

15 July 2022

To:
Secretary,
Department of Empowerment of Persons with Disabilities
Ministry of Social Justice and Empowerment
Government of India
Shastri Bhawan,
New Delhi - 110 001

Subject: Submission to the Department of Empowerment of Persons with Disabilities (DEPwD) on the Draft National Policy for Persons with Disabilities.

Dear Ma'ams and Sirs,

We make this submission to the DEPwD on behalf of the Sports Law & Policy Centre, India in response to your invitation for comments on the Draft National Policy for Persons with Disabilities (Divyangjan), 2021 (**Draft Policy**). It is commendable that the DEPwD has asked for feedback and comments on the proposed policy framework for persons with disabilities (**PwD**) from stakeholders in this regard and we appreciate the opportunity to participate in the consultation process by means of this submission.

Our submission contained herein relates specifically to Chapter 8 (Sports, Culture, and Recreation) of the Draft Policy. In particular, we suggest a rights-based full-Stack approach for the empowerment of PwDs *through and in* Sports. A broad summary of our suggestions and recommendations are contained in **Section 3** (Problem Statement and Implementable Suggestions) and **Annexure A** to this submission.

It is well established that PwDs generally experience poorer health outcomes, partly because of lack of physical activity.¹ A recent report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) recommends that States should integrate physical activity into health objectives and take a multidisciplinary and multisectoral approach to achieve those objectives through recreation and leisure, education and sports.²

Sports can contribute to the development of skills for other areas of life, such as teamwork, cooperation, communication and leadership³ and be used for therapeutic purposes. Sport can enhance well-being of PwDs by transforming how society views PwDs and simultaneously positively influencing how PwDs perceive and feel about themselves. Sport achieves this by reducing the stigma and discrimination associated with disability, enhancing socialisation, promoting independence, fostering inclusion and empowering PwDs.⁴ Sport can also have a positive impact on the enjoyment of other fundamental rights such as the right to equal access,

¹ The World Health Organization (WHO) defines physical activity as any bodily movement produced by skeletal muscles that requires energy expenditure. Such activity includes that undertaken while working, playing, carrying out household chores, travelling and engaging in recreational pursuits.

² United Nations, Office of the High Commissioner for Human Rights, [Report on physical activity and sports under article 30 of the Convention on the Rights of Persons with Disabilities](#), A/HRC/46/49, para 74 (25 January 2021).

³ Article 2.3, International Charter of Physical Education, Physical Activity and Sport 2015.

⁴ [Harnessing the Power of Sport for Development and Peace: Recommendations to Governments](#), Sport for Development and Peace International Working Group, Right to Play (2008).

right to health, education, employment, free expression, etc.⁵ Thus, sport is an instrument of empowerment as well as an end in itself.

1. About the Sports Law & Policy Centre

The Sports Law & Policy Centre (the **Centre**) is an independent policy and research centre focused on interdisciplinary research, scholarship, education and institutional support for public and private enterprises in areas relating to the legal, policy and ethical issues affecting amateur and professional sports in India. The Centre's activities span a wide spectrum ranging from conducting workshops and training sessions on legal and policy issues in sport to carrying out research and drafting engagements for a wide network of actors including the central government and various state governments. The Centre is housed at the Sports and Society Accelerator (www.sports-society.org) (the **Accelerator**), which is an independent not-for-profit with the mission of making sport work for an inclusive, empowered and equitable society.

2. The Draft Policy and our Recommendations

The Draft Policy envisages among other things: establishment of dedicated disability sports centres; accessibility of mainstream sports facilities to PwDs; encouraging para games at various levels, acknowledging and rewarding winners in Paralympics, Deaf Olympics, Special Olympics & National and State level championships; facilitating procurement of para sports equipment; and involving the community in framing schemes for promoting sports participation amongst PwDs.

While acknowledging the importance of these policies and the need for support and enablement in each of these matters, we propose here a whole-of-system and rights-based approach that is suitable for implementation at population-scale. Thus, our comments on the Draft Policy and our suggestions are based on an integrated full-Stack approach (explained in greater detail in Sections 4, 5, and 6 later) to facilitate access to sports and secure benefits of sports for every member of the PwD community. Based on this comprehensive approach, we have suggested broader policy formulations to those contained in paragraph 8.9 of the Draft Policy in so far as it deals with sport. These are provided in **Annexure A** to this submission and may be considered for inclusion in paragraph 8.9 (or equivalent) of the final Policy.

3. Problem Statement and Implementable Suggestions

Based on the broad policy formulations in **Annexure A**, we now use Our Sports Stack framework (explained in Section 4) to present the problem statements and illustrative implementable solutions across the 7 layers of Our Sports Stack. For every layer of the Stack, we have suggested interventions based on a 'do-fund-regulate' model of governance. We set out what public and private sectors can 'do', what they can 'fund' and how the government can 'regulate' to make sure that policy formulations can be brought to life.

Stack layer	Do	Fund	Regulate
<i>Impact & Legacy</i>	<i>Narratives:</i> Issue: Prevalence of ableist perceptions about participation of PwDs in sport.	<i>Research & Data:</i> Issue: Incomplete knowledge about the connections between disability, movement and health.	<i>Consumption & Accessibility:</i> Issue: Lack of access to sports content and visibility of para sports.

⁵ Nandan Kamath, Desh Gaurav Sekhri & Shubham Jain, [From Stasis to Movement Actualising a Fundamental Right to Physical Literacy in India](#), Sports & Society Accelerator, chapter 4 (4 February 2022).



