

CHALLENGES FACED BY PERSONS WITH DISABILITIES IN INDIA: A CRITICAL ANALYSIS OF LEGISLATION AND EVERYDAY BARRIERS

by

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ABSTRACT

Disability is not purely a medical fact about a person's body or mind. It is produced just as much by the gap between what an environment demands and what that environment is actually built to accommodate — a staircase with no ramp, a form with no large-print version, an employer who never learns what “reasonable accommodation” is supposed to mean in practice. India has moved, at least on paper, from treating disability as a matter of charity toward treating it as a matter of rights, most concretely through the Rights of Persons with Disabilities Act, 2016 (“RPwD Act”), enacted to give domestic effect to the United Nations Convention on the Rights of Persons with Disabilities (“UNCRPD”). The scale of the population this affects is large by any measure: the 2011 Census recorded 26.8 million persons with disabilities, 2.21% of the population, and the National Statistical Office's 76th Round survey (2018) put current prevalence at 2.2% nationally — 2.3% in rural India against 2.0% in urban India — with nearly seven in ten of those affected living in rural areas where services are thinnest.² Legal recognition of that scale has not translated cleanly into inclusion in education, employment, healthcare, transport, housing, information access, or public life more broadly.

This paper works through the constitutional, statutory, policy and judicial architecture of disability rights in India using a doctrinal and secondary-data method. Its central claim is that India's problem is no longer really a shortage of law — the RPwD Act is a genuinely comprehensive statute — but a persistent gap between what that law promises and what gets

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² Office of the Registrar General and Census Commissioner, India, Census of India 2011: C-20 Table, Disabled Population by Sex and Residence; Ministry of Statistics and Programme Implementation, National Statistical Office, Persons with Disabilities in India: NSS 76th Round (July–December 2018), Report No. 583 (2019).

delivered on the ground: inaccessible infrastructure, social stigma, thin reasonable-accommodation practice, unreliable data, slow certification processes, low public awareness, and sharply uneven implementation across states. Drawing on national accessibility-audit data, the paper argues for enforceable accessibility timelines, participatory governance built around disabled people's own organisations, stronger grievance mechanisms, disability-responsive budgeting, and independent compliance audits with real consequences attached.

Keywords: *Disability rights; RPwD Act, 2016; reasonable accommodation; accessibility; substantive equality; inclusion; India.*

1. Introduction

A person with a disability is entitled to equality, dignity, autonomy and participation as a citizen — not to be managed as an object of welfare. That shift in framing is not just rhetorical. The older “medical model” locates the problem entirely inside the person's impairment; the social and human-rights model that has gradually replaced it in law locates a good part of the problem in the barriers society builds around that impairment. India's own statistical apparatus has absorbed this shift: the National Statistical Office defines disability as a long-term physical, mental, intellectual or sensory impairment which, when it meets a communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural barrier, prevents full and effective participation in society on an equal footing with others.³

India's disability-rights architecture rests on four layers: constitutional guarantees, international commitments under the UNCRPD, the RPwD Act, 2016 itself, and the policy machinery administered mainly through the Department of Empowerment of Persons with Disabilities (“DEPwD”). The RPwD Act was drafted specifically to give effect to the UNCRPD, and it replaced the older Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 with a considerably more rights-centred structure.⁴

None of that architecture, however, is what most people with disabilities actually run into on a given day. What they run into is narrower and more mundane: a ramp that was never built, a

³National Statistical Office, Report No. 583, ch. 2 (Concepts and Definitions).

⁴Rights of Persons with Disabilities Act, 2016 (Act No. 49 of 2016), long title.

government website that a screen reader cannot parse, an examination board that simply refuses a scribe, an employer who treats accommodation as an imposition rather than an obligation, or a welfare scheme that stays technically available while remaining practically unreachable because of what its paperwork demands. Disability exclusion also does not fall evenly. Women and girls with disabilities, children, older persons, rural residents, people below the poverty line, and people with psychosocial or intellectual disabilities in particular tend to carry several of these disadvantages at once rather than just one. The cumulative effect of these layered barriers is that formal legal equality frequently fails to translate into substantive equality in everyday life.

2. Review of Literature

Writing on disability in India tends to converge on three connected themes.

