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Inclusive Sustainability: The Role of CSR Towards Accessible and Equitable Environments
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**INCLUSIVE SUSTAINABILITY:
The Role of CSR Towards Accessible and Equitable Environments**

Aastha Mahesh Saboo & Ashish Sharma¹

Abstract: *Accessibility is a right, and its progress and growth are associated with Corporate Social Responsibility (CSR). CSR is an opportunity to create an impact and not a mere legal burden on companies. When it comes to disability rights, accessibility is the supreme facet. Accessibility is not a need or an expectation, or an issue of charity. Instead, it is a usual setup to which each individual is accustomed to. The methods used are qualitative and quantitative, along with applied research wherein the authors attempt to find practical solutions for existing problems. This paper aims to flash the torch of accessibility to look through and behind the doors via which big corporations can maneuver to focus on accessibility. This paper aims at deriving ways and providing solutions that would create appreciable reverberations. The paper makes an attempt in procuring conclusions about actual CSR utilization for the benefit of the disabled community by making a connection with the realm of law. Companies must take accessibility seriously and have a strong commitment towards giving it due recognition. The paper also takes ideas and instances from various CSR policies and commitments in which businesses aspired to work towards making an accessible society. The paper is a work seeking readiness, acceptability, convenience, attainability, and approachability in giving ease of access and homogenizing persons with disabilities.*

Keywords: *disability, accessibility, corporate social responsibility, universal design, initiatives*

I.

Introduction – Dimensions of CSR & Disability

The term “Corporate Social Responsibility” (*hereinafter referred to as “CSR”*) is a business approach in which organisations evaluate the ethical, social, and environmental effects of their operations and work to improve society in addition to their main objective of making a profit. CSR covers a number of actions & initiatives undertaken voluntarily by businesses to address various societal challenges. CSR is an ill-defined word that refers to the broad idea of corporate behaviour that complies with societal norms including honesty, openness, equity,

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and widely recognised social ideals.² CSR appears to be a dazzling phenomenon: It manifests itself in a variety of ways and in a wide range of shapes, differing both within and between organisations and larger cultural settings.³ The European Commission defines CSR as “the responsibility of enterprises for their impacts on society”. This covers the effects that a business's operations have on the environment, workers, the rule of law, the community, and human rights, among other things. For the long-term benefit of clients, employees, and the business itself, corporate social responsibility (CSR) entails incorporating ethical behaviour into daily operations and activities.⁴ CSR is non - exhaustive in nature and this allows companies to adapt to evolving societal needs and emerging sustainability challenges without constantly revising their policies. CSR is influenced by a wide range of stakeholders, including customers, employees, investors, communities, and regulatory bodies. Laws and regulations related to CSR and sustainability can change incessantly.

With the implementation of the Companies Act 2013, on April 1, 2014, India became the first country in the globe with legislated CSR. CSR has been made mandatory under the new regulation and there are provisions of penalties, in case of failure.

The United Nations Convention on the Rights of Persons with Disabilities, or UNCRPD, is a global human rights agreement that aims to guarantee that all people with disabilities can fully and equally enjoy all of their fundamental freedoms and human rights.⁵ It also has an objective to work in order to promote respect for their inherent dignity.⁶ It is a comprehensive agreement that combines many social, cultural, and economic initiatives to uphold the promise of equality with civil and political rights granted by anti-discrimination laws.⁷ India approved the CRPD on October 1, 2007, and is a signatory to it. A comprehensive description of people with disabilities is given in Article 1 of the CRPD. It acknowledges that the idea of disability is dynamic and that people with disabilities encounter environmental and attitude barriers that prevent them from

²Hollerer, Markus A, *Between Creed, Rhetoric Façade, and Disregard: Dissemination and Theorization of Corporate Social Responsibility in Austria*, NED-New edition, Peter Lang AG, 2012, 29–66. *JSTOR*, available at: <http://www.jstor.org/stable/j.ctv9hj7c3.7>(last visited 13 Sept, 2023).

³*Id.*

⁴ CONFEDERATION SYNDICAT EUROPEAN TRADE UNION, *Corporate Social Responsibility / CSR*, available at: Corporate Social Responsibility / CSR | ETUC(last visited 13 Sept, 2023).

⁵United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 1.

⁶*Id.*, Explanation 1 Art. 12.