	Intervention: Use awareness and orientation campaigns, and multi-lingual storytelling to guide new narratives and refresh ideas.	Intervention: Fund research to identify gaps and guide policy so as to align physical activity objectives with health and education.	Intervention: Mandate accessible sport mobile & desktop applications (including through subtitles and audio descriptions) and ensure wide broadcasting and visibility of para sports.
<u>Access & Participation</u>	<p><u>Rights Framework:</u> Issue: Insufficient legal formulation of the right to physical activity and knowledge about it.</p> <p>Intervention: Recognise the right to physical literacy as a fundamental right and operationalise it akin to right to education in an inclusive manner. Encourage non-competitive sports from a young age for PwDs.</p>	<p><u>Accessible Equipment & Infrastructure:</u> Issue: Inaccessible mobility aids and infrastructure leads to low participation.</p> <p>Intervention: Facilitate low-cost production (PLI Scheme) and access to assistive devices and mobility aids at grassroots. Fund schools, colleges and local communities to make the public spaces accessible for PwDs.</p>	<p><u>Success Metrics:</u> Issue: Lack of well-researched progressive targets and enforceability mechanisms limits accountability and ability to measure progress.</p> <p>Intervention: Establish accessibility and physical activity targets for educational institutions and clubs, and tie funds to these targets, to be monitored by an inter-ministerial task force. Incentivise greater and diverse enrolment of PwDs.</p>
<u>Progression & Capacity</u>	<p><u>Public Infrastructure & Opportunities:</u> Issue: Lack of opportunities and infrastructure creates barrier to participation.</p> <p>Intervention: Make available accessible grounds, running tracks and opportunities to train and coaching for PwDs in local settings. Including para-sport in Khelo India Youth Games.</p>	<p><u>Research & Knowledge:</u> Issue: Poor understanding of the links between sport and disability impacts key decisions.</p> <p>Intervention: Fund research to understand the various intersections between physical activity, disability (including high-dependency disability) and sport comprehensively.</p>	<p><u>Landscape Review:</u> Issue: Insufficient consideration of disability issues in policy-making.</p> <p>Intervention: Adopt disability mainstreaming in policy making. Identify and amend policies that do not equally recognize the rights of PwDs to physical activity.</p>
<u>Sustainability</u>	<p><u>Access & Mainstreaming:</u> Issue: Barriers to PwD participation in the business of sports limits industry perspective.</p>	<p><u>Livelihoods:</u> Issue: Difficult to ensure sustainable livelihood through sports keeps participants out.</p>	<p><u>Equal Employment:</u> Issue: Lack of equal opportunities to be involved in sports creates a systemic barrier to participation.</p>



	<p>Intervention: Consider removing tax on assistive devices and prosthesis used by PwDs. Collaborate with private sector to promote participation of PwDs in various industries as business owners, workers and consumers.</p>	<p>Intervention: Enable and facilitate sustainable livelihoods through certification and training as administrators and coaches. Collaborate with private sector in athlete employment schemes, post-career opportunities, etc.</p>	<p>Intervention: Encourage and mandate public as well as private employers in the broader wellness and sport ecosystem to systematically create space for PwDs to be trained and employed on an equal basis.</p>
<u>Performance</u>	<p><u>Inclusive Support Structures:</u> Issue: Differential treatment as compared to able-bodied athletes, limits opportunities for progression and professional participation.</p> <p>Intervention: Recognise para-athletes and their achievements. Provide financial support, job offers and incentives at the same level as athletes who play non-disability sports. Focus on athletes with severe impairments. Replicate the Target Olympic Podium Scheme (TOPS) approach.</p>	<p><u>High Performance Research:</u> Issue: Insufficient research and development into low-cost and localised assistive equipment keeps PwD athletes underserved.</p> <p>Intervention: Commit resources and collaborate with private sector to enhance research into sport science, devolvement of low-cost and customisable specialist equipment etc.</p>	<p><u>High Performance Centres:</u> Issue: Lack of high-performance centres focussed on the development of para-athletes limits personalised attention to elite talent.</p> <p>Intervention: Provide guidelines, design frameworks and incentives to private sector to invest in the setting up of accessible high-performance training centres. Focus on injury prevention and management.</p>
<u>Governance</u>	<p><u>Representation & Autonomy:</u> Issue: Poor representation of PwDs in decision making positions skews approach.</p> <p>Intervention: Mandate representation of PwDs (with regard to the wide spectrum of disability and intersectionalities) in organisations that take decisions that affect the funding, access, selection of PwDs. Governing bodies</p>	<p><u>Structural Equality:</u> Issue: Lack of pathways for PwDs to pursue a career in sports governance and management limits career progression.</p> <p>Intervention: Establish governance structures with appropriate and equitable funding distribution to provide equal opportunities for athletes with disabilities to develop their careers on an equal basis with others.</p>	<p><u>Safeguarding:</u> Issue: Women and gender minorities with disabilities are disproportionately at risk of sexual and gender-based violence and abuse as well as financial exploitation and this keeps them away from sports.</p> <p>Intervention: Provide a strong regulatory framework to ensure safe sport and effective and efficient remedy in case of violation.</p>



	should have para-sport dedicated structures which advocate for funding, coaching, infrastructure and opportunities for PwDs.		Promote a culture of zero-tolerance.
<u>Excellence</u>	<p><u>Elite Programmes:</u> Issue: Lack of structured pathways for para-athletes makes it difficult for them to achieve their full potential.</p> <p>Intervention: Identify and promote para-athletes and support staff with elite potential. Support their participation in the international competitions. Organise International Paralympic Committee approved events for athlete classification.</p>	<p><u>Financial Support:</u> Issue: Insufficient funding structures for para-athletes to be able to pursue sports at the professional elite level concentrates attention on a small group of athletes.</p> <p>Intervention: Governments at various levels should commit funds and collaborate with the private sector to sponsor promising athletes in their training and development.</p>	<p><u>Incentive Structures:</u> Issue: Lack of incentives to create innovative ways for para-athletes to participate in mainstream sports means sports are not generally adapted for inclusion.</p> <p>Intervention: Create dynamic incentive structures. Collaborate with sport governing bodies to explore means to facilitate access to mainstream sports for PwD athletes and coaches.</p>

This whole-of-system rights-based approach is suitable for implementation at population-scale. It seeks to allow a wider set of people to use sport for a variety of goals. It allows accessibility of sport for all as a means of life-long physical activity with appropriate accommodations as age advances. The structured development of sports at various levels and access from a young age through the physical literacy movement means that PwDs can enjoy the autonomy to choose what meaning they give to sport and movement in their lives, to the extent these are possible in their circumstances. The 'physical literacy for all' movement is not about concessions or carving out separate spaces. It is about autonomy and the recognition that sport can do most for all when sporting structures are integrated and inclusive.

