spaces to address accessibility needs of not just students, staff but also for patients and their attendants, similarly technical institutes must have accessibility in academic spaces like class rooms, laboratories, workshops too.

Regulatory mechanism by statutory bodies and the process for grants of approvals to the institutes must be made accountable and transparent. To fix accountability on the part of stakeholders, a system of self assessment and appraisal on physical accessibility in infrastructural facilities may be introduced by formulating a detailed checklist developed for higher education institutes exclusively. The approval process may mandate submission of filled checklist by the institutes. These self assessments will also make stakeholders aware about the built environment accessibility needs of PwDs.

The approval process of the statutory agencies must adopt accessibility as mandatory criteria, like fire and structural safety. Periodic access audits, to assess level of accesibility in buildings and surrounding environment, [30], may also be undertaken by the institutes and its report may be linked to the approval process. Institutes seeking approvals may be asked to submit access audit reports from registered accessibility audit experts, to the statutory agencies at the time of application.

The penalties for the institutes in case of non compliance should be made stringent. On the other hand, provision of all accessibility features may be incentivized in form of certification or improved ratings to encourage stakeholders.

To make inspection process effective, training and sensitization programs for professionals like architects, interior designers, urban planners and designers on the recent accessibility standards, guidelines and audit methods may help in capacity building. These trained experts may be made part of the inspection teams appointed by statutory bodies for higher education. Disability awareness programs may also be designed for stakeholders involved in higher education including teachers and technical staff. The statutory bodies should act as facilitators and funding agencies for constituent institutes in organizing awareness programs, capacity building and training of students as well as faculties.

6. CONCLUSION

In India there have been many developments post UNCRPD, 2006 for inclusion of PwDs in mainstream society with updation and amendments of acts, policies, schemes, accessibility standards and guidelines. This study seeks to promote an inclusive and equitable quality education in India and highlights the gaps between the legislative and the implementation framework, responsible for regulating standards in higher education. The analysis of approval process adopted by statutory agencies for granting approvals to higher education institutes in the country recommends these bodies to revisit its working at three levels, i.e. formulation of comprehensive and detailed accessibility guidelines and standards for higher education institutes, aligning the approval process with accessibility guidelines for PwDs and incorporating detailed accessibility checklists in this process. These improvements may help an effective implementation of government's vision of inclusiveness and may fulfil its commitment of "Education for All".

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