2.1 The Move from Charity to Rights

Legal scholarship treats the RPwD Act, 2016 as a genuine turning point — a shift toward equality, non-discrimination, autonomy, accessibility and reasonable accommodation as legal entitlements rather than benevolent gestures. The Supreme Court has said as much directly, describing the statute as marking a transition from a charity-based to a rights-based model of disability law.⁵

2.2 Implementation and Accessibility as the Practical Bottleneck

Government materials and independent studies alike keep landing on the same obstacles: inaccessible public buildings, inaccessible transport, and digital services and information systems that were simply not designed with disabled users in mind. The government's own response — the Accessible India Campaign, launched on 3 December 2015 — was built explicitly around this diagnosis, treating universal accessibility across the built environment, transport and digital ecosystems as the core deliverable rather than a side benefit.⁶

2.3 Stigma and Thin Institutional Capacity

⁵See discussion in *Rajive Raturi v. Union of India*, 2024 INSC 858.

⁶Department of Empowerment of Persons with Disabilities, Accessible India Campaign (Sugamya Bharat Abhiyan).

A recurring finding across the literature is that negative social attitudes, exclusion from family and community decision-making, under-reporting of disability itself, inaccessible public information, uneven state-level implementation and weak monitoring combine to blunt whatever the statute promises. None of this is unique to India, but it does show clearly that statutory rights on their own cannot manufacture substantive equality.

The most useful single data source for grounding any of this is the National Statistical Office's 76th Round survey, *Persons with Disabilities in India* (Report No. 583, released 23 November 2019), which surveyed 5,76,569 individuals across 1,18,152 households and identified 1,06,894 persons with a disability within that sample — giving nationally comparable figures for the first time since the 58th Round in 2002.⁷ Even so, any of these figures should be read with some caution: disability identification is shaped by stigma, by how “disability” gets defined on the survey instrument, by what a household is willing to report, and by unequal access to formal diagnosis or certification in the first place — which is very likely why the 2011 Census figure (26.8 million, 2.21%) and WHO's global prevalence estimate of roughly 15–16% of any population sit so far apart when applied to India's population.⁸

3. Research Gap

A good deal has been written on the RPwD Act as a piece of legislation, and a good deal more has been written on the social difficulties disabled people in India actually face — but comparatively little work puts constitutional guarantees, statutory text, policy delivery, judicial interpretation, official data and lived day-to-day barriers into a single connected analysis. There is also a real open question about whether India's implementation mechanisms are producing enforceable entitlements or mostly aspirational commitments that read well in a policy document.

This paper is written to sit in that gap, organised around one guiding question: to what extent has India's disability-rights framework actually achieved substantive equality for persons with disabilities in everyday life, as opposed to formal equality on paper?

⁷National Statistical Office, Report No. 583 (2019).

⁸Census of India 2011, C-20 Table; World Health Organization estimates of global disability prevalence (approximately 15–16%).

4. Objectives of the Study

1. To examine the constitutional and legislative framework protecting persons with disabilities in India.
2. To analyse the RPwD Act, 2016 from both a rights-based and an implementation-oriented perspective.
3. To evaluate India's international obligations under the UNCRPD.
4. To study government policies and schemes addressing accessibility, education, employment, social security and empowerment.
5. To analyse judicial decisions that have shaped disability rights in India.
6. To identify recurring day-to-day barriers faced by persons with disabilities.
7. To propose measures for more effective implementation and genuine substantive inclusion.

5. Scope and Limitations

5.1 Scope of the Study

The study covers the legal rights of persons with disabilities in India, with particular attention to the Constitution of India, the RPwD Act, 2016, the Rights of Persons with Disabilities Rules, 2017, the National Policy for Persons with Disabilities, 2006, the Accessible India Campaign, relevant government data, international standards, and leading judicial decisions. It examines barriers across education, employment, accessibility, digital participation, healthcare and access to justice.

5.2 Limitations of the Study

This is a doctrinal and secondary-data study; it does not include primary interviews, surveys or fieldwork with persons with disabilities themselves, which is a real limitation given how central lived experience is to this subject. Disability law and policy also continue to develop — the paper's most recent primary reference point is the Supreme Court's November 2024 judgment in

Rajive Raturi, with compliance reporting still ongoing at the time of writing — so parts of this analysis will need revisiting as that compliance record develops. The paper also does not attempt a full state-by-state empirical assessment, even though implementation is known to vary considerably between states and union territories.