We now discuss in detail Our Sports Stack framework, the full-stack interventions and problems at different levels and Stack integration.

4. Our Sports Stack

The Sports and Society Accelerator's integrated 'Sports Stack' framework uses a layered, building-block approach. We propose that the principles of open innovation, stakeholder participation and capacity building are embedded in all dealings with governments, enterprises and civil society. In this spirit, we have developed a proprietary 7-layer integrated Sports Stack framework (see figure below), which helps us design, evaluate, implement and monitor sports and society initiatives. Through this, we hope to build institutions and processes that lay the foundation for societal goals such as inclusion, empowerment and community.



The Sports Stack factors in the diverse nature of interventions using sport, the varied stakeholders, interests and potential participants, and the suite of societal outcomes possible through sport. The various layers of the Stack feed into each other due to their inter-related nature, ensuring a systemic, balanced and sustainable development of the ecosystem. Thus we can design, curate and magnify the impact of ‘sports in society’ and ‘sports for society’ initiatives.

5. Full-Stack interventions at population-scale

As we can see, the suggestions in the Draft Policy correspond in part with Layers 1, 3 and 6 of our Stack framework. The UN Convention on the Rights of Persons with Disabilities (**CRPD**) states that disability is an evolving concept and that it results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. CRPD emphasizes the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development.⁶ We believe that this understanding should be central to any consideration of policies and plans for PwDs and how we view disability. Disability arises when a person’s functional needs are not addressed in their physical and social environments. Less-inclusive policies and virtually inaccessible environments with barriers are responsible for unequal participation of PwDs, their discrimination and stigmatization.⁷ We need to ensure that disability is naturally a consideration in all our policy formulations.

As per the Census 2011, the population of PwDs in India is 26.8 million. In percentage terms, this stands at 2.21% (other estimates suggest that the PwDs might constitute as much as 4-8% of the total population⁸). Real access and participation can only happen when all of them have the opportunity to participate in sports on an equal basis. It is important to identify the various barriers that PwDs face in respect of their participation in sport and addressing them. Typically, the barriers include:⁹

⁶ Preamble, CRPD 2006.

⁷ UN DCO [Disability Inclusion Strategy](#) 2022-2025 (November 2021).

⁸ Sachin Mampatta, [India’s missing disabled population](#), Mint (16 September 2015); Arman Ali, [Census 2011 ignored 60 million disabled people. Will Census 2021 be any better?](#), DailyO (10 February 2020).

⁹ [Common Barriers to Participation Experienced by People with Disabilities](#), Centre for Disease Control and Prevention.

- *Attitudinal* – These include assumptions stemming from stereotypes, stigma, prejudice, and discrimination. These arise from considering disability as a personal deficit or shortcoming, instead of thinking of it as a social responsibility. For instance, assuming lack of fitness due to an impairment.
- *Communication* – These are experienced by people who have disabilities that affect hearing, speaking, reading, writing, and or understanding, and who use different ways to communicate than people who do not have these disabilities.
- *Physical* – These include structural obstacles in our physical (natural or manmade) environments that restrict or block mobility or access.
- *Policy* – These arise due to a lack of existence, awareness or enforcement of laws, policies and regulations that require programs and activities to be accessible to PwDs.
- *Programmatic* – These include barriers that limit the effective access to or delivery of specific programmes. For instance, lack of necessary sporting equipment, insufficient time set aside for playing etc.
- *Severe Impairment* – This necessitates continuous assistance and care giving for people with high-dependency disabilities.
- *Social* – These are the conditions in which people are born, grow, live, learn, work and age that can contribute to decreased functioning among people with disabilities.
- *Transportation* – These barriers are due to a lack of adequate transportation that interferes with a person's ability to be independent and to function in society.

Most of these barriers impede PwDs' access to their social and physical settings generally and are not necessarily specific to sport. However, some of these magnify the access issues when it comes to movement and sport. Lack of knowledge on the part of people without disabilities on how to include PwDs in sports, lack of accessible facilities, limited equipment, poor or non-existent reasonable accommodation measures and limited/ inaccessible information can hinder equal availability of sporting opportunities.

We acknowledge that PwDs are a diverse and heterogeneous population. Policies should follow an equity-based approach and cater to the entire spectrum of disability without conscious or unconscious bias towards a particular kind of disability. Simultaneously, intersectionality is also a major consideration. PwDs also face exclusion and marginalization based on the intersection of their disability with age, gender, caste, socio-economic status, sexual orientation, religion, etc. All stakeholders ought to adopt an intersectional approach in developing and implementing plans. Thus, the broad policy formulations should be inclusive and disability neutral while specific interventions (non-exclusive) could cater to particular kinds of disability and intersectionality.

5.1. Impact and Legacy layer

We believe that there is a societal interest and benefit in every individual being 'active for life'. Play, physical education, physical activity, movement, sports, yoga and fitness can ensure better health and wellness of every individual including PwDs. Given the association of physical activities and sport with achievement, talent and abilities, PwDs might self-exclude themselves from sport growing up. Simultaneously, they are also excluded by their peers and the larger society due to conscious as well as unconscious perceptions.