⁷ Jayna Kothari, *The UN Convention on Rights of Persons with Disabilities: An Engine for Law Reform in India*, 45(18) EPW (2010)

fully engaging in society.⁸ The Rights of Persons with Disabilities Act, 2016 which was enacted in order to give effect to the UNCRPD⁹ lays the following definitions: *“A person with a disability is defined as someone who has a long-term physical, mental, intellectual, or sensory impairment that together with other obstacles prevents them from fully and effectively participating in society on an equal basis with others.”*¹⁰

*The term “person with benchmark disability” refers to an individual who has at least 40% of a specified disability that has not been quantified, as well as an individual who has a specified disability that has been quantified and certified by the certifying authority.*¹¹

The active participation of impaired individuals in the UNCRPD's draughting process was one of its noteworthy features. Using the motto “Nothing About Us Without Us,” the UNCRPD repeatedly emphasises the need for civil society and organisations representing handicapped persons to be involved in the Convention's implementation while urging state parties to fulfil their obligations.¹² Reasonable Accommodation, Accessibility, and Access to Justice are some of the core features of the Convention.¹³ It is obligatory on the state in accordance with the Article 4(1)(c) of UNCRPD *to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes.* Thus, when it comes to CSR policies, the focus shall be given on the welfare of disabled persons.¹⁴ The UN Disability Inclusion Strategy declares - *“When we secure the rights of persons with disabilities, we move our world closer to upholding the core values and principles of the United Nations Charter.”*¹⁵

Article 9 of the UNCPR specifically focuses on “Accessibility”.¹⁶ Accessibility, simply, refers to the design and provision of products, services, environments, and

⁸United Nations Convention on the Rights of Persons with Disabilities, 2006, Preamble.

⁹The Rights of Persons with Disabilities Act, 2016, Preamble.

¹⁰*Id.*, S. 2(s).

¹¹*Id.*, S. 2(r).

¹²E- Committee, Supreme Court of India, Report Of The Sub-Committee On Recommended Action For Marginalized Sections of the Society (Pg. No. 50-81) (2022) available at: <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/05/2023050173.pdf> (last visited 18 Sept, 2023).

¹³E- Committee, Supreme Court of India, Report Of The Sub-Committee On Recommended Action For Marginalized Sections of the Society (Pg. No. 50-81) (2022) available at: <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/05/2023050173.pdf> (last visited 18 Sept, 2023).

¹⁴E- Committee, Supreme Court of India, Report Of The Sub-Committee On Recommended Action For Marginalized Sections of the Society (Pg. No. 50-81) (2022) available at: <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/05/2023050173.pdf> (last visited 18 Sept, 2023).

¹⁵ United Nations Disability Inclusion Strategy, available at: <https://www.un.org/en/content/disabilitystrategy/> (last visited 22Sept 2023).

¹⁶ United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 9.

information that are accessible and usable by all, including individuals with disabilities. Enabling people with impairments to live freely and actively engage in all facets of life is the goal. To guarantee access, appropriate steps must be done, treating everyone equally. All public facilities and services, whether in urban or rural locations, must be made accessible, including the physical environment, transportation, information and communications, electronic services, and emergency services. Identifying and removing barriers to accessibility in buildings, roads, transit, schools, housing, medical facilities, workplaces, and all other indoor and outdoor amenities is part of these initiatives.¹⁷ Disabled persons shall not be seen as “objects of charity” but as a recognition that they are rights bearing citizens of the society.

Hon’ble Supreme Court of India in *Jeeja Ghosh v. Union of India*¹⁸, upheld the right to live with dignity of the PWDs. All the PWDs have a fundamental right to live their lives with dignity, respect and this right should not be violated by any institution or an individual. United States Supreme Court in case of *PGA Tour, Inc. v. Casey Martin*¹⁹ decided that, provided there was no “fundamental alteration” to the competition’s nature, a golfer with a degenerative circulation disease in one leg had the right to have the walking-required regulations of the game relaxed.

II.

The Statistics Substantiate

Significant disability affects an estimated 1.3 billion individuals. One in six of us, or 16% of the world’s population, are represented by this.²⁰ Blindness and vision impairment afflict 253 million people. 3.2% of the world's population is represented by this. Deafness and hearing loss affect 66 million individuals worldwide, or 6% of the total population. Two percent of the world's population, or 200 million people, have an intellectual impairment (IQ below 75). Every day, 75 million individuals, or 1% of the global population, use a wheelchair.²¹

According to Census 2011, there are 2.68 crore persons with disabilities in India who constitute 2.21 percent of the total population. Out of the total population of persons with disabilities, approximately 1.50 crore are men and 1.18 crore are

¹⁷United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 9(1).

¹⁸ (2016) 7 SCC 761.

¹⁹149 L Ed 2d 904.

²⁰ World Health Organization, Disability – Key Facts, available at: [https://www.who.int/news-room/fact-sheets/detail/disability-and-health#:~:text=Key%20facts,earlier%20than%20those%20without%20disabilities\(last visited 22 Sept, 2023\).](https://www.who.int/news-room/fact-sheets/detail/disability-and-health#:~:text=Key%20facts,earlier%20than%20those%20without%20disabilities(last visited 22 Sept, 2023).)