6. Constitutional and Legislative Framework

6.1 Constitutional Foundations

The Constitution of India contains no single disability-specific fundamental-rights provision — there is no dedicated disability article the way Article 21A exists for education. Disability rights are instead assembled from several general provisions: Article 14 (equality before law and equal protection of the laws), Article 15 (the non-discrimination principle, which supports protective and enabling classification rather than undermining it), Article 16 (equality of opportunity in public employment), Article 19 (freedoms necessary for participation in public life), and Article 21 (life and personal liberty, which judicial interpretation has steadily expanded to encompass dignity).⁹ None of these was drafted with disability specifically in mind, which is itself part of why a dedicated statute was eventually necessary. The absence of an explicit constitutional guarantee has meant that the content of disability rights has been shaped largely through statutory interpretation and judicial expansion of existing provisions.

6.2 The RPwD Act, 2016

The RPwD Act is the operative statute, and it is considerably broader than its 1995 predecessor. It recognises 21 specified categories of disability spanning physical, sensory, intellectual, mental-health, blood-disorder and multiple-disability classifications, and it places affirmative duties on “appropriate governments” to prevent discrimination and to provide reasonable accommodation, rather than treating non-discrimination as a purely negative obligation.¹⁰ Its substantive protections include:

- Equality and non-discrimination under sections 3 and 4.

⁹Constitution of India, arts. 14, 15, 16, 19 and 21.

¹⁰Rights of Persons with Disabilities Act, 2016, ss. 2(y), 3, 4, 7, 16–18, 20–23, 34, 40–46.

- The duty to provide reasonable accommodation, defined in section 2(y) and required under section 3.
- Specific protections for women and children with disabilities under sections 4 and 7.
- Inclusive-education obligations under sections 16 to 18.
- Employment safeguards, including reservation in identified government establishments, under sections 20 to 23 and 34.
- Accessibility obligations covering transport, information and communication technology, and public buildings, under sections 40 to 46.
- Institutional machinery — Central and State Advisory Boards, Commissioners for Persons with Disabilities, and Special Courts.

The implementation record on employment is particularly illustrative of the gap between statutory text and operational reality. Data from the NSS 76th Round established a labour force participation rate of just 23.8 per cent among persons with disabilities aged 15 and above, with work participation rates across the broader disabled population estimated at as low as 22.8 per cent.¹¹ Inaccessible workplaces, employer attitudes, and the difficulty of navigating certification and reasonable-accommodation processes combine to mean that the employment reservation obligations the Act places on the books are of limited practical benefit to those who cannot clear the barriers that precede formal entry into the labour market.

The Act's real conceptual contribution is its recognition that treating everyone identically is not the same thing as treating everyone equally. A student who needs a scribe, extra examination time, accessible reading material or a sign-language interpreter is not asking for special favour; without that adjustment, a formally identical examination is not actually the same test for them as it is for everyone else. This is what "reasonable accommodation" is meant to capture: a

¹¹National Statistical Office, Persons with Disabilities in India: NSS 76th Round (July-December 2018), Report No 583 (Ministry of Statistics and Programme Implementation 2019); Neha Sinha and others, 'Employment Status of Persons with Disabilities in India: Insights from National Sample Survey Data 2018' (2026) Social Sciences and Humanities Open <<https://www.sciencedirect.com/science/article/pii/S2590291126003694>> accessed 12 September 2026.

necessary, appropriate modification that stops short of imposing a disproportionate or undue burden on the institution providing it.¹²

7. International Perspective

India is a State Party to the UNCRPD, which treats persons with disabilities as rights-holders rather than beneficiaries and requires States Parties to actively remove barriers to equality, accessibility, independent living, education, employment, health, political participation and access to justice — not merely to refrain from active discrimination. Its guiding principles include dignity, autonomy, non-discrimination, full participation, respect for difference, equality of opportunity, accessibility, gender equality, and respect for the evolving capacities of children with disabilities. The RPwD Act's long title states directly that the statute exists to give effect to the Convention.¹³

The UN Committee on the Rights of Persons with Disabilities published its concluding observations on India's initial state party report in October 2019, following review at the Committee's 22nd session. The Committee expressed concern about the continued dominance of the medical model in India's policy and institutional practice, the absence of a genuinely independent monitoring mechanism under the Convention, and barriers to access to justice for persons with disabilities.¹⁴ The Committee additionally flagged the particular marginalisation experienced by women with disabilities, Dalits with disabilities, and persons with psychosocial disabilities as areas requiring urgent attention. These observations provide an important external benchmark confirming that the distance between India's statutory commitments and on-the-ground delivery has been formally recorded at the international level, not merely identified as a domestic concern.