The primary objective of our suggestions is to ensure the development and sustenance of life-long movement, physical activity and recreation among PwDs. For the widest population-scale impact and access to physical activity, it is vital to have access to news, information and relatable role models who can inspire others to take up activity. It is important to extend the idea of sport as a 'cultural commons' for everyone regardless of their status. Information and awareness

campaigns can go a long way in contributing towards a change in perceptions in society and among the PwD community about the rights and capabilities of PwDs. A case in point is the 'WeThe15' campaign which was launched at the 2020 Tokyo Paralympics. It aims to bring forth greater awareness about the barriers and discrimination PwDs (15% of the world's population) face on a daily basis at all levels of society. The objective is to break down these barriers so that PwDs can fulfil their potential and be active and visible members of an inclusive society.¹⁰ As another example, a survey conducted by a news agency in light of the 2020 Tokyo Paralympics found that 70% of the respondents believed that the games had a positive understanding on the society's understanding of disabilities.¹¹

At the same time, para-athletes participating in the biggest sport events also serve as role models for children with or without disabilities. Role models can exemplify motivation, passion, inspiration and a genuine love of their sport. Pioneers in disability sport did not always have role models to look up to or emulate.¹² This has been changing recently. The Indian Paralympic contingent returned with 19 medals from the 2020 Tokyo games. It was our highest ever tally, a significant increase over the 4 medals earned in 2016 Rio games. The recent success has been attributed to the multiplier effect due to the increased visibility of para-athletes in the past decade both through Paralympics and other tournaments.¹³

The cumulative impact of the right messaging, broadcasting, visibility and availability of role models is likely to spark a self-belief about the possibilities and enhance movement and physical activity among PwDs. In particular, the way in which PwDs view themselves and their aspirations generally can benefit immensely from an increased penetration and visibility of para sports.

Specific interventions could include:

- *Narratives*: Government to design and run multi-channel campaigns and deploy storytelling to broaden the narrative of the role of physical activity and sport in anyone's life, moving beyond the association of sports solely with potentially exclusionary concepts such as achievement, talent and abilities.
- *Research and Data Monitoring*: Governments at all levels to fund multidisciplinary and multisectoral research, data collection and disaggregation to identify gaps and guide, monitor and evaluate policy development and implementation which can align physical activity objectives with health and education goals.¹⁴
- *Consumption and Accessibility*: Government to regulate and create incentives to ensure that para sporting events are broadcasted widely with a careful focus on the messaging and communication. Broadcasters should be mandated to ensure that mobile or desktop applications that can be used to consume sports are accessible for PwDs including ensuring that sporting events are audio described and subtitled.

5.2. Access and Participation layer

¹⁰ [About, WeThe15 Campaign.](#)

¹¹ Liam Morgan, [Tokyo 2020 Paralympics led to better understanding of people with disabilities, survey claims](#), Inside the Games (8 November 2021).

¹² James Mastro, Christopher Ahrens & Nathan Statt, *Using Role Models to Help Celebrate Paralympic Sport*, 83(4) Journal of Physical Education, Recreation & Dance 28-30 (2012).

¹³ Anand Datla, [India's Paralympic Stars- Shattering Myth, Prejudice and Perception](#), The Quint (1 September 2021).

¹⁴ OHCHR Report on physical activity, para 74 (note 2).

A positive narrative around movement and activity is likely to lead to an increased demand for physical activity from PwDs. How can we take forward this momentum from a young age to ensure life-long opportunities to universal access to physical activity?

As mentioned earlier, there is a general association of physical activities and sport with achievement, talent and abilities. This might lead to PwDs self-excluding themselves from sport or being asked to sit out from physical education classes while growing up. Or they may be provided with alternatives rather than integrated into the physical activities and games in schools and on playgrounds. Thus, exclusion often begins young and shapes attitudes and policies among both PwDs and others. Schools and colleges present the most appropriate institutional platforms to turn the tide at population-scale, change the ableism of physical activity, and make it accessible and inclusive. This can be done through recognition of a right to physical literacy.

CRPD imposes an obligation to ensure an inclusive education system at all levels and lifelong learning directed towards the development of personality, talents and creativity, as well as mental and physical abilities, of PwDs.¹⁵ In particular, with respect to participation in sporting activities, CRPD asks governments to ensure that PwDs have an opportunity to organize, develop and participate in disability-specific play, sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training, resources, and educational activities.¹⁶ Office of the United Nations High Commissioner for Human Rights provides additional guidance in relation to these obligations. According to the High Commissioner, governments should ensure that they implement the model of inclusive education, including in physical education, to ensure that children with disabilities learn and play together with other children from early childhood development programmes through preschool, primary and secondary education. Moreover, training teachers on physical education and sports should include disability-specific and disability-inclusive sports and practices in the curricula.¹⁷

This need to ensure population level all-inclusive accessibility to sport and connecting it with education is also recognized by the Rights of Persons with Disabilities Act 2016 (**RPDA 2016**), which gives effect to CRPD. RPDA 2016 specifically recognises the importance of physical activity for persons with disabilities. It imposes an obligation on the State to ensure that educational institutions provide opportunities for sports and recreational activities equally with others.¹⁸

While education offers an excellent opportunity to provide an integrated inclusive space from a young age, the effort needs to be carried forward beyond schools and colleges to allow for life-long physical activity. Open spaces and public facilities, including parks, urban trails, public clubs and all sporting facilities need enhanced accessibility as they can have a great impact on engagement of PwDs, and can foster inclusion.¹⁹ The fitness and wellness spaces including training centres, gyms and clubs should be encouraged and supported to become equally accessible for PwDs.²⁰ The existing District Disability Rehabilitation Centres in each district could be expanded to serve as fitness, wellness and physical activity spaces. It is particularly important that these facilities are available to people not too far off from where they live. All these spaces and the environments around them, transportation, and information and communication networks should be planned by applying a Universal Design philosophy. It is the idea that any environment (or any building, product, or service in that environment) must be designed to meet

¹⁵ Article 24(1), CRPD 2006.

¹⁶ Article 30(5), CRPD 2006.

¹⁷ OHCHR Report on physical activity, paras 56-59 (note 2).

¹⁸ Section 16(1), RPDA 2016.

¹⁹ OHCHR Report on physical activity, para 54 (note 2).

²⁰ See [Universal Fitness Innovation and Transformation](#) initiative (UFIT), led by UNESCO.

the needs to all its users regardless of their age, ability, disability or any other characteristic that may restrict access. By considering the diverse needs and abilities of all potential users, universal design ensures that the environment can be accessed, understood and used in the best possible way.²¹ This would also follow Article 9 of CRPD which requires States to undertake such measures to enhance accessibility. The government should also consider investing in the development, design and deployment of new technologies such as augmented reality which can allow disabled and non-disabled people to play together on a level playing field.²² These can be particularly beneficial in schools and local community clubs providing an interactive inclusive space.