²¹Disabled People in the World: Facts and Figures, available at:<https://www.inclusivecitymaker.com/disabled-people-in-the-world-in-2021-facts-and-figures/> (last visited 22 Sept, 2023).

women. These are recognised as differently abled under 8 heads including - persons with visual, hearing, speech and loco-motor disabilities, mental illness, mental retardation (intellectual disabilities), multiple disabilities and other disabilities.²²

When it comes to CSR Contributions & expenditures, as per the government's official website, the funding for Accessibility projects is quite a low. Taking instance of CSR Expenditure from the Development Sector - Wise on: Education, Differently Aabled, livelihood, Education, amounts to 8559.05 Cr. The distribution of this CSR amount towards "special education" as per this data is INR 209.24 Cr. This results into merely around 2.4% of the total corpus.

Division of Development sectors		
S.No	Sub-sectors	Amount Spent(INR Cr.)
1	Education	6693.25
2	Livelihood Enhancement Projects	938.91
3	Special Education	209.24
4	Vocational Skills	717.65
Grand Total(INR Cr.)		8,559.05

III.

Ascending need for CSR – Why?

In the view of Professor Stephen W Hawking, "disability need not be an obstacle to success, but there must be moral duty to remove the barriers to participation, to invest sufficient funding and expertise to unlock the vast potential of people with disabilities."

Inclusion of people with disabilities in humanitarian and peace activities is still a developing field. Although working in challenging and high-risk environments presents special implementation challenges that call for more focused and, in certain situations, customised support, there is a significant chance that it will benefit people with disabilities, who are among those who need help and support the most in these situations.²³ There are evidences that shows that the disabled

²²Annual Report of the Department of Empowerment of Persons with Disabilities for the year 2022-23, available at: <https://disabilityaffairs.gov.in/content/upload/uploadfiles/files/Annual%20report%2022-23%20Printed%20Final.pdf> (last visited 22 Sept, 2023).

²³ The report for the 2021 program year (A/77/344): Secretary-General's report on the implementation of the UN Disability Inclusion Strategy, available at: -

people are less likely to be involved in the labour market. This is a global issue and the persons with disabilities are continuously being neglected by the market across the world. They are less paid in jobs. Economic inequality is one of the major results of this societal behavior. To quote instances of discrimination with persons with disabilities, infrastructure plays the most cruel role. Old buildings and infrastructure are not designed with accessibility in mind. This makes it challenging for disabled individuals to access public spaces, businesses, and government buildings. Access to healthcare services and facilities is yet another major cause of discrimination that is limited for people with disabilities. Medical equipment, information, and services are not adequately tailored to their needs at most of the places. Coming to the disaster response plans which often overlook the needs of disabled individuals, thereby leaving them more vulnerable in emergency situations. The worst situation arises when it comes to the use of social media, technologies, etc. Inaccessible websites, documents, and communication tools create barriers to accessing information and participating in online activities. Human rights are at stake when it comes to accessibility and a barrier-free environment. Article 7 of the ICESCR, which requires “providing and modifying devices, services, or facilities, or changing practices or procedures in order to afford participation on equal terms,” is where the idea of a barrier-free environment first emerged. Examples of this include the installation of wheelchair ramps, lifts for individuals with mobility impairments, the introduction of part-time work schedules for employees with severe conditions, the provision of readers for those with visual impair.²⁴

CSR has the power to enhance human rights in various ways by encouraging businesses to take responsibility for their impact on society and actively promote and protect human rights. Companies engaged in CSR often support local communities through philanthropic activities, job creation, and infrastructure development. This can improve the economic and social conditions of the communities and indirectly enhance human rights. Funding through CSR initiatives can play a vital role in supporting accessibility efforts. CSR funds can be directed towards various accessibility - related projects and initiatives to create a more inclusive and equitable society. Section 5 of the Indian law of disability rights²⁵ speaks of - Community life. It lays that the persons with disabilities shall have the right to live in the community. Efforts should be made so that the persons with disabilities are not obliged to live in any particular living arrangement.²⁶ It aims at efforts to be made towards giving access to a range of in-house, residential and other community support services, including personal assistance necessary to

https://www.un.org/sites/un2.un.org/files/undis_sg_report_2021_english.pdf (last visited 22 Sept, 2023).

²⁴International Covenant on Economic, Social and Cultural Rights, 1966, Art. 7.

²⁵The Rights of Persons with Disabilities Act, 2016, S. 5.

²⁶*Id.*, S. 5(2)(a).

support living with due regard to age and gender.²⁷ This can be effectively done by way of CSR activities.

Understanding the importance of funds for accessibility, the Hon'ble Supreme Court in case of *Indian Banks' Assn. v. Devkala Consultancy Service*²⁸, while deciding that the concerned banks were indeed at fault for excessively charging Rs 723.79 crores annually from borrowers by way of resorting to rounding up of the rate of interest, directed the amount to be transferred to a trust under the chairmanship of the Comptroller and Auditor General of India so that the moneys could be utilized for various programmes for the welfare of PWDs.

