



DISABILITY LAW IN INDIA

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ABSTRACT

The Indian course of action and law for addressing failures have been implemented to promote respect for the rights of people with disabilities (PwDs). This article provides a comprehensive examination of India's inadequate laws, with a focus on the major authorizations, particularly the Rights of People with Disabilities Act, 2016, and the guaranteed courses of action, as well as key case laws. Other challenges incorporate accessibility, work, instruction, and well-being care. The significance of sensible convenience, authorization instruments, and the need for way better data to help in choosing an approach is additionally demonstrated. This article shows that while advances have been made in the inadequacy of things in India, a long way still should be travelled to make a disability-inclusive state. Disability can allude to diverse sorts, including physical, tangible, mental, or mental impedances that, because of such a condition, constrain the capacity of a person to perform one or more basic capacities for self-care or back in ordinary life or social works out.

INTRODUCTION

Disability laws in India have undergone significant evolution over the years, shaped by a combination of constitutional mandates, international conventions, and legislative reforms aimed at safeguarding the rights, dignity, and full participation of persons with disabilities (PwDs) in society. The legal framework reflects a growing recognition of the need for inclusivity, equal opportunity, and non-discrimination. It has been influenced by both universal human rights principles and the socio-legal ethos of the Indian state. This article offers a comprehensive examination of the development and current status of disability laws in India, with a focused analysis of major legislations, relevant constitutional provisions, landmark

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judicial pronouncements, and the persistent challenges faced in the effective implementation and enforcement of these legal safeguards.

WHAT IS DISABILITY

A disability could be a mental, physical, mental, or mental impedance that essentially influences a person's capacity to perform day-by-day exercises or take an interest in society on a break even with a premise with others.

The People with Disability (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, gives a therapeutic definition of disability. Agreeing to Section 2(t)¹ In the Act, "individual with a disability" implies somebody enduring not less than 40% of any disability, as certified by a restorative specialist.

Further, the meaning of disability is described in sec 2(i)²This act states that disability means:

- blindness;
- low vision;
- leprosy-cured;
- Hearing impairment
- locomotor disability;
- mental retardation;
- mental illness

SOCIAL DEFINITION OF DISABILITY

UN Standard Rules on the Balance of Openings for People with Disability by UN General Assembly, on December 20, 1993, characterizes inability as “a condition that can influence a person's body, intellect, or faculties. This implies that an individual may have physical impediments, mental challenges, tangible disabilities (like vision or hearing misfortune), restorative conditions, or mental wellbeing issues”. These Disabilities can be either long-term (changeless) or short-term (transitory), depending on the individual's circumstances.

¹Section 2(t) of Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act 1995.

²Section 2(i) of Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995,

MEDICAL DEFINITION OF DISABILITY

In 1976, the World Health Organization (WHO) clarified the contrasts between impedance, incapacity, and incapacitate in basic terms:

- Impairment refers to any loss or abnormality in the body's structure or function, whether it's physical, mental, or sensory. This could be something like a missing limb, a vision problem, or a neurological condition.
- Disability is the limitation that comes from an impairment, making it harder for a person to do certain activities in the way most people can. For example, someone with impaired vision might struggle to read without glasses.
- Handicap is a disadvantage a person faces in daily life due to their impairment or disability, especially when society isn't accommodating their needs. For instance, a person using a wheelchair may find it difficult to access buildings without ramps.

This viewpoint traces inadequacy through a restorative central point, treating individuals with disabilities as inalienably distinctive from their non-disabled peers and accepting they are subordinate or incapable of driving free lives. Be that as it may, such a scene ignores the genuine issue—the restrictions inside society itself. The problem is not just an individual's impairment but the barriers created by inaccessible environments, exclusionary policies, and social attitudes that fail to accommodate diversity. A truly inclusive approach recognizes that disability is not a personal deficiency but a result of structural shortcomings that can and should be addressed.