Specific interventions could include:

- *Rights Framework*: Government to recognise the right to physical literacy as a fundamental right emerging from the rights to life, health, education and freedom of expression. It should be operationalised in an inclusive manner for all children under the age of 18 years, similar in scope and scale to the right to education.²³ The framework should encourage non-competitive sports from a young age for PwDs.
- *Accessible Infrastructure & Equipment*: Government should consider committing financial resources to educational institutions, local governments and communities to make the necessary adjustments to ensure that public spaces are accessible for people with different disabilities (including for people with severe and high-dependency impairments). Government may also facilitate low-cost production (perhaps through the Production Linked Incentive Scheme²⁴) and availability of sport related assistive devices, equipment mobility aids, orthosis, exoskeleton support and prosthetics at grassroots to enable greater real participation.
- *Success Metrics*: Government task force should establish accessibility and physical activity targets and guidelines for educational institutions and private and public clubs and should tie funds to these targets. Education institutions should be incentivised to enrol greater number of PwD students.

5.3. Progression and Capacity layer

Once more accessible and equal opportunities are provided to be active, play and participate in sport, the next stage would be progression towards a more active involvement in the world of sport. This would include both those who want to play sport and those who would want to get involved with the sporting ecosystem in non-playing roles.

A special focus is required to promote physical activity and physical literacy initiatives over a longer term involving a wider population base in an integrated manner. This would involve development of capacity and knowledge about disabilities, and in particular at the intersection of disability and physical activity. For instance, in Lithuania, students of physical education must complete a disability-related course in pedagogy and psychology, either during their studies or during in-service training courses. At the Centre for Inclusive Sport Studies of the Universidad Politécnic de Madrid, Spain, online resources and guidance have been developed on inclusive sport for teacher training.²⁵

²¹ [What is Universal Design?](#), Centre for Excellence in Universal Design, National Disability Authority.

²² Mike Householder, [iGYM levels playing field for disabled, able-bodied children](#), USA Today (15 December 2019).

²³ For a detailed discussion on Physical Literacy as a fundamental right, see Sports Law & Policy Centre and Sports and Society Accelerator's Report on Physical Literacy (note 5).

²⁴ [Production Linked Incentive Scheme \(PLI\) for Large Scale Electronics Manufacturing](#), Ministry of Electronics and Information Technology (2021).

²⁵ OHCHR Report on physical activity, para 57 (note 2).

Significant funding, resources and concerted effort needs to be deployed towards scientific and social sciences research to understand how different disabilities disadvantage individuals, what biomechanical solutions can remedy different disabilities, how sport and physical activity can help PwDs and what policy solutions can allow for the world to be a more inclusive place for the participation of PwDs as equals. As emphasised earlier, such research and solutions should account for the various spectrums of disability and the varying effects that disability has on different individuals based on their socio-economic circumstances.

Another element of capacity is about making spaces such as stadiums, grounds, community clubs, running tracks etc equally accessible not just from the perspective of those who want to engage with physical activity or sports but also for those who many want to be involved in other ways. For instance, making these spaces spectator friendly so that PwDs may be able to participate in the experience of watching events on an equal basis. This is significant as it makes sure that sport touches many more lives than just those who are interested in playing and competing.

Specific interventions could include:

- *Public Infrastructure & Opportunities:* Governments to assess and make suitable provision of accessible playing fields, grounds, running tracks etc and ensure that special opportunities to train and coaching for PwDs is available in local settings. Including para-sport in the Khelo India Youth Games can be a push towards inclusive infrastructure as well as increased opportunities to showcase talent.
- *Research and Understanding:* Governments to consider funding research to understand the various multidisciplinary intersections between physical activity, disability (including high-dependency disability) and sport in a more comprehensive fashion.
- *Landscape Review:* Governments at various levels with the help of private sector capacity, to identify legislations, regulations and policies that do not equally recognize the rights of PwDs to physical activity, particularly regarding mainstream goods, services and spaces where physical activity takes place. These to be modified suitably to make them inclusive and a 'disability mainstreaming' approach to be adopted in formulation of future laws and policies.²⁶

5.4. Sustainability layer

An enhanced capacity and regular interaction with sport whether in (playing or non-playing role) would mean that a significant number of people would want to move to a professional level where they can earn their livelihoods through sport.

This requires creating an ecosystem where PwDs can be an equal part of the sporting world in different capacities, both in disability and non-disability sports. This could include creating an environment where PwDs can participate in different aspects of sports including in roles associated with coaching, training, nutrition, physical health, broadcasting, journalism, advertising, administration, analytics, player management, designing and construction, law and policy and event management. Such a broad-based approach is the pre-requisite for ensuring that all the opportunities that sport offers can be made available to PwDs on an equal basis. Sustainability requires that people have the option to earn their livelihoods as per their skills and talents. This will also be in consonance with Article 27 of CRPD which requires non-discrimination in work and employment. By making sure that the entire ecosystem is inclusive, sport can bring in a significantly large number of people within its fold. That could empower the community in multiple ways and work towards dispelling stigma. One of the major positive

²⁶ [Disability Mainstreaming Policy](#), Note on creating a policy, Oxfam India (January 2015).

moves in sports has been the support to para-athletes under the Target Olympic Podium Scheme (TOPS) of the Ministry of Youth Affairs and Sports. By providing equal opportunities to funding and coaching, Paralympians have had access to opportunities to excel. It would be worth considering similar equal opportunity mechanisms to support PwDs at every level of participation in sport or physical activity.

