

# Navigating Blindness in India: A Case Study of Systemic Barriers, Legal Gaps, and the Lived Reality of the Rights of Persons with Disabilities Act, 2016

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## Abstract

This empirical study presents an in-depth case analysis of Kirtiraj (a pseudonym), a 30-year-old visually impaired man from Agra, India, to critically examine the implementation gap between the progressive mandates of the Rights of Persons with Disabilities (RPwD) Act, 2016, and the lived realities of persons with disabilities (PwDs). Through a detailed narrative of his life—spanning early childhood, educational trajectory, examination experiences, and social aspirations—the study identifies persistent systemic failures. Key findings reveal a chronic lack of accessible infrastructure, denial of reasonable accommodations, absence of institutional accountability, and a profound unawareness of legal entitlements among rights-holders themselves. The analysis, grounded in the Social Model of Disability and a Critical Social Work perspective, demonstrates that Kirtiraj's struggles are not a consequence of his impairment, but of societal and institutional barriers. This case study underscores that progressive legislation alone is insufficient; meaningful inclusion requires a paradigm shift from a medical/welfare model to a rights-based approach, demanding robust implementation mechanisms, widespread awareness, and a transformation of deep-seated social attitudes.

**Keywords:** RPwD Act 2016, Visual Impairment, Inclusive Education, Social Model of Disability, Critical Social Work.

## Introduction

India's legislative landscape for persons with disabilities (PwDs) marked a significant milestone with the enactment of the Rights of Persons with Disabilities (RPwD) Act in 2016. Rooted in the Social Model of Disability and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Act shifts the paradigm from a charity- and medical-based approach to a rights-based one. It mandates inclusive education, reasonable accommodation, non-discrimination, and equal opportunities for PwDs. However, a critical gap often persists between progressive legal frameworks and their on-the-ground implementation. This paper delves into this gap through an empirical case study of Kirtiraj, a 100% visually impaired individual, residing in Agra, Uttar Pradesh to explore how the promises of the RPwD Act translate—or fail to translate—into lived experience.

This study aims to answer the following research questions

1. What are the key systemic and social barriers encountered by a visually impaired person in Agra, across their life course?
2. How do educational and examination systems implement (or fail to implement) the provisions of the RPwD Act, 2016 in Agra?
3. What is the level of awareness among PwDs about their legal rights and entitlements?
4. How can theoretical models like the Social Model of Disability and a Critical Social Work perspective illuminate these lived experiences?

By presenting Kirtiraj's narrative, this paper argues that his struggles are emblematic of systemic governance failures, institutional neglect, and persistent ableist attitudes, which collectively disable him far more than his visual impairment.

### Research Methodology

This study employs a qualitative, single-case study approach to gain an in-depth, contextualized understanding of a complex social phenomenon. The case study method is particularly suited for exploring the "how" and "why" of contemporary events over which the researcher has little control (Yin, 2014). It allows for a holistic investigation of Kirtiraj's life within its real-world context. The respondent, referred to by the pseudonym "Kirtiraj" to protect his identity, is a 30-year-old male with 100% visual impairment, residing in Agra, Uttar Pradesh. He was selected through purposive sampling. In accordance with UGC and university research ethics guidelines, all identifying details have been anonymized to ensure confidentiality. Informed consent was obtained from the participant prior to data collection. Data was collected through in-depth, semi-structured interviews conducted over multiple sessions. This method allowed for a flexible yet guided exploration of Kirtiraj's life history, covering key themes such as family background, educational experiences and interactions with institutions, examination barriers, and social perceptions. The interviews were conducted in Hindi, audio-recorded with permission, and later transcribed and translated into English for analysis. Thematic analysis was employed to identify, analyze, and report patterns (themes) within the data (Braun & Clarke, 2006). The analysis was theoretically guided by the Social Model of Disability and a Critical Social Work perspective. Initial codes were generated from the transcript, which were then grouped into broader themes that form the structure of the findings section. The analysis moved beyond mere description to interpret the underlying meanings and systemic implications of Kirtiraj's experiences.