CONSTITUTIONAL PROVISIONS:

The Indian Constitution provides a strong foundation for the rights of PwDs through various fundamental rights and directive principles given in:

- **Article 14³**: This article of the Indian Constitution guarantees that the state shall not deny to any person (Which also includes Persons with Disability) equality before the law or the equal protection of the laws within the territory of India

³Article 14 of The Constitution of India, 1950

- **Article 15⁴**: This article prohibits discrimination on various grounds, such as religion, race, caste, sex, or place of birth. This article also includes disability. Although disability is not mentioned, judicial interpretations have extended the scope of this to cover PwDs, which ensures their protection from discriminatory practices in public spaces and institutions.
- **Article 21⁵**: of the Constitution ensures the protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law. The interpretation of this includes the right to dignity and accessibility. Courts have armour-plated the rights to life and dignity, necessitating accessibility in public places, education, healthcare, and employment.
- **Article 41⁶**: Directs the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, education and public assistance in cases of unemployment, old age, sickness and disablement, and other cases of undeserved want. This directive principle places an obligation on the government to formulate policies and schemes that support PwDs in leading an independent life.
- **Article 46⁷**: Promotes educational and economic interests of weaker sections, which includes Scheduled Caste, Scheduled Tribes, and also PwDs. It mandates the state to take special care in ensuring that PwDs receive adequate educational and employment opportunities, thereby fostering their economic independence.

FIGURES AS PER THE INDIAN 2011 CENSUS

As per the 2011 populace census information, 2.21% of India's add up to populace lives with disabilities, confronting various challenges day by day. This translates to approximately 26.8 million individuals with disabilities across the country. The government, through various statistical studies, has classified disabilities into different categories to assess their prevalence and impact.

A report titled Debilitated People in India: A Genuine Profile 2016, issued by the Social Estimations Division underneath the Benefit of Bits of Knowledge and Program Utilization, gives a more nitty-dirty breakdown:

- 20% of people in India have a disability in development.

⁴Article 15 of The Constitution of India, 1950

⁵Article 21 of The Constitution of India, 1950

⁶Article 41 of The Constitution of India, 1950

⁷Article 46 of The Constitution of India, 1950

- 19% have a disability in seeing.
- 19% have a disability in hearing disability.
- 8% have multiple disabilities.

Apart from these, disabilities related to speech, mental illness, and intellectual disabilities also constitute a significant portion of the disabled population. However, these figures are over a decade old, as the anticipated 2021 Census had to be postponed due to the pandemic of 2020. The nonattendance of upgraded information poses challenges to policymakers in making educated choices concerning asset assignment, openness measures, and bolstering frameworks for PwDs.

Given the growing awareness and advocacy for disability rights, there is a strong demand for fresh statistical insights that reflect the current state of disabilities in India. Updated data would be crucial for evaluating the impact of legal reforms and for identifying areas where further intervention is required.

WHAT IS ENSURED BY THE PROPER OF INDIVIDUALS WITH INABILITY (RPWD)ACT?

The Rights of Persons with Disabilities Act, 2016, includes several important provisions to ensure equal opportunities in education, skill development, employment, healthcare, allowances, and recreation for PwDs.

1. EDUCATION

Chapter 3⁸The Act emphasizes inclusive education and mandates that all government-funded educational institutions must:

- Make their campuses accessible and provide necessary facilities for students with disabilities.
- Promote academic and social development in a way that ensures full inclusion.
- Distinguish learning inabilities in children at an early arrange and take suitable steps to coordinate them into the classroom

⁸Chapter 3 of *The Rights of Persons with Disabilities Act, 2016*

- Additionally, local governments (panchayats and municipalities) are required to conduct surveys every five years to identify children with disabilities. This data is essential for setting up teacher training institutes to ensure an adequate number of trained educators.

To form a comprehensive learning environment, the Act orders:

- Hire teachers trained to work with children with intellectual disabilities.
 - Inability of instructors with disabilities to cultivate representation and consideration
 - Enlisting teachers capable in Braille and sign dialect to bolster understudies
- Encouraging the use of alternative communication methods such as sign language and Braille to aid students with speech, communication, or language-related disabilities. The Rights of Persons with Disability Act of 2016 ensures that children with benchmark disabilities (40% or more of a showed-up dissatisfaction) have got to quality instruction and the back they got to succeed.