The second way in which sustainability can be ensured is to focus on making sure that the entire inclusive sporting ecosystem becomes attractive for investment. The Draft Policy has welcomed the increasing use of corporate social responsibility (CSR) funding in the disability sector. However, the funding is insufficient to sustainably meet the demands of the sector for the implementation of various policies. Thinking about disability sport in an integrated manner means that for most of the policy suggestions, separate funding is not necessarily required. Incorporating a greater understanding of disability in school curriculum, emphasising on integrated inclusive physical literacy in the education sector, inclusive public spaces, high performance centres etc should draw capital from public and private sources which are focussed on funding education reforms, sporting performance, redevelopment of public spaces etc. However, there are also areas which require specific disability sector funding and investment. For instance, the focus on additional research into disability and sport, making provision for assistive and adaptive technology and local manufacturing in that regard (discussed in greater detail in the Performance layer section below) would need significant government push and funding and facilitation, through the appropriate incentive structures, for the private sector to invest. Until participation levels reach significant scale, the market may not be able to solve for all the needs of PwDs wishing to play sport and lead active lives and support structures will be needed to service existing and growing needs of the PwD population.

Specific interventions could include:

- *Access and Mainstreaming:* Government to consider removing the tax (GST) or reducing the tax rate on assistive devices, adaptive sports equipment and prosthesis used by PwDs. Government can work with private sector and support the development of inclusive practices, including by promoting the participation of persons with disabilities in the industries as business owners, workers and consumers.²⁷
- *Livelihoods:* Government to consider committing resources to support livelihoods through certification and training of PwDs as coaches, trainers and administrators and to build collaborations with the private sector in employment schemes, post-career opportunities for athletes, etc.
- *Equal Employment:* Government to regulate to encourage and mandate public as well as private employers in the broader wellness and sport ecosystem to systematically create space for PwDs to be trained and employed on an equal basis.

5.5. Performance layer

A focus on increased overall access and participation in physical activity leading to an increase in people relying on sport for livelihood (Sustainability layer) brings in the need as well as the opportunity to invest in para sports from a performance perspective. In order to ensure consistent performance and bring in professionalisation, it is imperative to provide the right incentives and platforms for the development of para sports.

Athletes, referees, coaches and trainers with impairments should have equal opportunities to professional careers in sports as their peers without disabilities. Governments should collaborate with private and non-governmental entities to augment capacity, expertise and reach. Several

²⁷ OHCHR Report on physical activity, para 78 (note 2).

state and central government schemes provide financial incentives and other means of recognition to athletes for winning international medals and titles at the global stage. However, these are often not extended to para-athletes. This needs to change.

Para-athletes also need access to adequate assistive devices and suitable adapted sport equipment which is sometimes a prerequisite for their participation. Assistive technologies and devices are required by PwDs along the pathway of sport participation that includes pre, during, and post-sport performance. PwDs generally face a disproportionately higher cost of living and are more likely to face socio-economic disadvantages as compared to people without disabilities.²⁸ Combined with the high cost of assistive devices and equipment, it means that cost can be a major barrier to participation at the elite level.²⁹ It can hinder training as well as competition. Thus, it becomes significantly more difficult for people from disadvantaged socio-economic backgrounds to participate in para sports. These difficulties can compound for Indian athletes as most of these devices and equipment need to be imported due to their specialised nature which can increase the cost manifold due to the process and taxes. Thus, it is important that the public and private sector intervenes to reduce the costs and make these technologies more accessible. Collaborative funding arrangements can ensure that more and more of these devices are available for free or at reduced costs. Government can provide subsidies on local manufacturing and encourage and create the enabling environment for private entities to develop, design, and manufacture these devices for athletes as well as non-athlete PwDs.

Such initiatives for para-athletes are already covered by the RPDA 2016.³⁰ It is time that the legislative intent finds place in the policy and is implemented across the board. Thus, we recommend that the Policy for PwDs should spell out the intention to ensure consistent performance levels.

Specific interventions could include:

- *Inclusive Support Structures:* Governments at various levels to recognise para-athletes and their achievements and provide them financial support, job offers and incentives at the same level as their peers who play non-disability sports. These policies should focus particularly on athletes with severe impairments and others who may need added support due to their socio-economic background. The approach to Target Olympic Podium Scheme (TOPS) may be replicated at every level of participation for PwDs.
- *High Performance Research:* Government to commit resources and collaborate with private sector to enhance research into sport science, devolvement of specialist equipment etc.
- *High Performance Centres:* Government to provide guidelines, design frameworks and incentives to private sector to invest in the setting up of accessible and inclusive high-performance training centres. Among other things, these centres must focus on creating support staff resource to address injuries and prevention of injuries for PwDs through focused training programs.

5.6. Governance layer

Making available opportunities to participate at the population-scale as well as at the professional level along with provision of high-performance incentives and platforms can only be as good as

²⁸ Sophie Mitra et al, *Extra costs of living with a disability: A review and agenda for research*, 10(4) Disability and Health Journal 475 (2017).

²⁹ Emma M Smith, [Cost of Assistive Technology as a Barrier to Inclusion Through Sport](#), Ideas in All (26 August 2021).

³⁰ Section 30(3), RPDA 2016.

the overall governance structures in place. Good governance relies on stakeholder participation, independence, integrity, accountability and transparency.

It is common to observe that while opportunities for participation of PwDs in physical activity and sports are available, they are often not based on universal and inclusionary principles. This is because these policies and guidelines are typically put in place by non-disabled people. While they may be well-intentioned, they have limited understanding of the actual struggles and disadvantages encountered by PwDs due to lack of lived experiences. In other cases, these policies are merely lip service to legal obligations with the people in governing positions having little or no interest in improving the lives of PwD by providing them equal opportunities. These issues stem from lack of knowledge and understanding as well as misunderstanding and internalised and unconscious biases. Overcoming such obstacles needs not only consultation with members of the disabled community but also their actual and meaningful participation. This would require putting structures in place so that PwDs have real decision-making power. In various administrative and governance bodies which are responsible for taking decisions that affect PwDs, real representation from the community ought to be mandatory. As mentioned earlier, PwDs are not a homogeneous community. Thus, representation should ideally be spread across the spectrum of disability as well as cater to the wide intersectionalities. Tied to stakeholder participation is the idea of independence. Participation can be independent only when it is without interference from another entity. It is imperative that governance organisations are developed and designed in a way that members from the PwD community enjoy decision-making authority that is not dependent financially, structurally or otherwise on any other entity.