Coming to the legal obligation of CSR laid down by the Companies Act, 2013. Section 135 lays down the compulsory obligation on the businesses to contribute relevant CSR. Schedule VII of the legislation lays down areas where CSR activities can be carried. This schedule gives due consideration to working towards matters related and incidental disabilities. The following is a list of relevant entries under this schedule:

1. **Entry i.** promoting healthcare
2. **Entry ii.** supporting livelihood improvement projects, education, including special education, and occupational skills that improve employment, particularly for those with disabilities, as well as clothing;
3. **Entry vii.** training to promote Paralympic sports
4. **Entry ix. (a)** Contributions to scientific, technological, engineering, and medical research and development initiatives,
5. **Entry ix. (b)** Contributions to publicly funded organizations that carry out scientific, technological, engineering, and medical research with the goal of advancing the Sustainable Development Goals (SDGs).

Accessibility via CSR - Universal Design Requirements

Universal design is a way of doing things so that the vast majority of people can have access to them.²⁹ When big corporate houses invest their CSR in infrastructural development, they must consider accessibility in order to provide the ultimate benefit to everyone in society. During any infrastructural investment, universal design principles must be followed.

The goal of universal design is to create places and products that are as useable as feasible for everyone, without requiring special design or adaption. As stated in UNCRPD Article 2³⁰, lays that "Universal design" refers to the process of creating settings, programs, services, and products that are as useful as feasible by everyone without the requirement for specialisation or adaption. When necessary,

²⁷*Id.*, S. 5(2)(b).

²⁸ (1999) 1 SCC 467.

²⁹ Inclusion of persons with disabilities in Latin America and the Caribbean, available at: <https://thedocs.worldbank.org/en/doc/29c1baaa285d50c71ea1efeb259248ff-0370062021/original/Disability-Inclusion-in-Latin-America-and-the-Caribbean-Easy-Read-Version.pdf> (last visited 22 Sept, 2023).

³⁰ United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 2.

assistive technology for specific groups of people with impairments cannot be excluded by “universal design.” All people with disabilities must have their fundamental freedoms and human rights fully realized by state parties, free from any kind of disability-based discrimination. It is necessary to conduct and encourage research and development of universally designed products, services, facilities, and equipment. It is significant to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines.

OKI Group or Oki Electric Industry Co., Ltd., is a Japanese information and communications technology company which operates in nearly 120 countries of the world. In order for all consumers to use products and services correctly, efficiently, and satisfactorily, universal design, according to the OKI Group, aims to achieve a high degree of usability (basic user-friendliness) and accessibility (considerations for elderly people and persons with disabilities). Four ideas form the foundation of the OKI Group’s efforts to improve accessibility and usability:

1. Products need to have user-friendly interfaces.
2. Users must experience as little physical and mental stress as possible.
3. Operating procedure options must be available.
4. Products need to be packaged in a welcoming and eye-catching manner.

OKI gathers user feedback and performs verification tests to support universal design, which aids in the development of goods and services. One popular ATM in Japan, “ATM-BankIT Pro,” for instance, has a handset that allows the blind and visually challenged to use the machine with auditory assistance. Additionally, it includes an inclined screen for convenient viewing, an ergonomic body design that enables wheelchair users to approach the ATM, and a “easy-operation mode” for senior citizens.³¹

In Norway, the efforts of 17 pilot municipalities are represented to have incorporated universal design as a broad-based strategy underlying their municipal activities. This has paved the way for the wider incorporation of universal design principles in Norway.³²

Yet, another limb of universal design is the accessibility for persons with disabilities during emergency situations. It is pertinent to note and ensure that emergency alerts and information are available in multiple formats, including visual, auditory, and tactile formats. Use of plain language and easy-to-understand graphics is important to convey critical information. Information must

³¹OKI Group CSR Report 2015 Page No., 16. available at: https://www.oki.com/en/sustainability/report/2015/pdf/OKI_CSR2015e.pdf (last visited 25 Oct, 2023).

³² Report Universal design as a municipal strategy Experience and results from the pilot municipality project 2005-2008, available at: <https://www.regjeringen.no/contentassets/76dc9f0cce8a487d8e86c0bda613545f/t-1472e.pdf> (last visited 25 Oct, 2023).

be provided in multiple languages to accommodate diverse communities. Evacuation plans must be created in a way that accounts for individuals with mobility impairments, hearing impairments, and visual impairments. Evacuation routes must be wide, well-lit, and obstacle-free to accommodate wheelchairs, walkers, and service animals. Evacuation chairs or devices for individuals who cannot use stairs independently must be implemented.

Such efforts can be made by corporations in order to achieve accessibility. When infrastructural investments are done, universal design principles must be made applicable to any structure however small or big it may be. It is by preventing and abolishing obstacles that places would become inclusive and dignified and in a way that is sensitive to the individual needs of persons with disabilities.

