

# Evaluating Disability Law in Promoting Equal Opportunities and Inclusive Development

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## ABSTRACT

Disability law is essential for promoting equality, defending rights, and encouraging people with disabilities to participate in all facets of society. There are still large discrepancies between legal aim and actual results, even in countries with extensive legal structures. The government of Quebec set up a system to track its progress in granting individuals with disabilities the right to equality. A policy titled "Equals in Every Respect: Because Rights Are Meant to Be Exercised" and other legal prescriptions were adopted by the provincial government in 2009 with the goal of greatly boosting social engagement of individuals with impairments. The Quebec Model, also known as the Disabilities Creation Process, is a conceptual reference framework that suggests public servants should be able to recognize environmental barriers and take appropriate action to turn them into facilitator. Acquiring quantitative and qualitative data collection tools and strategies that connect the quality of social engagement for different population segments with or without disabilities to the quality of access to the elements of the social and physical surroundings is a challenge for comprehensive policy-monitoring processes. In order to close the gap between practice and law, the report highlights the necessity of more effective enforcement, better policy coordination, capacity training, and inclusive governance techniques. This study emphasizes the need of bolstering disability law in order to attain equitable and sustained inclusive growth by putting out a thorough framework that incorporates legal, social, and economic aspects. It advances continuous conversations about based on rights strategies and the achievement of equitable opportunity for people with disability.

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## 1. INTRODUCTION

The Disability Creation Model (DCP) is helpful in characterizing disability as a situational phenomenon that arises when an individual with a disability interacts with inadequate surroundings [1]. It helped provide quantitative components for government

interventions in the field of disability and track the advancement of state efforts to lower barriers. In terms of methodology, this research tracks the evolution of the DCP in connection with changes in Quebec's health and social laws and policies pertaining to disabilities. This research also re-examines the DCP's development [2], historical background, and theoretical contribution to ecological factor recognition on a global scale. This study demonstrates how the DCP helped implement policies at the national and subnational levels that guarantee people with impairments can fully participate in society and express their own equality without hindrance. The DCP, which was created in compliance with Quebec's disability policy, resulted in scientific applications, the integration of services and policies based on a strong theoretical framework, and a revitalized, non-medical knowledge of disability. The DCP is a helpful framework for ensuring that state laws and policies are consistent with the normative substance of the global Convention on the Rights of People with Disabilities (CRPD) [3], as this article concludes.

Any damage affecting a person's body, neurological system, sensations, or mind and limits their capacity to carry out specific tasks or fully engage in daily life is referred to as a disability. This phrase has a broad definition that includes a variety of ailments and functional restrictions. Disabilities might be severe or moderate, transient or chronic, and they can show up differently in each person. According to the World Health Organization (WHO), disability is a general word that encompasses environmental variables, activity constraints, participation limitations [4], and limitations. This definition defines impairment as the absence of normal body structure or function, including mental clarity. A person who has a physical or mental disorder that substantially limits their ability to participate in one or more of their core daily activities, has a record of such a disability, or is believed to have that impairment is considered to have a handicap. Social services and philanthropy are often seen as beneficial to people with impairments. We must fulfill our civic responsibility to protect the rights of people with disabilities if we are to create an inclusive and equal society. To ensure that those disabled people have equal rights and opportunities as everyone else, we must exert each effort.

This includes having access to healthcare, employment, education, transportation, and participation in societal and cultural events. Regardless of skill, we must work to remove prejudice and level the playing field for everyone. In order for people suffering from disabilities to live comfortably, access employment and education, and fully engage in society, appropriate services and amenities should be made accessible. These services include public transit, personal support offerings, assistive technology, sign language translators, and appropriate workplace modifications. Lastly [5], regardless of a person's ability, it is our collective duty to recognize and value their inherent worth and dignity. By encouraging inclusivity, reducing barriers, and fighting for the freedoms of those with disabilities, we can create a society that is more just and compassionate for everyone.