Under this law, they are entitled to free instruction in any government or privately owned school until the age of 18, making learning more open for all. Schools are required to supply free learning materials, such as books and assistive gadgets, to assist understudies in overcoming challenges within the classroom. The Act empowers grants to encourage ease of financial burdens, guaranteeing that children with incapacities can proceed with their education without impediments. These arrangements point to making a more comprehensive and strong learning environment, giving each child the opportunity to memorize, grow, and construct a brighter future. In government-run schools for higher instruction, at least 5 per cent of the seats are to be saved for understudies with benchmark incapacities, at the side a five-year extricating up on the upper age restrain. The act, in addition, endorses giving awards to understudies with incapacities

2. SKILL DEVELOPMENT AND EMPLOYMENT

Chapter 4⁹The act orders the upkeep of information on how people with incapacities are faring in terms of ability advancement and business. It states that select aptitude-preparing programs with dynamic joins to the showcase ought to be created for those with numerous disabilities or mental and formative disabilities. In expansion, it notes that credits have to be made available

⁹Chapter 4 of *The Rights of Persons with Disabilities Act, 2016*

so that those with incapacities can take up proficient courses or self-employment. For illustration, a state division conspire in Goa gives month-to-month money-related help to those locked in conventional occupations and businesses.

Fair as in instruction, much of what the act coordinates as remote as work is concerned applies to government business. Section 20¹⁰ Prohibits discrimination against persons with disabilities in matters related to employment, with the government able to exempt certain establishments based on the nature of work, subject to conditions. If a government employee becomes disabled before their tenure has expired, they need not be demoted or removed but can be shifted to another role on the same pay scale. Section 21 mandates that every establishment notify its Equal Opportunity Policy, detailing measures to be taken to comply with the provisions of the Act, as prescribed by the Central Government. Section 22 mandates recordkeeping in all employment-related matters, including documenting information regarding those with disabilities seeking employment. These records may be inspected at any time.

As per section 33¹¹ In Chapter 6, up to 4 percent of positions for any government posts are to be reserved for applicants with benchmark disabilities. Whereas the act notices that there ought to be motivating forces for private companies, it doesn't unequivocally lay out what this ought to be. Also, plans for government buildings are assumed to be endorsed as they were on the off chance that they are disability-friendly. The act also specifies five years within which all existing government buildings are to be retrofitted with disability-friendly infrastructure.

3. HEALTHCARE

According to Section 25¹² of the Rights of Persons with Disabilities Act, 2016,

- 1) The suitable Government and the neighbourhood specialists might take fundamental measures for the people with disabilities to supply,
 - a) free health care within the region extraordinarily in a provincial region subject to such family wage as may be informed;
 - b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;
 - c) priority in attendance and treatment.

¹⁰Section 20 of *The Rights of Persons with Disabilities Act, 2016*

¹¹Section 33 of *the Rights of Persons with Disabilities Act, 2016*

¹²Section 25 of *the Rights of Persons with Disabilities Act, 2016*

The suitable Government and the neighbourhood specialists should take measures and make plans or programs to advance healthcare and anticipate the event of inabilities and, for the said reason, shall—

- a) embrace or cause to be embraced studies, examinations, and investigations concerning the cause of the event of inabilities;
- b) advance different strategies for avoiding inabilities;
- c) screen all the children at slightest once a year to distinguish “at-risk” cases;
- d) give offices for preparing the staff at the essential well-being centers;
- e) support or cause to be supported mindfulness campaigns and spread or cause to be spread data for common cleanliness, well-being, and sanitation;
- f) take measures for pre-birth, perinatal, and post-natal care of mother and child;
- g) teach the open through the pre-schools, schools, essential wellbeing centres, town-level laborers, and Anganwadi labourers;
- h) make mindfulness among the masses through TV, radio, and other mass media on the causes of incapacities and the preventive measures to be received;
- i) healthcare within the middle of the time of normal fiascos and other circumstances of hazard;
- j) j) essential restorative workplaces for life-saving emergency, and
- k) k) sexual and reproductive healthcare, especially for women with disability.