Accessibility via CSR – Social Media, Entertainment, and Others

The entertainment industry often has its engagement in non - profit projects in order to support activities regarding the various societal issues and considering the diversity of society. Various social projects are taken often by the industry. Including accessibility considerations in CSR activities is not only a responsible and ethical approach but also aligns with the principles of inclusivity and social impact. Making films, theatres, and associated content accessible to those with disabilities—such as those who are deaf or hard of hearing, blind or visually impaired, or have mobility impairments—is referred to as accessibility in the context of film.

Ensuring that the films are accessible means that a wider audience can enjoy and benefit from them, including individuals with disabilities. This aligns with the principle of inclusivity, which is a key aspect of CSR. Demonstrating a commitment to accessibility in films can enhance a company's reputation as a socially responsible and inclusive organization. This can lead to positive public relations and customer loyalty. CSR activities related to film accessibility can take various forms, such as providing accessible screenings in theaters, captioning and audio description services for films, supporting the development of accessible technologies, or funding accessibility-focused film festivals. The specific initiatives will depend on the company's industry, resources, and expertise.

The United Nations' SDGs include goals related to reducing inequalities and promoting inclusivity. By focusing on film accessibility, companies can contribute to these global goals.

Accessibility is a legal right that must be upheld. To provide for improved accessibility for the hearing and visually handicapped, even private parties must make sure that "reasonable accommodation" measures are implemented.³³ In the most recent decision of the Indian Supreme Court *Akshat Baldwa v. Yash Raj Films*³⁴ held that –

³³ *Vikash Kumar v. UPSC*, (2021) 5 SCC 370.

³⁴ 2023 SCC OnLine Del 2027.

'In the context of films, the measures that film producers can take to make them accessible to the hearing and visually impaired persons, are as under:

1. Audio description - which implies the verbal depiction of key visual elements in media and live productions. This involves description of the visuals on screen to enable imagination by the hearing impaired;
2. Subtitling - which provides a text alternative for the dialogue of video footage - the spoken words of characters, narrators and other vocal participants, in the original language itself, as also, in the dubbed language in case of dubbed movies; and
3. Closed Captions - which not only supplement dialogue but other relevant parts of the soundtrack - describing background noises, phones ringing, and other audio cues that need describing,

These features would be integral to the enjoyment of films for persons with disabilities'.

The overall solution that must be found for the application of the legislative rules and other directives to make films accessible to the blind and deaf is the topic that is now up for debate.³⁵ It must be ensured that theaters, concert halls, and event venues are wheelchair accessible and equipped with amenities like accessible seating, ramps, and restrooms. Additionally, assistive listening devices must be offered for patrons with hearing impairments. Similarly it must be ensured that official websites, streaming platforms, and mobile apps are designed to be accessible. This includes providing keyboard navigation, alt text for images, and compatibility with screen readers and voice recognition software. Gaming Accessibility is again an important issue wherein the game developers should prioritize accessibility features in video games. This includes options for customizable controls, colorblind modes, and subtitles. Accessibility considerations should be integrated into the game's design and development process. Live performances, including concerts, theater productions, and sports events, should offer accessibility features such as sign language interpreters, captioning, and audio description for individuals with various disabilities.

ICT Accessibility Knowledge & Resource Centre (KAI) MeitY-funded project to create procurement standards for software and hardware that are accessible. The websites and portals chosen are as follows:

- a. Portals: eSanjeevani OPD, JEE, Swayam, GeM, and IRCTC
- b. BHIM app for mobile devices
- c. Tally Prime software on a desktop and
- d. A closed system, such as a talking ATM.³⁶

It is important to understand that the entertainment industry needs to be made accessible for everyone so that all can enjoy and engage themselves in various

³⁵*Id.*

³⁶ Ministry OF Electronics & Information Technology available at: <https://www.meity.gov.in/accessibility> (last visited Oct. 25, 2023).

kinds of entertainment activities like movies, television shows, video games, social media, websites, live performances, etc.

Meta has launched a dedicated shelf on the Quest App store featuring collections of Accessible games that follow Meta Quest's accessibility guidelines, called Virtual Reality Checks (VRCs).³⁷

Instagram is committed to creating a great experience for all people. People with visual impairments can get a visual explanation of photographs thanks to automatic alt text, which employs object recognition technology. You may use this text to describe a picture more thoroughly. The only way to read this description is to use Instagram using a screen reader. This is a feature but does not actually cater to the needs and requirements of all individuals. More investments as a part of Social responsibility can be done in order to make such social media platforms accessible for persons with disabilities.³⁸

Accessibility via CSR – Academic Instruction & Institution

Problems faced by persons with disabilities while receiving education are at every step. Physical barriers including inaccessible schools, classrooms, lack of assistive technology like - creen readers, speech - to - text software, hearing aids, material in braille format, large print, inadequacy and lack of teaching methods specially trained to accommodate the individuals, discriminating and unwelcoming environment, inadequate Individualized Education Plans (IEPs), etc. all contribute to their problems. This not only makes education inaccessible, but often creates a mental impact rendering these individuals into isolation, giving them a feeling of being secluded. They often face discrimination and bullying by peers turning this into a hostile learning environment full of anxiety for them. This lowers their confidence, self-esteem and overall academic performance as well. The Hon'ble Supreme Court of India had to intervene and decide in the case of *Vikas Kumar v. UPSC*³⁹, when it explained the reasonable limitation concept, stating that it is discriminatory to deny a person with a 40% baseline impairment a scribe because it violates the principle of reasonable accommodation.