In addition to this humanitarian duty, Bangladesh's constitution has a number of laws that support and safeguard disability rights [6]. The constitution's obligation to protect everyone equally guarantees that people disabled people have equal privileges and legal protection and cannot face discrimination or unfair treatment; the state is not allowed to

discriminate towards anybody on any grounds. People with disabilities are considered a protected class under this clause, which guarantees that they won't face discrimination due to their handicap. Every citizen's fundamental human rights are protected by Bangladesh's law, which also forbids discrimination against any social group, including those with impairments. The benefit of social security benefits is available to those with disabilities. A several essential rights that apply to people with disabilities are included in the Bangladeshi Constitution. These liberties include the freedom to work, the right to higher education, and the rights to life and individual liberty. These clauses protect the rights of people with disabilities to pursue work opportunities, live in dignity, and have access to schooling. It is required to make special accommodations for women and children, as well as for the advancement of any other traditionally underprivileged group of individuals.

Protecting and advancing the dignity and rights of individuals with disabilities is the goal of the United Nations Protocol on the Human Rights of Peoples with Disabilities (UNCRPD), a global human rights instrument [7]. It creates a thorough framework to guarantee that people with disabilities are fully included and involved in all facets of society. On November 30, 2007, Bangladesh adopted the United Nations Convention on the Rights of People with Disabilities. By signing the treaty, Bangladesh pledged to uphold and implement the rights outlined in it. Promoting, defending, and ensuring that every person with a disability can completely and equitably enjoy all of their human rights and fundamental freedoms, as well as fostering respect for the intrinsic dignity of handicapped people, are the objectives of the Agreement.

Following its dedication to the UNCRPD, Bangladesh has taken important steps to safeguard and advance the rights of individuals with impairments. The government has enacted laws and regulations to ensure that people disabled people can work, have equal access, and are not subjected to discrimination. To safeguard the rights of individuals with disabilities, numerous nations have enacted disability security acts or laws. Australia has the Disability Discrimination Act 1992, the United Kingdom's Equality Act 2010 forbids prejudice on the basis of impairment, Canada has the Canadian Charter of Rights and Freedoms, etc. The Rights and Protection of Persons with Disabilities Act, 2013 is the outcome of Bangladesh's statutory obligation and the UNCRPD's approval.

## **2. LITERATURE REVIEW**

This obligation also applies to municipal planners and higher education. This research investigates a project to carry out the task based on Zuber-Skerrit's CRASP example of professional growth. It describes an adult learning project that works with adults classified as "learning disabled [8]" and an action-based research study that was performed with undergraduate learners. The study examines how the undergraduate students were able to interact with the concepts of equitable design in the built setting through this co-educational learning experience and provides a model for how inclusive policies and procedures may be applied at the university level, especially in built setting courses.

The study offers an example for how inclusive rules and regulations may be implemented at the university level, particularly in built setting courses, and looks at how the undergraduate students were able to engage with the ideas of fair and equitable design principles in the built setting through this co-educational learning experience. People with disabilities are entitled to social support [9], health care, education, gainful employment, and involvement in public and political life. A few findings from the World We Want discussion on "Inequalities and a disability-friendly agenda" show how a wide range of stakeholders can come to an agreement that influences policy and procedure choices.

The policy areas of education [10], health, employment, and social protection—all of which are critical to the inclusion of disabled persons in international development—are examined in this article's analysis of nine policy or strategic papers created by the AU. A rating scale of one to four, with four representing the maximum degree of inclusion, was used to analyze these based on seven distinct criteria (rights, access, inclusiveness, implementation strategies, budgetary allocations, enforcement mechanisms, or dispersed management data systems). To the extent that the documents allowed, the actors engaged in the policy creation, the backdrop (such as the Sustainability creation Objectives), and the process (such as the degree of engagement) were examined. Poor levels of true inclusion are seen in the fact that none of the initiatives achieved even 50% of the available score. Although rights received the largest rating, it was still somewhat low.

The two main and connected topics examined in this article are accessible testing to advance the rights of people disabled people to open higher learning and the involvement of people with disabilities and organizations that represent them in relevant policy creation [11]. It presents the development of testing accommodations policies for the national college admission exam. It also highlights the discrepancy between Gaokao's accessible testing policies and services and the unique requirements of those with impairments when taking the test. In order to address the obstacles to the advancement of disabilities policy and practice, it also highlights the strategic and cooperative advocacy of organizations of individual's disabled people.

Through the Committee's General Remarks and legal ideas applied with a focus on equality and discrimination prevention, the writers examine the legal readings of the CRPD. The new disability model that developed over the first ten years of treaty monitoring is referred to as the model of human rights of disability. It aligns with inclusive fairness, a new notion of equality introduced to international discrimination laws by the CRPD. Formal and substantive equality, two previous concepts [12], are contrasted with inclusive equal. The human rights framework for disability and inclusive equality are presented as novel legal ideas that provide creative and sufficient solutions to disability laws from a human rights standpoint.