What the international framework really changes is the shape of the underlying legal question. Instead of asking whether a particular person is “fit” to participate in an institution as that

¹²Rights of Persons with Disabilities Act, 2016, s. 2(y).

¹³Rights of Persons with Disabilities Act, 2016, long title; United Nations Convention on the Rights of Persons with Disabilities, adopted 13 December 2006.

¹⁴UN Committee on the Rights of Persons with Disabilities, 'Concluding Observations on the Initial Report of India' (CRPD/C/IND/CO/1, 29 October 2019).

institution currently exists, it asks whether the institution — the workplace, the school, the transport system, the public service — has been made inclusive enough to permit that person's equal participation in the first place. That reframing looks abstract, but it is doing most of the real work in how courts have since approached accessibility disputes. The UNCRPD thus supplies both the normative foundation and the interpretive lens through which domestic courts have expanded the content of reasonable accommodation and accessibility obligations.

8. Government Policies, Programmes and the Data Behind Them

8.1 National Policy for Persons with Disabilities, 2006

The National Policy for Persons with Disabilities, 2006 set out to build an environment of equal opportunity, rights protection and full participation, and to treat persons with disabilities as a valuable human resource rather than a dependent population requiring rehabilitation alone.¹⁵ It was a genuinely progressive document for its moment, but it predates the RPwD Act and the UNCRPD's fuller rights-based standard by a decade, and it now needs to be read alongside — and, where the two diverge, subordinate to — that stronger statutory and international framework.

8.2 The Accessible India Campaign and What Nine Years of Data Show

The Accessible India Campaign (Sugamya Bharat Abhiyan) is the government's flagship accessibility initiative, launched on 3 December 2015 across three verticals: the built environment, transport systems, and information and communication technology. Its underlying premise — that exclusion is very often manufactured by design choices rather than caused by impairment itself — is sound; what is more instructive is what nine years of the campaign's own reported data shows about the distance between that premise and delivery on the ground.

By December 2024, the government's own nine-year progress report recorded the following:¹⁶

¹⁵Department of Empowerment of Persons with Disabilities, National Policy for Persons with Disabilities, 2006.

¹⁶Ministry of Social Justice and Empowerment, Press Information Bureau, Sugamya Bharat Abhiyan: 9 Years of Driving Inclusivity and Accessibility (2 December 2024).

- Air travel: all 35 international airports and 55 of 69 domestic airports had been fitted with ramps, accessible toilets, help-desks and lifts with Braille and auditory signage, with aerobridges available at all international and customs airports.
- Rail travel: 709 railway stations were reported fully accessible, with a further 4,068 stations only partially accessible.
- Road transport — the weakest link by far: of 1,45,747 buses surveyed nationally, only 8,695 (5.96%) were found fully accessible and 42,348 (29.05%) partially accessible — meaning roughly two-thirds of the surveyed public bus fleet had no meaningful accessibility features at all. Bus-station infrastructure fared somewhat better, with 3,120 of 3,533 surveyed bus stations across 24 states and union territories reporting accessibility features.
- Digital government: 95 central government websites had been made accessible under the Ministry of Electronics and Information Technology's Content Management Framework, with 500 more targeted for remediation.
- Built environment: accessibility features had been added to 1,630 government buildings (1,030 of them central government facilities), out of 1,671 buildings that had actually been audited.
- Schools: roughly 71% of government and aided schools — about 8.33 lakh schools — had been equipped with ramps, handrails and accessible toilets.

Read together, this data tells a fairly clear story: air travel and rail infrastructure — the sectors easiest to retrofit centrally and easiest to monitor — show real, near-complete progress. Road transport, which is where the overwhelming majority of people with disabilities in India would actually need to travel day to day, remains the sector where the campaign has most visibly fallen short of its own targets. That gap matters more than the aggregate “progress” narrative suggests, because a fully accessible airport is of limited use to someone who cannot get to it on an accessible bus.¹⁷

8.3 Identification and Certification: The UDID System

¹⁷Ibid.