Schedule VII of the Companies Act that relates to CSR provisions, lays for promoting education, including special education and employment enhancing vocational skills especially among children, women, elderly, and the differently abled and livelihood enhancement projects⁴⁰ Engaging in CSR initiatives focused on the education of individuals with disabilities not only contributes to a more inclusive and equitable society but also aligns with legal requirements in many

³⁷ FACEBOOK available at:<https://www.facebook.com/accessibility/> (last visited Oct. 24, 2023).

³⁸ INSTAGRAM Help Centre available at: <https://help.instagram.com/308605337351503>(last visited Oct. 24, 2023).

³⁹ 2021 S.C.C.OnLine S.C. 84.

⁴⁰ The Companies Act, 2013, Schedule VII.

countries. Engaging in CSR initiatives that relate to educating the individuals with disabilities is a commendable and socially responsible approach. Education is a fundamental right, and ensuring that it is accessible to all, including those with disabilities, aligns with the principles of inclusivity and equality.

There could be various ways through which the CSR corpus could be used to fund education and make a change;

1. Scholarships, grants, or financial assistance programs can be conducted as CSR initiatives. These can be specifically designed for students with disabilities to help cover the costs of education, including tuition fees, assistive technologies, and specialized support services.
2. Accessible Learning Materials could be provided by way of funding for the development and distribution of accessible textbooks and learning materials in formats suitable for individuals with various disabilities, such as braille, large print, audio, or digital formats.
3. Corporates can collaborate with educational institutions to improve the physical accessibility of schools, colleges, and universities in order to make it completely accessible for persons with disabilities. This could include - constructing ramps, elevators, and accessible restrooms or making existing facilities more disability-friendly.
4. Corporates can infuse their CSR money to support initiatives that train teachers and educators in inclusive teaching methods and strategies to effectively teach students with disabilities. This may include workshops, seminars, or online training programs. Assistive
5. Technology Grants is another option to provide in the form of grants or donations to schools and organizations that focus on supplying assistive technologies to students with disabilities. These technologies can include screen readers, voice recognition software, and communication devices.
6. Investments can also be made into research projects and innovations focused on improving educational access and outcomes for people with disabilities.

By relying on the UNCRPD, the Supreme Court had stated, *'The Convention also provides for taking appropriate measures to provide forms of live assistance and intermediaries including guides, readers and professional Sign Language Interpreters to facilitate accessibility to buildings and other facilities open to the public. Needless to state that all the said rights are a composite part of life enshrined in Article 21 of the Constitution of India.'*⁴¹ Thus, among other things, the government was instructed to conduct a survey to determine the demand for and availability of sign language interpreters. to designate nodal officers in order to gather data from relevant agencies and provide reports. The development of new positions, courses, and curriculum for

⁴¹ *The National Association of the Deaf v. Union of India*, W.P.(C) No. 6250/2010 at Para 7.

interpreting training.⁴² In a different case, it was decided that the State Government or Local Authority would try to provide suitable and secure transportation for children with impairments that hinder their ability to attend school and finish their primary education.⁴³

In order to effectively participate in society and achieve social and economic inclusion, education is essential. To guarantee universal and nondiscriminatory access to education, inclusive education is essential.⁴⁴

Accessibility via CSR - Skill Development

CSR contributions should be infused towards the venturing skill development of the persons with disabilities. Corporate houses must include in their CSR lineup to collaborate with various bodies for giving a boost to the skill drive by way of training and other means. Acquiring skills, be it for everyday purposes, technological know - how, communication, or in order to obtain employment, can significantly add to a person's independence. It will empower the people to do various tasks and take their own decisions independently, which would indeed reduce their need to seek assistance. It will reduce dependency on other as skill sets regarding communication, mobility,

Skill development programs will not only boost their resilience and self confidence but also add on to their lives by way of adding qualifications and training that would be necessary to excel in their careers. This will give them independence over their decisions, choices, finances and will increase their participation by providing them liberty. Training and skill development improves a person's overall quality of life. Skills enable a person to interact more and increase his social inclusion. A variety of options lay before the CSR contributors in order to work towards by infusing finances towards skill development of persons with disability in order to reduce barriers and allow enjoyment of life. The skill development programs may include:

1. Communication Skills - Speech and language skills, American Sign Language (ASL) or other sign languages, Augmentative and alternative communication (AAC) methods, etc.
2. Computer and Technology Skills - Computer literacy and basic software proficiency, assistive technology use, including screen readers, voice recognition software, and specialized input devices, programming or web development skills.
3. Mobility and Transportation Skills - Mobility training for using wheelchairs, mobility aids, or prosthetics, orientation and mobility skills for navigation, using accessible transportation options.