An evaluation of the CRPD using a checklist and a critical analysis of empirical research [13]. The fourteen featured articles attest to the difficulties that persons with disabilities face in the areas of business rights, labor rights, and access to the law and the supremacy of law. We couldn't find any texts about property rights. There is not enough evidence to support the suggested actions' efficacy. Overall, two-thirds of the suggested

measures—seven out of nine for availability of justice and the application of law, none of the five for ownership rights, all seven for labor rights, and six out of nine for commercial rights—are completely or partially supported by the CRPD.

The 2013 Person with Disabilities Participation and Security Act. Accessibility is the most crucial factor and prerequisite for individuals with disabilities. However, whether or not this regulation makes them available is the key question. To give them equal opportunities, the Bangladesh Disability Welfare Act of 2001 was passed. Because the previous Act was inadequate [14], the government passed the Person with disabilities Rights and Security Act, 2013. The Act's access requirements and the rights they guarantee will be the focus of this study. It will also fix the legal gaps that make it challenging to implement.

### **3. METHODS AND MATERIALS**

#### **3.1 The Quiet Revolution in Quebec: The Inception of the Welfare Government**

Prior to the 1960s, providential programs were primarily developed and supplied by the Canadian federal government. Cost sharing for medical insurance programs was introduced between the provincial and federal governments with the passage of the Health Care Act in 1968 and the Canada Aid Plan in 1966. Prior to the 1960s, providential programs were primarily developed and supplied by the Canadian federal government. Cost sharing for medical insurance programs was introduced between the provincial and federal governments with the passage of the Health Care Act in 1968 and the Canada Aid Plan in 1966. The ensuing advancements in health and social services, including rehabilitation services, varied by provinces, each with unique health and disability regimes.

In 1971, the Castonguay-Nepveu Quebec State Committee "found" that the "disabled" were mainly represented by their exclusion from employment. The group, which was motivated by the Scandinavian idea of normalcy and the criticism of institutions that stigmatized and denied citizens their most fundamental human rights, started the reorganization process. Clinical ordering and demographic differentiation between physical disabilities and cognitive impairments—which were still mistaken for mental issues—were necessary for the approach. Previously provided by religious groups, distinct systems of assistance and support went national for these diverse populations. Behavioral, academic, and occupational integration programs for the "disabled" were put into place in Quebec during the Quiet Revolutionary War.

#### **3.2 The Act's provisions for the rights and safeguarding of people with disabilities**

For a cow cart to travel, each of its wheels must have the same size and shape. This quotation serves as an essential reminder that civilization cannot advance if certain groups of people, like those with disabilities, continue to live in poverty. In order to safeguard and advance the rights of people with disabilities, Bangladesh passed the People Disabilities Rights and Security Act 2013, a significant piece of law. The purpose of this Act is to safeguard the rights and dignity of individuals with disabilities. The previous "Bangladesh - Persons with Disability Welfare Act, 2001" will be repealed by the new law. The act's objectives are to guarantee the academic, bodily, and mental growth of disabled citizens and

to make it easier for them to participate in social and government activities by doing away with all forms of prejudice. The guidelines pertaining to the freedoms and safeguards of people with impairments were finally announced in November 2015.<sup>26</sup> Some of the key components and stipulations of the act are listed below.

### **3.3 Definitions and Groups**

Autism range disorders, mental, physical, psychological, visual impairment, speech impairment, cognitive disability, hearing impairment, hearing-visual impairment, cerebral palsy, dawn disorder, and multiple impairments are among the categories of impairments defined by the act. In order to provide the right services and assistance, it classifies disabilities according to a number of criteria.

### **3.4 Equal Opportunity and Non-Discrimination**

The act stresses the necessity for equal opportunity in all spheres of life and forbids prejudice against people with impairments. Additionally, even though it makes prejudice against people with disabilities illegal, it offers damages in the event that it occurs.

### **3.5 Convenience and Barrier-Free Environment**

This act highlights the importance of accessible and the creation of a barrier-free environment for people with disabilities. In addition to guaranteeing success and development with full legal acknowledgment in all facets of life and access to justice, it necessitates the accessibility of public structures, public transit, and communications and information technologies.