RIGHT OF PERSON WITH DISABILITY (RPWD) ACT,2016

The *RPWD Act,2016*, was passed by both houses of the Parliament. It was notified on December 28, 2016, after entering the presidential assent. Principles stated to be executed for strengthening people with incapacities (PWD)are regarded as inalienable nobility, personal independence counting the flexibility to create one's claim choice, and autonomy of the individual. The Act lays stress onnon-discrimination, full and effective participation and addition in society, respect for difference and acceptance of disabilities as part of mortal diversity and humanity, equivalency of occasion, availability, equivalency between men and women, respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to save their individualities. The rule reflects a worldview move in allowing inadequacy from a social weal concern to a mortal rights issue. Rights allowed to the People with disabilities under this Act are:

- Section 3¹³ – Equality and non-discrimination
- Section 4¹⁴ – Ladies and children with disabilities
- Section 5¹⁵ – Community life
- Section 6¹⁶ – Protection from atrocity and inhuman treatment
- Section 7¹⁷ – Safeguarding against harm
- Section 8¹⁸ – Protection and safety
- Section 9¹⁹ – Home and family
- Section 10²⁰ – Reproductive rights
- Section 11²¹ – Accessibility in voting
- Section 12²² – Access to justice
- Section 13²³ – Legal capacity
- Section 14²⁴ – Provision for guardianship
- Section 15²⁵ – Arrangement of Specialists for Help

IMPORTANT DEFINITIONS AND CONCEPTS

Under the Rights of Persons with Disability (RPwD) Act. Distinct categories of individuals with failure are recognized with specific expressions. This includes the following:

1. **A person with disabilities:** is someone with a long-term physical, mental, intellectual, or sensory impairment that, in interaction with barriers, hinders their full and effective participation in society. (Section 2(s))²⁶.
2. **Person with Benchmark Disability:** applies to a person with not less than 40% of an indicated disability where the indicated disability has not been characterized in measurable terms and incorporates an individual with a disability where indicated inability has been

¹³Section 3 of the Right of Persons with Disabilities Act, 2016

¹⁴Section 4 of the Right of Persons with Disabilities Act, 2016

¹⁵Section 5 of the Right of Persons with Disabilities Act, 2016

¹⁶Section 6 of the Right of Persons with Disabilities Act, 2016

¹⁷Section 7 of the Right of Persons with Disabilities Act, 2016

¹⁸Section 8 of the Right of Persons with Disabilities Act, 2016

¹⁹Section 9 of the Right of Persons with Disabilities Act, 2016

²⁰Section 10 of the Right of Persons with Disabilities Act, 2016

²¹Section 11 of the Right of Persons with Disabilities Act, 2016

²²Section 12 of the Right of Persons with Disabilities Act, 2016

²³Section 13 of the Right of Persons with Disabilities Act, 2016

²⁴Section 14 of the Right of Persons with Disabilities Act, 2016

²⁵Section 15 of the Right of Persons with Disabilities Act, 2016

²⁶Section 2(s) Right of Persons with Disabilities Act, 2016

characterized in measurable terms, as certified by the certifying specialist. (Section 2(r)²⁷And Chapter VI).

3. **Person with Multiple Disabilities:** defines a "barrier" as any factor, including communicational, cultural, economic, environmental, institutional, political, social, attitudinal, or structural, that hinders the full and effective participation of persons with disabilities in society. (Section 2(c)²⁸Read with Schedule Item No.5).
4. **Person with Disability having High Support Needs:** as someone with a long-term physical, mental, intellectual, or sensory impairment, which, in interaction with barriers, hinders their full and effective participation in society equally with others. (Section 2(t)²⁹).

DUTIES AND RESPONSIBILITIES OF THE APPROPRIATE GOVERNMENT

- Every government establishment shall appoint an Issue Resolution Officer. This officer is responsible for receiving and investigating complaints regarding violations of the non-discrimination requirements outlined in Section 20³⁰Of the Act. Registered complaints must be inquired into within two weeks. If the aggrieved person is not satisfied with the action taken by the Grievance Redressal Officer, they have the right to escalate the matter to the District Level Committee on Disability (Section 23)³¹.
- The Union Government, in discussion with the Chief Commissioner, might build up openness rules for people with disabilities covering different angles, including physical environment, transportation, data and communication innovations, and open offices in urban and country zones. Open buildings ought to be made open inside a period not surpassing five long times agreeing to Union Government rules and activity plans ought to be created organizing. (Sections 40 & 45)³².
- (Section 41)³³Mandates the appropriate government to ensure accessibility in transportation for persons with disabilities, including facilities at bus stops, railway stations, and airports, and to promote their mobility.