The Unique Disability Identity (UDID) project is meant to build a single national database of persons with disabilities and issue each of them a certificate and a UDID card, replacing the earlier patchwork of state-specific and often non-portable disability certificates. As of 15 July 2024, a total of 1,09,55,968 UDID cards had been generated nationally — a substantial rollout, though still well short of the 26.8 million persons the 2011 Census counted as having a disability, let alone the higher figures more recent surveys and international comparisons suggest.¹⁸ Certification portability now matters in very concrete ways: Maharashtra, for instance, made the UDID card mandatory for accessing government disability benefits and reservations from October 2025 onward, which raises its own access questions for anyone who has not yet completed the certification process.¹⁹

8.4 Other Policy Areas Requiring Coordinated Implementation

Several other policy areas depend on the same central-to-local implementation chain, and show the same pattern of central-level existence without guaranteed local delivery: disability certification and the UDID system; inclusive education and support services; scholarships, skill training and employment support; assistive devices and rehabilitation services; social-security pensions and insurance coverage; accessible public transport and digital-government services; and awareness-building and capacity-building for public authorities themselves.

The recurring structural problem is not that these schemes fail to exist — most of them plainly do — but that a scheme announced at the central level can still leave a beneficiary facing delayed processing, an inaccessible application portal, thin local awareness, or infrastructure at the state level that was never built to support it. Programme evaluation, in other words, needs to measure actual delivered accessibility and outcomes, not expenditure figures or the number of schemes a ministry can list in an annual report.

A structural constraint running beneath all these policy gaps is the inadequacy of public funding earmarked for disability-related implementation. In financial year 2023-24, the Department of Empowerment of Persons with Disabilities received a Union Budget allocation of Rs 1,225

¹⁸Press Information Bureau, Over 7.97 Lakh Unique Disability Identity Cards Generated for ST Category PwDs (15 July 2024).

¹⁹News on Air, Maharashtra Mandates UDID Card for All Persons with Disabilities for Government Benefits (9 December 2025).

crore, amounting to just 0.027 per cent of the total central budget.²⁰ The Scheme for Implementation of the Persons with Disabilities Act, the specific fund meant to support states in discharging their RPwD Act obligations, saw its allocation fall from Rs 315 crore in financial year 2019-20 to Rs 150 crore in financial year 2023-24, with reported under-utilisation of funds in the intervening years. Without adequate and predictable budgetary support, the practical gap between statutory entitlement and delivered benefit is likely to persist regardless of the quality of the legal framework.

9. Judicial Interpretation

Indian courts have, over roughly the last decade, moved toward interpreting disability rights through dignity, equality, reasonable accommodation and substantive equality, rather than through the narrower reservation-and-welfare framing that dominated earlier case law.

In *Jeeja Ghosh v. Union of India*, the Supreme Court held that an airline's discriminatory treatment of a passenger with cerebral palsy — she was removed from a flight — violated her dignity and her right to equality. The judgment is significant less for its facts than for what it rejects: the paternalistic assumption, common in earlier institutional practice, that persons with disabilities can simply be excluded “for their own safety” without any individualised assessment.²¹

In *Vikash Kumar v. Union Public Service Commission*, the Supreme Court held that equality for persons with disabilities has to be substantive rather than merely formal, and stressed reasonable accommodation as the legal mechanism for closing that gap. The case matters directly for education and examinations, because a standardised, formally neutral rule can still disadvantage candidates with disabilities if reasonable accommodation is refused in its application.²²

²⁰Suyashi Sharma, 'No Budget for Persons with Disabilities in India' India Development Review (18 August 2025) <<https://idronline.org/article/advocacy-government/no-budget-for-persons-with-disabilities-in-india/>> accessed 12 September 2026; 'Union Budget 2024: Disability Affairs Department Allocated Rs 1,225 cr' Business Standard (23 July 2024).

²¹*Jeeja Ghosh v. Union of India*, (2016) 7 SCC 761.

²²*Vikash Kumar v. Union Public Service Commission*, (2021) 5 SCC 370.