### **3.6 Social Protection and Restoration**

The act acknowledges people with disabilities' rights to social protection (43) and rehabilitation services (44). In order to enable people with disabilities to live independently in a household with guardians, parents, and normal kids, as well as to get married and start families, it guarantees access to medical care, treatment, assistive technology, and basic vocational education.

### **3.7 A Paradigm Shift: From Defence to Rights**

The United Nations adopted their Declaration on Rights of Persons with Disabilities in 1975. At the same time, Quebec proposed its first bill to safeguard disabled individuals from a welfare standpoint. People with disabilities started an upcoming social movement as a result of this proposition. This movement in Quebec brought together delegates of all groups of people with disabilities, especially young individuals, who called for an end to medical professionals' supportive actions in segregated spaces and institutional settings and urged that society cease viewing them as inferior beings. This was consistent with the normalization, social role-valuation, and independent living movement in Britain, Scandinavia, and North America, which maintained that those with disabilities should have the same rights as everyone else.

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Proclamation. The National Assembly of Quebec unanimously approved the Act to Secure Handicapped People in the Performance of Their Right in 1978, in accordance with the UN Proclamation.

## 4. IMPLEMENTATION AND EXPERIMENTAL RESULTS

### 4.1. Legislative Establishment of the Responsibility of Quebec Actors

The earlier Act of 1978, which recognized the rights of disabled people, was revised by the Act to Secure “Handicapped” Individuals in the Exercise of their Rights with a View to Obtaining Social, Educational, School, and Workplace Integration Goals (2005), which went more and gave the OPHQ more proactive legislative tools to eliminate barriers to social engagement. Through collaboration with the independent rights for disabled people advocacy community campaign, a description of “disabled person” in line with the DCP was also adopted.

“Someone with a condition causing a substantial and chronic disability, which is liable to experience barriers when carrying out everyday activities” was the definition. This definition was applicable to all individuals with impairments and disabilities, regardless of gender. It might be an adult, a child, or an elderly person. It addressed disabilities resulting from serious mental health issues, autistic spectrum disorders, or structural impairments or organ functioning, but it disregarded the conditions surrounding their occurrence. Therefore, older people with aging-related disabilities were included in the standard definition's scope. Individuals with major cyclical or recurrent disabilities could also be included under the term.

The term described the potentially incapacitating circumstances that arise when an individual with a disability encounters environmental obstacles to carrying out everyday tasks. This did not imply that every individual with substantial and long-term disability would encounter obstacles that would put them in settings that would be incapacitating. These individuals were nonetheless regarded as disabled under the law. This point was crucial to comprehend and aligned with a situational strategy to impairment. Environment enablers relating to compensation guidelines, inclusive surroundings, equitable social depictions, and the attainment of everyday activities and social responsibilities were, in fact, feasible. However, it was acknowledged that disabling circumstances would arise if such assistive technology, human assistance, accommodation, equipment, financial assets, etc. we're not available due to a restriction in access to home assistance services or no anymore met the physical development of the person.

This realization was crucial because it showed that, even when an individual developed her lifestyle choices and was satisfied with them, the quality of her social engagement remained possibly at risk in the absence of ongoing attention from private, public, and community-based social actors to guarantee the quality of her access to the necessary resources, amenities, or assistance. It made clear that it is the actors' duty to guarantee that these social and physical facilitators are usable, affordable, accessible, and socially acceptable. This is completely in line with the DCP (Figure 1), which demonstrated that the level of access to living situations for individuals with bodily and functional

impairments determined their ability to effectively exercise their rights. Understanding the idea of debilitating circumstances as a gauge of social engagement or civil rights exercise seems crucial. For instance, one might encounter a scenario that is incapacitating during scholastic activities but not during other social or recreational pursuits. Lastly, the DCP claimed that classifying a debilitating circumstance as mental, physical, cognitive, sight, or auditory was inappropriate since it revived personalized or biological conceptions of impairment.