²⁷Section 2(r) of the *Right of Persons with Disabilities Act, 2016*

²⁸Section 2(c) of the *Right of Persons with Disabilities Act, 2016*

²⁹Section 2(t) of the *Right of Persons with Disabilities Act, 2016*

³⁰Section 20 of the *Right of Persons with Disabilities Act, 2016*

³¹Section 23 of the *Right of Persons with Disabilities Act, 2016*

³²Section 40 & 45 of the *Right of Persons with Disabilities Act, 2016*

³³Section 41 of the *Right of Persons with Disabilities Act, 2016*

- (Section 42)³⁴Mandates the appropriate government to ensure accessibility of information and communication technology, including accessible formats for audio, print, and electronic media, and universal design for electronic goods.
- (Section 56)³⁵Orders the Central Government to inform rules for evaluating the degree of indicated disabilities in an individual.

ENFORCEMENT, OFFENCES, AND PENALTIES

One of the biggest challenges in realizing disability rights in India is that accessibility and sensible housing are frequently seen as “nice to have” by businesses and open section. instruction rather than a “must-have.” To address this issue, the RPwD Act puts in put a necessary instrument. Section 89 of the Act mulls over the burden of a fine of Rs. 10,0000 within the case of to begin with repudiation, and a fine of between Rs. 50,000 and Rs. 5,00,000 for ensuing repudiations. These punishments can be forced by the Chief and State Commissioners for People with Incapacities.

WITNESSES WHO HAVE DISABILITIES

A key issue concerning persons with disabilities is the negation of their credibility as a witness or victim/survivor. For example, in *Mange v. State of Haryana*,³⁶There was a young child girl who has been raped by a convict. The Supreme Court in *Mange* noted that the non-examination of the prosecutrix was not a major infirmity in the prosecution’s case since, apart from being a child witness, the prosecutrix was additionally difficult of hearing and bonehead, and “no important reason would have been served by analysing her.

The stereotype that people with disabilities, such as hearing disability or visual deficiency, cannot give vital testimony is off base since it undermines their capacity to supply profitable proof based on their experiences and discernments. This was expressly recognized by the Supreme Court of India in *Patan Jamal Vali v. State of Andhra Pradesh*.³⁷, where the Court stated that such presumptions, which construed disability as an incapacity to participate in the legal process, not only reflected an unfounded understanding of how disability operates but

³⁴Section 42 of the *Right of Persons with Disabilities Act, 2016*

³⁵Section 56 of the *Right of Persons with Disabilities Act, 2016*

³⁶*Mange v. State of Haryana AIR 1979 SC1194*

³⁷*Patan Jamal Vali v. State of Andhra Pradesh AIR 2021 SC 2190*

also resulted in a miscarriage of justice through a devaluation of testimonies given by persons with disabilities. The supposed inferiority or irrelevance of witnesses who have disabilities was held by the Supreme Court to be an affront to their dignity and a violation of the principle of equality. Disregarding the testimony of rape victims with disabilities was highlighted by the Supreme Court as a perpetuation of the stereotypes against persons with disabilities.

In the case of *Smruti Tukaram Badade v. The State of Maharashtra*³⁸, the Supreme Court underscored the imperative of establishing a secure and barrier-free environment for recording the testimony of vulnerable witnesses in criminal proceedings. Previously, the 'Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters' issued by the High Court of Delhi confined the definition of vulnerable witnesses to individuals under 18 years of age. However, in *Smruti Tukaram*, the Supreme Court expanded the definition of vulnerable witnesses to include persons who have a 'mental illness' as defined under the Mental Healthcare Act, 2017 ("Mental Healthcare Act."³⁹) and individuals with speech or hearing impairments, as well as persons who have any other disabilities. This ensures that all such witnesses receive appropriate protection and accommodations during the legal process.