Another important pillar of good governance is the trifecta of openness, transparency and integrity. It requires that the administrative and governance rules, regulations, policies for decision-making are clearly laid out and the decisions are taken in accordance with them. In particular, in the context of PwDs, it is important that these policies, and decisions taken on the basis of those policies are freely available in accessible formats. This helps in keeping those in power in check. It makes sure that any decision that impacts how PwDs may access or use avenues of physical activity are available for wider scrutiny. This possibility leads to better decision-making and ensures that decisions and policies that do not comply with the law can be challenged and rectified.

In order to ensure that initiatives on participation, independence, transparency and integrity enjoy real teeth, it is important to have functioning accountability mechanisms. Such mechanisms are required both in relation to misgovernance and in relation to reporting of violation of rights of participants (including elite athletes) in any way. Sport governance in India has long faced challenges of mismanagement, election disputes and selection litigation.³¹ It has also seen several instances of encroachment upon human rights and abuse, particularly sexual abuse.³² These concerns can magnify when it comes to PwDs³³ as they face multiple structural disadvantages generally in the society and accountability mechanisms can be weak, underutilized or under-resourced. Combined with reporting and remedy mechanisms that are not disability-inclusive, accountability in the context of governance and participation of PwDs in physical activity and sports may be inaccessible.³⁴

Specific interventions could include:

³¹ Madhu Jawali, [Cricket: Are Committees of Administrators the way forward?](#), Deccan Herald (4 June 2022).

³² Murali Krishnan, [India's female athletes contend with sexual harassment in sports](#), DW (13 June 2022).

³³ Emily Anne Rutland et al, *Para athletes' perceptions of abuse: A qualitative study across three lower resourced countries*, 56(10) British Journal of Sports Medicine 561-567 (2022).

³⁴ Article 13, CRPD 2006.

- *Representation and Autonomy:* Government should mandate meaningful representation of members of the PwD community (with due regard to the wide spectrum of disability and various intersectionalities) in all organisations that take decisions that affect the funding, access, selection of PwDs in relation to sport and physical activity. Every sport governing body should have a para-sport dedicated administrative wing which understands the needs of PwDs and advocates for specific funding, coaching, infrastructure and opportunities for PwDs.
- *Structural Equality:* Governments to establish governance structures with appropriate and equitable funding distribution to provide equal opportunities for athletes with disabilities to develop their careers on an equal basis with others.³⁵
- *Safeguarding:* Women and gender minorities with disabilities are disproportionately excluded from physical activities. They are also disproportionately at risk of sexual and gender-based violence and abuse as well as financial exploitation. Governments need to provide a strong regulatory framework to ensure safe sport and remedy in case of violation,³⁶ including by promoting a culture of zero-tolerance.

5.7. Excellence layer

A drive towards professionalisation of disability sports and access to physical activity directly impacts the excellence layer. This involves supporting athlete participation in international competitions, with the provision of elite coaches and training methods and focus on winning medals and championships.

Over the last century, multiple structures and avenues have opened for PwDs to engage in professional sport. These include the Summer and Winter Paralympics, Deaflympics, Special Olympics, Invictus Games and Asian Para Games. Commonwealth Games have an integrated para-sport programme. There are also disability-specific sports events of mainstream games. For instance, blind cricket, para badminton, wheelchair tennis, etc. However, PwDs have had to largely self-organise to access professional sport. They have had to create these structures for themselves. These structures enjoy little or no State support.³⁷ Even the support provided by mainstream global sport organisations dwarfs in comparison to what non-disability sports enjoy.

Elite sport for PwDs has a significant potential to transform the lives of athletes as well as the community. Elite sport can provide an important avenue for para-athletes to use their skills and talents and earn a living through sports. As we have already discussed, participation of para-athletes in sporting tournaments, organisation of para sport events and increasing visibility through promotion and broadcasting has a positive impact on society's understanding of disability, perception towards para sports, and PwDs' own self-perception about their abilities.

Thus, it is our recommendation that the government should harness the potential uptick in people engaging in physical activity, provide equal recognition to mainstream and disability-specific sports structures and increase efforts to coordinate, collaborate with and financially support sports organizations to increase the participation of persons with disabilities, both in inclusive and in disability-specific elite competitions.³⁸

Specific interventions could include:

³⁵ OHCHR Report on physical activity, para 80 (note 2).

³⁶ OHCHR Report on physical activity, para 77 (note 2).

³⁷ OHCHR Report on physical activity, para 66 (note 2).

³⁸ OHCHR Report on physical activity, para 61 (note 2).

- *Elite Programmes:* Governments at various levels to put in place frameworks to identify and promote disabled athletes and support staff with elite potential and support their participation in the international competition of their choice.³⁹ Organisation of International Paralympic Committee (IPC) approved events in India for classification of new athletes can save money for athletes and make many more athletes eligible to participate globally.
- *Financial Support:* Governments at various levels to consider committing funds and collaborating with the private sector to sponsor promising athletes in their training and development.
- *Incentive Structures:* Government should create dynamic incentive structures and in collaboration with sport governing bodies, explore means to facilitate access to mainstream sports for athletes, coaches and trainers with disabilities seeking to participate, to ensure that they do not face discrimination.⁴⁰

6. Stack Integration

We have seen that the number of people impacted goes up as we move from Layer 1 to Layer 7 of the Stack, while the specific sporting skills and participation as we progress upwards from Layer 7 to Layer 1. Thus, the Stack is a good balance between inclusion in physical activity and sports performance and provides a clear pathway of sporting development and access to sports for PwDs. It is important to understand that the Stack is not necessarily linear. Every layer feeds into each other in varying ways. We have already discussed how success at the elite level and appropriate visibility can play a big role in creating role models and aspire people to take up physical activity and movement at the legacy and access layers. Once each layer is operationalised, the interdependencies and connections between layers can create a self-sustaining structure. It is important to develop all layers and not focus unduly on a particular layer to develop a wholesome structure.