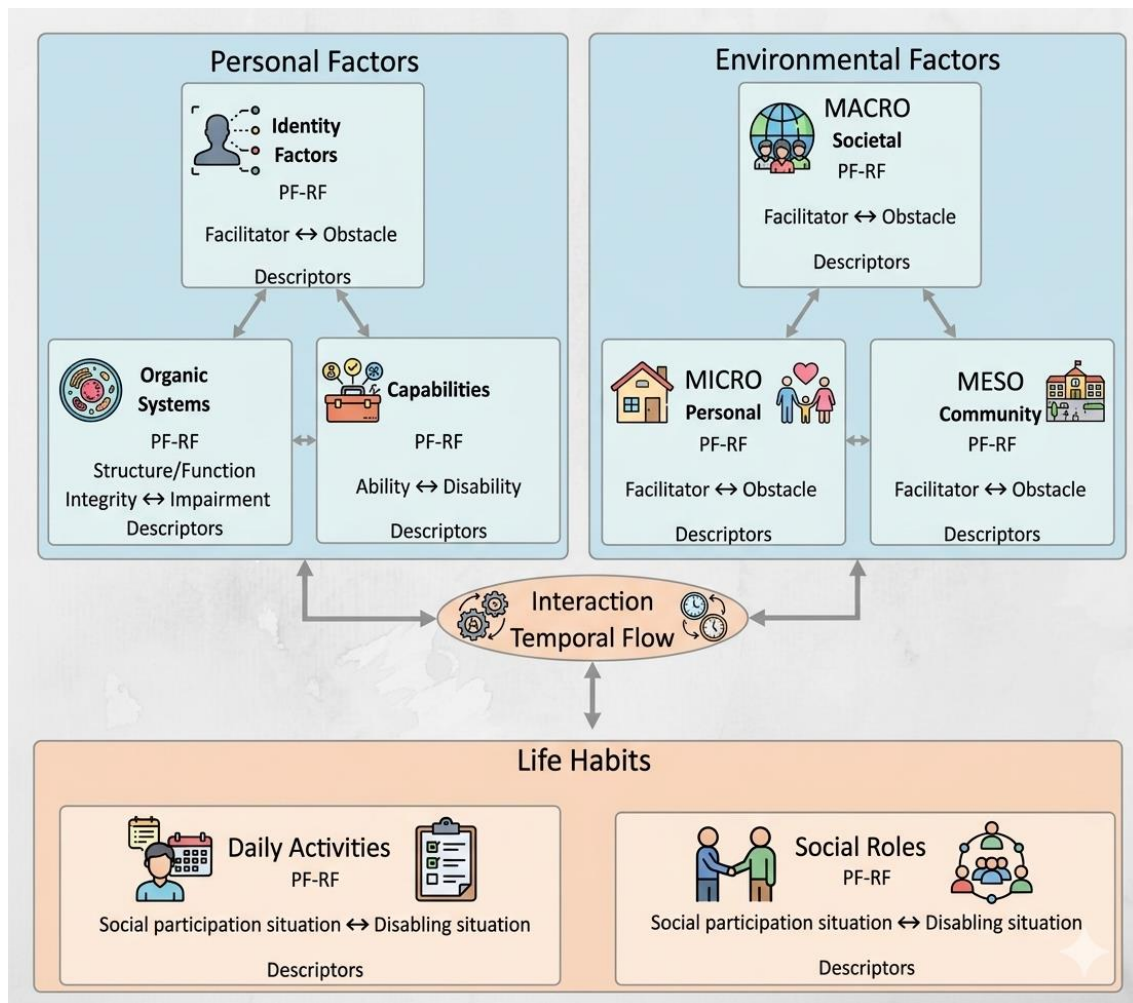


Figure 1. Model of Human Growth and the Process of Disability Creation

#### 4.2 Equals in Every Way: To Actively Uphold the Right to Fairness

The Quebec administration's 2009 approval of the Equal in Every Respect policy, which was supported by the Act, strengthened legislators standards outlined above and were consistent with the core principles of the CRPD. The Quebec policy was formally based on the theoretical framework of the DCP and satisfied the OPHQ's legislative obligation to advance a standardized categorization in the area of disability, in contrast to the federal position that used the ICF as a reference frame.

The DCP's significant distance from the ICF's ongoing biological and health contents served as justification for this decision. In order to harmonize the terminology used by Quebec social actors and increase their responsibility within their actions sector to act on environmental factors, the OPHQ paid close attention to the vocabulary used in policies and their implementation papers.