The most significant recent development is *Rajive Raturi v. Union of India* (2024 INSC 858), decided on 8 November 2024 by a bench of then-Chief Justice D.Y. Chandrachud, Justice J.B. Pardiwala and Justice Manoj Misra. The petition originated in 2005, brought by a visually disabled advocate seeking enforceable accessibility standards for public spaces. After an earlier 2017 judgment produced slow and inconsistent compliance, the Court appointed the Centre for Disability Studies at NALSAR University of Law to audit the situation nationally; its report, submitted in 2024, underpinned the Court's final ruling. The Court held that Rule 15 of the RPwD Rules, 2017 — which had treated sectoral accessibility guidelines as merely recommendatory — was ultra vires the RPwD Act itself, and directed the Union Government to frame concrete, non-negotiable accessibility rules within three months, enforceable through denial of building permissions and completion certificates, and through statutory penalties under sections 44 to 46 and 89 of the Act. The Court adjourned the matter to March 2025 for compliance reporting.²³ The judgment is significant because it converts what had functioned for years as an aspirational, recommendation-based framework into one with actual statutory teeth — precisely the implementation gap this paper argues is India's central disability-rights problem.

A subsequent development reinforces the trajectory established by *Rajive Raturi*. In *Pragya Prasun and Ors v Union of India* (2025 SCC OnLine SC 993), decided on 30 April 2025 by a bench of Justice J.B. Pardiwala and Justice R. Mahadevan, the Supreme Court held that the right to digital access constitutes an intrinsic facet of the right to life and personal liberty under Article 21 of the Constitution. The writ petitions arose from the exclusion of acid attack survivors and a person with 100 per cent visual impairment from digital KYC processes required to open bank accounts and access telecom services.²⁴ The Court directed financial regulators and telecommunications authorities to provide accessible alternatives to biometric-dependent verification procedures. This judgment extends the logic of substantive equality and constitutional dignity that animated *Rajive Raturi* into the digital economy, confirming that the

²³*Rajive Raturi v. Union of India*, 2024 INSC 858, Writ Petition (C) No. 243 of 2005 (8 November 2024).

²⁴*Pragya Prasun and Ors v Union of India* (2025 SCC OnLine SC 993); Gursimran Kaur Bakshi, "Right to Digital Access Part of Article 21: Supreme Court Directs Making eKYC Process Accessible to Persons with Disabilities" (Live Law, 30 April 2025) <<https://www.livelaw.in/supreme-court/right-to-digital-access-part-of-article-21-supreme-court-directs-to-make-ekyc-process-accessible-to-persons-with-disabilities-290778>> accessed 12 September 2026.

barriers the RPwD Act addresses are not static but evolve as the infrastructure through which essential services are delivered continues to change.

Read together, these decisions make one thing fairly clear: disability rights in Indian law can no longer be reduced to reservation quotas alone. Genuine equality, as the courts are now describing it, requires changes to institutional design itself, individualised accommodation, accessible communication, and — as Rajive Raturi now makes explicit — real consequences when authorities fail to comply.

10. Day-to-Day Challenges

Beneath the statutory and judicial architecture, the barriers that actually shape daily life for persons with disabilities in India tend to fall into a fairly consistent set of categories:

Physical Barriers

Missing ramps, lifts, tactile paths, accessible toilets, adequate signage, lowered service counters, and wheelchair-accessible transport — all of which restrict mobility and, with it, independence. The Accessible India Campaign's own bus data above shows how far this problem extends even within a flagship accessibility programme.

Digital Exclusion

Government portals, banking platforms, education systems and employment websites frequently remain incompatible with screen readers, keyboard-only navigation, captions, or accessible document formats — a gap the government's own 95-of-many central-website figure makes concrete.

Education Barriers

Inaccessible classrooms, a shortage of trained special educators, unsuitable learning materials, refusal of reasonable examination accommodations, and peer discrimination continue to limit educational participation and outcomes.

The NSS 76th Round data places a precise figure on this educational deficit: the literacy rate among persons with disabilities aged 7 and above was only 52.2 per cent, substantially below the

national average at the time of the survey. The gap widens further along geographic and gender lines: only 24 per cent of rural persons with disabilities complete secondary schooling, compared to 42 per cent in urban areas, and the figure for rural women with disabilities falls as low as 17 per cent.²⁵ These compounding deficits carry directly into worse employment outcomes and a reduced capacity to navigate legal and bureaucratic processes, making the inclusive education obligations in sections 16 to 18 of the RPwD Act among the most consequential provisions the Act contains for achieving substantive equality over the long run.

Employment Discrimination

Bias during recruitment, inaccessible workplaces, absent accommodation, limited career progression, and persistent stereotyping about productivity remain widespread, undermining the employment safeguards contained in the RPwD Act.