REASONABLE CONVENIENCE FOR PERSONS WITH DISABILITIES

"Reasonable convenience" alludes to the changes or alterations made to guarantee that individuals with inabilities can appreciate their rights similarly and completely without causing out-of-line or intemperate burdens. This is the obligation of both the government and private entities to support people with disabilities so they can fully participate in society. Denying reasonable accommodation is considered discrimination under the Rights of Persons with Disabilities (RPwD) Act. The idea behind reasonable accommodation is not about charity or compensating for perceived deficiencies but about creating a society where everyone—regardless of their disability—can be treated with equality, respect, and dignity. Elizabeth Anderson's point is that fairness isn't just about removing bad luck; it's about ending the social oppression faced by people with disabilities. So, society should make adjustments that allow people with disabilities to contribute meaningfully, just like everyone else. Because disabilities present unique challenges, the law insists that obstacles preventing people with disabilities from fully participating in society should be removed or adjusted. This ensures they have equal opportunities and resources. Since disabilities vary greatly, reasonable accommodations must

³⁸*Smruti Tukaram Badade v. The State of Maharashtra* (2004) 5 SCC 518

³⁹*Mental Healthcare Act, 2017*

be tailored to meet the specific needs of each individual. To make this happen, a conversation must take place between the person requesting the accommodation and the employer or authority providing it. Each case should be evaluated individually to ensure fairness.

EXAMPLES OF REASONABLE ACCOMMODATIONS

1. WORKPLACE ACCOMMODATIONS

- Providing accessible workspaces, flexible hours, assistive technologies, modified duties, or specialised training are all reasonable accommodations.

In the *Syed Bashir-ud-din Qadri v. Nazir Ahmed Shah*⁴⁰Case, the appellant had cerebral palsy and applied for a teaching job. The state has rejected Syed Bashir's application, quoting difficulties in speech and writing. The Supreme Court ruled that he should be allowed to use electronic aids to assist him in teaching, which would help him communicate without needing to write on the blackboard.

In *Ravinder Kumar Dhariwal v. Union of India*⁴¹A police officer created obsessive-compulsive clutter and sadness, which drove to work environment segregation. The Supreme Court ruled that individuals with mental well-being disarranges ought to be ensured from working environment separation and entitled to sensible housing, like calm spaces, altered supervision, or the alternative to work from domestic.

2. EDUCATIONAL ACCOMMODATIONS

- Accessible learning materials, assistive contraptions, intensified time for exams, note-taking assistance, and elective bunches for course readings are all cases.

In *Vikash Kumar v. Union Public Service Commission*, a candidate with Writer's Cramp, a neurological condition, was denied a scribe for the Civil Services Exam because he didn't meet the benchmark disability requirement. The Supreme Court ruled that he was entitled to a scribe as a reasonable accommodation, even though his condition didn't meet the 40% disability threshold. This set a point of reference that disabilities, indeed on the off chance that they do not meet a particular rate edge, ought to still get sensible housing. For visually disabled students, housing might incorporate a screen magnification program, screen readers, or Braille materials. For those with hearing impedances, it might include speech-to-text converters, sign

⁴⁰ *Syed Bashir-ud-din Qadri v. Nazir Ahmed Shah*, 2010 3 SCC 603

⁴¹ *Ravinder Kumar Dhariwal v. Union of India*, 2021 13 S.C.R. 823

dialect translators, or captions. Dyslexic people might get specialized computer programs or compensatory time for exams.

In **National Federation of the Blind v. Union Public Service Commission**⁴² The Court ruled that not giving additional time for dazzle candidates in respectful administrations examination was unfair and requested housing, such as additional time and scribes.

3. TRANSPORTATION ACCOMMODATIONS:

- Accessing public transportation, which includes using ramps, lifts, designated seating, and auditory announcements, is crucial for individuals with mobility or sensory disabilities.

In *Jeeja Ghosh v. Union of India*⁴³ A woman with cerebral palsy was removed from a flight due to her disability. The Supreme Court reaffirmed the right of people with disabilities to access air travel. The Court mandated airlines to implement policies and provide necessary assistance, including accessible communication, assistive equipment, and onboard support.

4. PUBLIC SERVICE ACCOMMODATIONS

Government workplaces, surveying stations, healthcare offices, and other open administrations must be open to individuals with disabilities through measures like structural changes, sign dialect mediators, available websites, and other housing.

In *Rajive Raturi v. Union of India* person with a visual disability filed a public interest litigation to ensure proper access to public places for people with disabilities. The Supreme Court ruled that the Rights of Persons with Disabilities (RPwD) Act, 2016, mandates the State to provide equal access to public spaces without discrimination. The Court emphasized that the State must adopt proactive steps to ensure that persons with disabilities can access and enjoy their rights on an equal footing with others. The Court outlined a set of specific and essential measures that must be undertaken by the appropriate State authorities to eliminate barriers faced by persons with disabilities: **Accessible Entrances:** Public entrances should be wide enough to accommodate wheelchairs and allow enough space for turning around. Stairs should be marked with a broad yellow line to assist visually impaired individuals in detecting the gradient.