Enhancing the well-being of disabled persons, fully satisfying their fundamental requirements and guaranteeing parity with other citizens in the performance of their social duties were the anticipated results of the program. The policy's transversal tendencies allowed it to address social, cultural, and economic freedoms across all spheres of society. In line with the core values of the CRPD, the policy recognizes three primary obstacles to social transformation:

- an inclusive society [15] that considers disabled individuals and their families from the outset of any social and physical surroundings improvement
- a more cohesive and just society that tackles the causes of poverty, such as compensating for income gaps and extra expenses connected with the unique requirements of those with disabilities. Additionally, it looks for complementarity and coordination among policies, initiatives, and services. It is especially advised to strengthen intersectoral cooperation.
- a society that upholds the needs and preferences of individuals with disabilities and their families by providing organized support services and allowing them to participate in decisions that impact them; The upholding of the family setting as the primary space for integration, together with sufficient assistance and preventative measures to avoid establishment, and citizen engagement at the center of individual and communal decision-making.

### **4.3 Mandatory Annual Action Plans for the Reduction of Barriers to Social Participation**

Every government department or public organization in Quebec with at least 50 employees, as well as every local municipality with at least 15,000 residents, had to develop an action plan by December 17, 2005 [16]. The purpose of these plans was to identify the obstacles to integration that people with disabilities face in the department's or agency's sector of activity and to outline the steps that have been taken in the past year and those that will be taken in the upcoming year to lessen those obstacles. The action plan must be created and released every year, and it must contain any additional components decided upon by the government on the minister's proposal.

The OPHQ has been keeping an eye on public actors' yearly action plans for the past ten years. Since 2015, a large network of health and social services for individuals with impairments of all ages has been added. Every five years, the OPHQ testified to the competent ministry, who then presented the results to the National Assembly after analyzing the action plans' adherence and producing annual reports. Municipalities in Quebec prepared over two thousand obstacle reduction actions per year, while government agencies and public organizations prepared an average of 1,000 measures pertaining to social engagement in their specific domains of competence.

A plan of government promises is created every five years to keep an eye on how the terms of the law and the "Equality in Every Respect" policy are being implemented. The agents of the OPHQ regularly consult with an implementation monitoring the committee of the policy that focuses on action plans. This committee is made up of representatives of important ministries and organizations that advocate for disability rights. The committee is tasked with planning procedures for assessing the same results.

Since the private sector is not required to create action plans, Quebec has set up a system for tracking its progress toward the right to equality based on inclusive policy principles and legal mechanisms to strengthen responsibility, mostly of public actors. The "Equals in Every Respect" strategy, along with its political and legislative measures, was adopted in 2009 with the intention of greatly increasing the social engagement of those with disabilities over a ten-year period. We can comprehend how public actors recognize and address environmental barriers within their areas of expertise to become facilitators thanks to the reference structure DCP.

Every year, the OPHQ works on a quantitative study of anticipated outcomes. The goals, due dates, and governmental actors' actions to lessen environmental barriers are the main topics of this compliance analysis. However, this is not enough from the DCP standpoint. Evidence of whether these environment adjustments actually improved user access would be necessary for a second level of evaluation of action plan outcomes.

It is necessary to accurately determine how these actions affect people with disabilities' quality of social engagement in a differentiated way. This entails allowing for the consideration of population identity characteristics as well as the kinds and extents of disabilities and disabilities and their modes of acquisition. This would make it possible to evaluate how much social participation has improved for any demographic group. Periodic qualitative population counts at different territorial levels are necessary to measure the quality of social engagement and the effective enjoyment of human rights. Although these surveys were being produced in Quebec at the beginning of the year 2000, they were stopped due to budget cuts associated with the state's neo-liberal shift.

## **5. CONCLUSION**

Developing methods for collecting both quantitative and qualitative data will be a major challenge for the execution and assessment of the effects of inclusive policies in the years to come. The DCP mandates that the correlation between the achievement of various impaired population segments' life habits and the quality of access to the elements of the information and social setting be documented. Additionally, comparing the quality of social engagement between population groups without and with disabilities and impairments that share similar identification criteria is necessary to measure the effective exercise of the entitlement to equal.

There are two political challenges facing Quebec. One is to fully implement a social and interactive knowledge of the disability paradigm. Second, to establish it as the focal point for tracking and evaluating the effects of every private and public entities operating inside its

borders. Modalities of citizenship engagement for people with disabilities, their families, and their governing bodies must be included in a realistic and cooperative manner. The argument in this paper, which centers on the Quebec Model and its developments, argues that the implementation of the CRPD will only be successful if comparable data and tracking systems are implemented in each state party that authorized the conversation and standardized it to yield comparable outcomes.

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