The NSS 76th Round establishes that the overall work participation rate among persons with disabilities stands at 22.8 per cent, and peer-reviewed analysis of that dataset confirms that location, caste, education level, and access to public buildings and public transport all independently reduce the probability of employment for persons with disabilities, beyond the effect of the disability itself.²⁶ That finding reinforces a point this paper returns to throughout: employment discrimination cannot be addressed through anti-discrimination law alone. It requires simultaneous progress on accessible infrastructure, inclusive education, and an accessible certification system, because the barriers that prevent labour-market entry begin well before the recruitment stage.

Healthcare Barriers

Physical inaccessibility of facilities, unaffordable services, communication barriers, limited rehabilitation infrastructure, and insensitive treatment — compounded, as NSS 76th Round data shows, by the fact that disability-related out-of-pocket spending consumed over a fifth of

²⁵FACTLY, 'Data: Literacy Among Disabled Persons Just Over 50%, Far Below National Average as per 76th Round of NSS Report' (Factly.in, April 2025) <<https://factly.in/data-literacy-among-disabled-persons-just-over-50-far-below-national-average-as-per-76th-round-of-nss-report/>> accessed 12 September 2026.

²⁶National Statistical Office, Report No 583 (2019); Neha Sinha and others, 'Employment Status of Persons with Disabilities in India: Insights from National Sample Survey Data 2018' (2026) Social Sciences and Humanities Open <<https://www.sciencedirect.com/science/article/pii/S2590291126003694>> accessed 12 September 2026.

affected households' monthly consumption expenditure on average, and pushed more than half of affected households into catastrophic health expenditure.²⁷

Documentation Barriers

Disability certification, renewal procedures, travel to medical boards for assessment, and increasingly digital-only application systems can all delay access to welfare and reservation benefits that are, on paper, already available.

Attitudinal Barriers

Pity, overprotection, ridicule, invisibilisation, and blanket assumptions of incapacity routinely deny persons with disabilities control over decisions affecting their own lives.

Intersectional Disadvantage

Women and girls with disabilities face heightened exposure to violence and exclusion; rural residents — around 69% of India's disabled population, per the 2011 Census — have markedly weaker access to specialised services than their urban counterparts; and persons with psychosocial or intellectual disabilities tend to face the sharpest stigma of all.²⁸

Women and girls with disabilities also face a heightened risk of sexual and other forms of gender-based violence, compounded by barriers to reporting that are more acute than those faced by non-disabled women. A 2018 Human Rights Watch report documented that Maharashtra Police alone recorded 76 women and girls with disabilities as rape victims between January and October 2015, and noted that this figure almost certainly substantially understates the actual incidence.²⁹ Communication difficulties, dependence on caregivers who may themselves be perpetrators, inaccessible police complaint procedures, and a widespread tendency to discount the testimony of disabled women all reduce the likelihood of a report being filed, let alone

²⁷National Statistical Office, Report No. 583 (2019); see also analysis of the financial impact of disability using NSS 76th Round data.

²⁸Census of India 2011, C-20 Table.

²⁹Human Rights Watch, *Invisible Victims of Sexual Violence: Access to Justice for Women and Girls with Disabilities in India* (HRW 2018) <<https://www.hrw.org/report/2018/04/03/invisible-victims-sexual-violence/access-justice-women-and-girls-disabilities>> accessed 12 September 2026.

successfully investigated or prosecuted. The absence of a government system to even register attacks against women and girls with disabilities reinforces this invisibility.

11. Suggestions

1. **Make accessibility standards legally enforceable, not recommendatory.** Rajive Raturi has already forced this shift for Rule 15 of the RPwD Rules; the same enforceable, time-bound logic needs to extend to every public building, transport provider, educational institution, government website and essential private service, with clear consequences for non-compliance rather than indefinitely renewed deadlines.
2. **Strengthen reasonable-accommodation duties in practice, not just in text.** Educational institutions and employers should be required to adopt written accommodation policies, maintain accessible grievance channels, and train staff to assess accommodation requests fairly and promptly rather than treating each request as a novel administrative problem.
3. **Build participatory governance around disabled people's own organisations.** Persons with disabilities and their representative organisations should have a structural role in policy design, budgeting, auditing and review — consistent with the “nothing about us without us” principle the UNCRPD itself is built on.
4. **Improve the underlying data.** Disability data collection should be periodic, disaggregated by gender, age, location, disability type, income and education or employment outcomes, while still protecting individual privacy and informed consent — the gap between the 2011 Census figure, the NSS 76th Round figure, and international prevalence estimates shows how much this currently varies by method alone.
5. **Simplify certification and benefit delivery.** Certification and welfare-scheme access should work offline as well as online, be available in regional languages, and be supported through local facilitation centres rather than requiring every applicant to navigate a centralised digital portal unassisted.
6. **Prioritise genuinely inclusive education.** Schools and universities need accessible materials, trained educators, sign-language support where required, assistive technology,

and reliable examination accommodations as a matter of course rather than case-by-case negotiation.