The Stack framework helps us visualise the ideal of 'sport for all' and aspire for life-long physical activity for everyone. It also helps in the development of 'long-term athlete development' modules that builds upon lifelong participation in the physical literacy movement, building a culture of 'active for life'. The structured development of sports at various levels and access from a young age through the physical literacy movement means that PwDs can enjoy the autonomy to choose what meaning they give to sport, movement and physical activity in their lives, to the extent these are possible in their circumstances. The 'physical literacy for all' movement is not about concessions or carving out separate spaces. It is about autonomy and the recognition that sport can do most for all when sporting structures are integrated and inclusive.

7. Conclusion

A comprehensive rights-based approach to developing inclusive and disability-specific physical activity and sports can go a long way in improving the health, education and other human development indicators for PwDs. It can further India's compliance with its obligations under the CRPD and fulfilment of several Sustainable Development Goal targets such as good health, gender equality, decent work, reduction in inequalities and strong institutions. Governments at various levels should identify, define and engage with right holders and duty bearers, promote and apply a universal design approach, ensure good governance and safe sport and focus on long term sustainability and legacy of para sports.

³⁹ OHCHR Report on physical activity, para 67 (note 2).

⁴⁰ OHCHR Report on physical activity, para 68 (note 2).

We believe that the broad policy formulations provided in **Annexure A** to this submission are a useful guidance in this regard that they encapsulate the various layers of the integrated Stack and provide a wholesome rights-based approach suitable for implementation at population-scale. We have also suggested the 'do-fund-regulate' model of governance with illustrative examples for each Stack layer which can provide a starting toolkit to operationalise the policy with coordinated efforts by public and private sector. There are summarised earlier in Section 3 (Problem Statement and Implementable Suggestions).

Public and private sector interventions to implement an inclusive physical literacy and physical activity policy for PwDs could take various forms. The contours of such interventions would, of course, require detailed research, data collection and analysis and stakeholder consultations. Our aim here is only to provide framework guidance.⁴¹ The considerations and recommendations offered by us are a starting point for ongoing reflection and dialogue, which we hope this comment can provoke.

- In preparing this submission, we have had the benefit of comments and feedback from several experts. We have listed their names and designation in Annexure B. Thank you once again for providing us the opportunity to present our views. We would be happy to contribute in any way to this and participate wherever needed. We are located in New Delhi and Bengaluru, and our details are below. Please feel free to reach out to us if there are any questions or clarifications that we can provide, in relation to our submission or if we can be of any other assistance in this matter.

Yours sincerely,

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⁴¹ For additional guidance and material, please see United Nations' Department of Economic and Social Affairs' [Page on Disability and Sports](#).

Annexure A

Policy Formulations

Broader policy formulations to those in paragraph 8.9 of the Draft Policy in so far as it deals with sport. These may be considered for inclusion in paragraph 8.9 (or equivalent) of the final Policy.

Keeping in view the mandate of RPwD Act, 2016 and UNCRPD, the policy envisages:

- Recognising a human rights and sustainable development goals-based approach to systematically developing inclusive and disability-specific physical activity and sports at population-scale.
- Recognising the importance of autonomy and of providing a meaningful choice to PwDs to decide what meaning they give to sport and physical activity in their lives.
- Harnessing the impact of access, participation and visibility of para sports for the community in terms of how PwDs view themselves and how non-disabled people view them through storytelling, media campaigns and accessible broadcasting.
- Recognising that disability occurs when a person's functional needs are not addressed in their environment, identifying barriers for different kinds of disabilities and applying an approach of disability mainstreaming and universal design to ensure that PwDs have equal access to different avenues of physical activity, movement and physical literacy through education and local community institutions.
- Providing opportunities to PwDs on an equal basis to progress from being a participant to active involvement in physical activity and the sporting ecosystem in both playing and non-playing roles.
- Setting up a cross ministry high level task force under the aegis of the NITI Aayog (assisted by the Development Monitoring and Evaluation Office) as the standard setting and monitoring body. The task force could have representations from the Ministry of Education (through the Department of School Education and Literacy), Ministry of Health & Family Welfare, Ministry of Youth Affairs & Sports, Ministry of Social Justice & Empowerment (through the Department of Empowerment of Persons with Disabilities), and Ministry of Women & Child Development.
- Making at least 1 comprehensive sporting facility in every district in the country physically accessible for the PwDs within 2 years of this policy coming into effect and progressively extending equal access to all facilities over the next 10 years.
- Long-term sustainability of the physical activity movement for PwDs by focussing on making available different means of livelihood in the sporting ecosystem on an equal basis and facilitation of funding and investment opportunities for the operationalisation of various policy initiatives.
- Making provision of accessible infrastructure, establishing high performance centres, facilitating development of technology and provisioning of assistive devices and adapted sports equipment to enhance potential and talent, allocating funds where necessary, facilitating private interventions, supporting organisation of regular sporting events at various levels and providing financial and other incentives and recognition.
- Ensuring good governance in structures that seek to promote and administer physical activity and sports for PwDs by ensuring effective participation of PwDs in governance, independence, integrity, transparency and accountability.
- Providing equal support, recognition and rewards to mainstream and disability-specific sports structures and increasing efforts to coordinate, collaborate with and financially support sports organizations to increase the participation of persons with disabilities, both in inclusive and in disability-specific elite competitions.

Annexure B

List of Experts Consulted

- Ms. Ekta Bhan, Paralympian.
- Mr. Mohan Sundaram, President, Disability NGOs Alliance, Bengaluru.
- Mr. Rahul Bajaj, Senior Resident Fellow, Vidhi Centre for Legal Policy, New Delhi.
- Ms. Vaishali Pai, Founder-Director, Tamahar Trust, Bengaluru.
- Ms. Deepthi Bopaiah, CEO, GoSports Foundation, Bengaluru.