⁴²*Id.*

⁴³*State of Bihar and Ors. v. The Bihar Secondary Teachers Struggle Committee, Munger and Ors.*, M.A.N.U./S.C./0748/2019.

⁴⁴*Avni Prakash v. National Testing Agency* M.A.N.U./S.C./1121/2021.

4. Daily Living Skills - Personal care and hygiene skills, cooking and meal preparation, home organization and housekeeping, time management and organization, etc.
5. Education and Learning Skills - Study skills and effective learning strategies, accessible reading and writing techniques.
6. Artistic and Creative Skills - Visual arts, including painting, drawing, and sculpture, performing arts, such as music, dance, or theater, creative writing, etc.
7. Physical Fitness and Sports Skills - Adaptive sports participation, physical therapy and rehabilitation exercises, yoga, meditation, or other relaxation techniques.
8. Social and Interpersonal Skills - Building and maintaining relationships, effective communication in social settings, conflict resolution and assertiveness skills.
9. Safety and Emergency Preparedness - First aid and CPR certification, emergency evacuation planning and response.

Accessibility via CSR – Set Forth Job Offers

Employment like any other man is a critical and very vital issue for a person with disability. Employment opportunities need to be created in the system in order to engage these individuals. CSR initiatives must be utilized and efforts must be taken for providing support.

Part IV of the Indian Constitution, which addresses Directive Principles of State Policy, has Article 41⁴⁵, which states that the State must effectively provide for the protection of the right to employment, among other things, in circumstances of disability. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is a piece of social legislation designed to help people with disabilities. Among other things, the Act's overall goal is to protect people with disabilities' rights and end their increasing poverty and social marginalisation.⁴⁶ Way of job opportunities through CSR can include:

1. Disability Hiring Programs can be conducted to establish dedicated and active - recruitment, hiring, and retaining individuals with disabilities. It is important to set clear targets for disability inclusion in the workforce and measure progress over time.
2. Accessible Recruitment Processes must be ensured that by the company, including online applications and interviews, are accessible to candidates with disabilities. They must offer accommodations during the recruitment process, such as sign language interpreters or accessible interview locations.

⁴⁵Constitution of India, 1950, Art. 41.

⁴⁶*Edward Swalin D'Cunha v. Commissioner for Persons with Disabilities and Shipping Corporation of India*, M.A.N.U./M.H./0230/2010.

3. Developing internship or apprenticeship programs designed to provide disabled individuals with on-the-job training and work experience is another way. These programs can serve as pipelines for future full-time employment.
4. Reasonable Accommodations is of utmost importance wherein there is implementation and publicizing of policies for providing reasonable accommodations to employees with disabilities. Also, companies must educate managers and HR staff about the process for requesting and implementing accommodations.
5. Training and Sensitization programs such as - conducting disability awareness and sensitivity training for all employees to foster an inclusive workplace culture, ensuring that employees understand the value of diverse perspectives and the importance of accommodating colleagues with disabilities are equally important.
6. Mentorship and Career Development programs which are specifically tailored to disabled employees, helps them advance in their careers.
7. Investments can be made in a physical workplace accessible by ensuring ramps, elevators, and accessible restrooms are available. It must be ensured that workstations and common areas are designed with accessibility in mind.
8. Accessible Digital Resources including company websites, intranets, and software, are helpful for easy accessibility to employees with disabilities.
9. Yet another consideration can be offering accessible transportation options for employees with disabilities, such as shuttle services or subsidies for accessible commuting.

Accessibility via CSR – Healthcare & Medical Management

Healthcare is one of the most crucial issues for disabled persons that cannot be overstated, as it directly impacts their overall well-being, quality of life, and social inclusion. It is a fundamental human right, and ensuring access to quality healthcare services for all, regardless of disability, is a moral and societal imperative. Right to health is a part of Article 21 of the Constitution.⁴⁷

The right to health is recognised not only by the constitution but also by international treaties, covenants, and agreements that India has ratified, such as the Universal Declaration of Human Rights, 1948 (“UDHR”) and the International Covenant on Economic, Social, and Cultural Rights, 1966 (“ICESCR”). The right to health is recognized under Article 25 of the UDHR: *Everybody has the right to a living standard that includes enough food, clothes, shelter, medical attention, and essential social services for their own and their families’ health and well-being.*⁴⁸

⁴⁷ *Common Cause v. Union of India* A.I.R. 2018, S.C. 1665 (India).