7. **Introduce independent compliance audits with real teeth.** Accessibility audits should involve persons with disabilities directly, be published in a transparent and usable format, and carry meaningful consequences for non-compliance — the NALSAR-CDS audit underlying *Rajive Raturi* is a workable model for what this can look like at scale.
8. **Invest in public awareness.** Sensitisation programmes need to shift public understanding away from sympathy and toward agency, rights and equal citizenship — a shift the law has already made, even where public attitudes have not fully caught up.

12. Conclusion

India's disability-rights framework has, on paper, come a long way — particularly through the RPwD Act, 2016 and a run of judicial decisions that have steadily built out dignity, reasonable accommodation and accessibility as substantive legal entitlements rather than welfare gestures. The legislative architecture itself is not the weak point; it offers genuinely broad protection across education, employment, accessibility, social security and public participation. What the government's own accessibility data shows, though, is that legal entitlement and lived access remain two different things: near-complete progress in air and rail travel sits alongside a bus network that remains overwhelmingly inaccessible, and a UDID rollout that, at approximately 1.1 crore cards issued, still trails well behind even the more conservative disability-population estimates.

The central challenge going forward is implementation, not further legislation. India needs to treat accessibility as a precondition of full citizenship rather than a discretionary welfare add-on — which is precisely the logic the Supreme Court adopted in *Rajive Raturi* when it converted a merely recommendatory accessibility rule into an enforceable one. Getting from that judicial principle to lived reality will require enforceable standards with actual deadlines, adequate and transparent budgeting, institutional accountability, better disaggregated data, accessible complaint mechanisms, and active participation by persons with disabilities themselves in the decisions that are made in their name. A genuinely rights-based approach will have arrived only

when a person with a disability can study, travel, work, access healthcare, use digital government services, and take part in public life independently and with dignity — not as an exception the system has been persuaded to accommodate, but as the ordinary, unremarkable default.

References

- Department of Empowerment of Persons with Disabilities. (n.d.). Accessible India Campaign (Sugamya Bharat Abhiyan). <https://depwd.gov.in/en/accessible-india-campaign/>
- Department of Empowerment of Persons with Disabilities. (n.d.). Acts, rules and regulations. <https://depwd.gov.in/en/acts/>
- Department of Empowerment of Persons with Disabilities. (n.d.). National policy for persons with disabilities, 2006. <https://depwd.gov.in/en/policy/national-policy/>
- Department of Empowerment of Persons with Disabilities. (n.d.). Unique disability ID (UDID). <https://depwd.gov.in/en/unique-disability-id-udid/>
- Government of India. (2016). Rights of Persons with Disabilities Act, 2016 (Act No. 49 of 2016). India Code. <https://www.indiacode.nic.in/>
- Legislative Department, Government of India. (n.d.). Constitution of India. <https://legislative.gov.in/constitution-of-india/>
- Ministry of Social Justice and Empowerment, Government of India. (2024, December 2). Sugamya Bharat Abhiyan: 9 years of driving inclusivity and accessibility [Press release]. Press Information Bureau. <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2079826>
- Ministry of Statistics and Programme Implementation, National Statistical Office. (2019). Persons with disabilities in India: NSS 76th round (July–December 2018) (Report No. 583). <https://www.mospi.gov.in/>
- Office of the Registrar General and Census Commissioner, India. (2011). Census of India 2011: C-20 table, disabled population by sex and residence. <https://censusindia.gov.in/>
- Press Information Bureau, Government of India. (2024, July 15). Over 7.97 lakh Unique Disability Identity cards generated for ST category PwDs. <https://www.pib.gov.in/>
- United Nations. (2006). Convention on the Rights of Persons with Disabilities. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- Jeeja Ghosh v. Union of India, (2016) 7 SCC 761.
- Vikash Kumar v. Union Public Service Commission, (2021) 5 SCC 370.
- Rajive Raturi v. Union of India, 2024 INSC 858.