⁴² *National Federation of the Blind v. Union Public Service Commission* 1993 AIR 1916 1993 SCR

⁴³ *Jeeja Ghosh v. Union of India*, 2016 4 S.C.R. 638

- **Public Announcements:** At places like airports and railway stations, essential information, such as gate numbers and train details, should be provided through clear public announcements.
- **Reserved Parking:** A minimum of 3-5 parking spaces near entrances should be reserved for people with disabilities and marked.
- **Clear Access and Signage:** Obstructions should be removed from access paths, and all routes should be well-lit. Clear signposts, including Braille versions, should be installed.
- **Accessible Elevators:** Elevators should have Braille signage and auditory feedback. Buttons should be reachable from a wheelchair, and pictograms should be placed near elevators and other important areas like restrooms.
- **Employee Training:** Staff working in public spaces must be trained to understand the unique challenges faced by people with disabilities and how to best assist them.
- **Wheelchair and Mobility Scooter Availability:** Every public facility should have wheelchairs and mobility scooters available for use by people with disabilities.

Additionally, the Court directed State Governments to conduct accessibility audits of important public buildings, international airports, railway stations, and other facilities to ensure they meet the needs of people with disabilities.

These accommodations are aimed at removing barriers and creating a more inclusive society where people with disabilities can fully participate in public life.

WAY FORWARD: STRENGTHENING DISABILITY RIGHTS

To enhance the effectiveness of Disability laws, India must make crucial changes at all levels of policy implementation, including stronger enforcement mechanisms, greater public awareness, inclusive policy-making, and improved accessibility standards. Namely as follows-

1. Improve infrastructure to meet accessibility standards.
2. Ensure stronger enforcement of legal mandates.
3. Encourage private sector inclusion through incentives.
4. Increase awareness through public education campaigns.
5. Update census data to better plan disability policies.

Additionally, a collaborative approach involving government agencies, private institutions, NGOs, and PwD advocacy groups is essential for achieving a truly inclusive society. International best practices should be incorporated to strengthen India's legal framework.

INTERNATIONAL COMPARISONS

Many countries have made remarkable progress in disability rights, offering valuable lessons for India:

- **United States:** The *Americans with Disabilities Act (ADA, 1990)*⁴⁴It is one of the most comprehensive disability laws. It bans discrimination in employment, education, transport, and public services while ensuring accessibility in buildings and digital platforms.
- **United Kingdom:** The *Equality Act (2010)*⁴⁵Consolidates previous disability laws into a single framework, requiring reasonable accommodations for PwDs in workplaces and public spaces, with legal remedies for non-compliance.
- **Australia:** The *Disability Discrimination Act (1992)*⁴⁶Focuses on equal opportunities in education, employment, and service access, promoting inclusive work and learning environments.
- **Japan:** The *Basic Act for Persons with Disabilities (1970, revised 2011)*⁴⁷Emphasizes social inclusion and accessibility while encouraging collaboration between public and private entities in providing disability support.
- **Germany:** The *Federal Participation Act (2016)* fortifies budgetary bolster, individual versatility, and assistive advances for PwDs, guaranteeing financial empowerment

India can draw inspiration from these nations by strictly enforcing accessibility norms, offering financial assistance, and incentivizing private-sector employment for PwDs.

⁴⁴ *Americans with Disabilities Act (ADA, 1990) of the United States*

⁴⁵ *Equality Act (2010) of United Kingdom*

⁴⁶ *Disability Discrimination Act (1992) of Australia*

⁴⁷ *Basic Act for Persons with Disabilities (1970, revised 2011) of Japan*

CONCLUSION

India's disability laws have come a long way in recognizing and protecting the rights of PWDs. However, implementation challenges remain. Strengthening enforcement, moving forward openness, and extending mindfulness are essential to finishing veritable inclusivity. The legal has played a key part in maintaining rights, but a collaborative exertion between government, society, and businesses is vital to guarantee that PwDs appreciate full cooperation in all perspectives of life.

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