⁴⁸ *Navtej Singh Johar v. Union of India (UOI)*, M.A.N.U./S.C./0947/2018.

The case of *Suchita Srivastava v. Chandigarh Administration*⁴⁹ demonstrated the UNCRPD's binding applicability, which was a case with respect to the right of a mentally retarded woman to give consent for termination of her pregnancy, the Supreme Court observed that India has ratified the Convention and thus, the contents of the same are binding on our legal system. The Supreme Court ruled that the Medical Termination of Pregnancy Act requires a woman's agreement and that an abortion cannot be performed on her without it.⁵⁰ This right was read as part of the right to life and liberty under Article 21. In *Devika Biswas v. Union of India*⁵¹, The Supreme Court laid that a person's right to health and reproductive rights are included in Article 21 after taking into consideration a number of issues pertaining to the full spectrum of behavior and administration, under the authority of State Governments, of sterilization procedures, whether in camps or in accredited centers. In doing so, this Court affirmatively cited the ruling in *Bandhua Mukti Morcha*, which emphasized the State's duty to protect the basic rights of the weakest segments of society.⁵²

CSR can play a significant role in addressing the special healthcare needs of disabled persons.

1. Accessible Healthcare Facilities can be provided through the CSR of corporations. Investments can be done in making healthcare facilities more accessible by retrofitting buildings with ramps, elevators, wider doorways, in hospitals and healthcare centres and accessible restrooms. This ensures that disabled individuals can visit healthcare centers with ease. Many disabled individuals face transportation challenges when accessing healthcare. Companies can support initiatives that offer accessible transportation options to and from healthcare facilities. Accessible ambulances would help them to avail the services to their utmost effect.
2. CSR programs can provide funding for the development and distribution of specialized medical equipment and assistive technologies that cater to the unique needs of disabled individuals. This may include devices like wheelchairs, hearing aids, or communication tools.
3. CSR initiatives can offer training programs for healthcare professionals to improve their knowledge and sensitivity towards the healthcare needs of disabled patients. This includes training in effective communication, understanding different disabilities, and providing appropriate care. Special needs need to be catered and medical professionals need to be accordingly trained. Certain disabilities require specialized healthcare services. Companies can provide funding or resources to hospitals and

⁴⁹*Suchita Srivastav .v. Chandigarh Administration*, M.A.N.U./S.C./1580/2009.

⁵⁰*Id.*

⁵¹*Devika Biswas v. Union of India* M.A.N.U./S.C./0999/2016.

⁵²*Kaushal Kishor v. State of Uttar Pradesh* M.A.N.U./S.C./0004/2023.

clinics that offer specialized services for disabled patients, such as rehabilitation centers or mental health programs. CSR initiatives can support the development and implementation of telemedicine programs tailored to disabled individuals. This allows them to access healthcare services remotely, reducing the barriers associated with physical accessibility.

4. Companies may sponsor awareness campaigns and educational programs aimed at reducing stigma and discrimination against disabled individuals. This can help empower individuals with disabilities to seek healthcare when needed. Companies can invest in creating healthcare materials, brochures, and websites that are accessible to individuals with various disabilities, including those with visual or hearing impairments. Companies can use their influence to advocate for policies and regulations that promote the rights and healthcare access of disabled individuals. This can include lobbying for improved healthcare funding, disability-friendly policies, and anti-discrimination laws.

IV.

Conclusion

CSR plays a crucial role in creating an accessible environment for people with disabilities. By integrating accessibility initiatives into their CSR strategies, businesses can contribute to a more inclusive society which would in turn also benefit them leading to positive corporate image and potential cost savings. Accessibility has several facets taking it from web accessibility, infrastructural accessibility, accessibility in education, transportation accessibility, etc. wherein money can be infused to create an impact. Various corporations are already engaged in the activity, but it's time to promote and foster the strategies at a higher efficiency rate in order to achieve the objective. Accessibility needs to be taken beyond charity and welfare, instead it must be treated as a way of making society more advantageous and worthwhile for everyone to live in. Accessibility will not only benefit the persons with disabilities but it will also lead to equal access to facilities, services, and opportunities. This promotes a more inclusive society where everyone can participate fully in various aspects of life, such as education, employment, and social activities. When the market has products and services available, it will improve the intersection of demands and supply, as demand would increase due to availability of products and services. Thus, profits of these corporates would in turn, increase in the long run as the businesses that prioritize accessibility can tap into a larger and more diverse customer base. This can lead to increased sales and revenue. By making products and services accessible,

businesses can cater to the needs and preferences of people with disabilities. This represents a significant consumer segment that may have been underserved in the past. When businesses prioritize accessibility, they demonstrate a commitment to inclusivity and diversity. This can lead to increased customer loyalty and support from individuals and organizations that value these principles. It is momentous to note that CSR contributions play a vital role in impacting any prevailing causes in a society and accessibility is one of them.