### Findings

The findings are organized thematically, tracing Kirtiraj's journey and mapping his struggles against the provisions of the RPwD Act, 2016.

#### 1. Socio-Demographic Profile and Early Onset of Disability

Kirtiraj is a 30-year-old unmarried man with a congenital, 100% visual impairment resulting from medical negligence—excessive oxygen exposure during neonatal care—shortly after his premature birth. He lives in a nuclear household in Agra with his mother, the primary caregiver and breadwinner, and his maternal grandmother. He holds a Master's degree in Sociology and is currently preparing for government competitive examinations, belonging to a lower-middle socioeconomic background.

#### 2. Early Childhood and the Burden of Family Conflict

When Kirtiraj was three years old, his father died of cancer. Subsequent familial conflicts forced his

mother to leave her in-laws' home and return to her maternal home. Growing up as the only child in a single-parent, female-headed household, Kirtiraj experienced emotional isolation. This early adversity highlights the intersectionality of disability, poverty, and gender, where his mother bore the compounded burden of caregiving, earning, and navigating social stigma.

### **3. Educational Trajectory: From Segregation to Systemic Neglect**

**3.1. Early Institutional Gaps and Forced Segregation:** At school-going age, Kirtiraj's mother found a complete absence of inclusive infrastructure in Agra—no Braille, special educators, or assistive devices. This systemic failure compelled her to send him to a special school in Aligarh, the Ahmadi School for the Visually Challenged. This decision, while well-intentioned, resulted in prolonged institutional separation from his mother at a tender age. The special school itself was not a safe haven; Kirtiraj faced severe peer harassment, including bullying and physical assault from partially sighted students, causing deep psychological trauma.

**3.2. Secondary Education and the Illusion of Inclusion:** For classes XI and XII, Kirtiraj transitioned to a mainstream school, Agra Public School. This period coincided with the enactment of the RPwD Act, 2016. However, its provisions remained a paper tiger. The school failed to provide accessible study material, assistive technologies, or any form of academic accommodation. Kirtiraj was expected to study under the same conditions as sighted students. His success was not due to systemic support but to the informal kindness of individual teachers and classmates, exposing the fragility of "inclusion" in the absence of mandated accommodations.

**3.3. Higher Education: Unmet Expectations at a "Rehabilitation University":** Enrolling at Dr. Shakuntala Misra National Rehabilitation University, Lucknow, with the hope of a disability-friendly environment, Kirtiraj encountered administrative hurdles, academic barriers, and social exclusion. His rigorous preparation for UPSC exams, reliant on 8-10 hours of daily audio-based learning, led to severe physical and mental exhaustion, forcing his mother to bring him back to Agra. This episode underscores how even well-intentioned institutions can fail to provide holistic support, pushing students to their breaking point.

### **Examination Barriers: A Direct Violation of Legal Mandates**

Kirtiraj's experiences during examinations, especially competitive ones, represent a stark violation of the RPwD Act, 2016. He reported that entitlements like compensatory time and scribe facilities were inconsistently provided or completely unavailable. The absence of an institutional mechanism to arrange scribes forced him into a precarious position, effectively denying him equal participation and highlighting the systemic apathy towards the Act's most basic provisions.

### **Social and Emotional Concerns: The Quest for Dignity**

Beyond academics, Kirtiraj faces profound social barriers, particularly concerning marriage. His desire to marry a sighted, educated, and understanding partner is not merely for personal support but also to ensure care for his aging mother. This aspiration is a powerful symbol of his quest for dignity, companionship, and social acceptance, directly challenging societal ableism that devalues him in the marriage market.

## The Ultimate Failure: Lack of Awareness of the RPwD Act, 2016

Perhaps the most telling finding is that Kirtiraj, a direct beneficiary and a postgraduate student, was himself unaware of the RPwD Act, 2016, and his legal entitlements. Neither his schools, his university, nor any government institution ever informed him of his rights to inclusive education, scribes, or reasonable accommodation. This reveals a fundamental failure at the primary level: the state's duty to disseminate information and make rights-holders aware of their own entitlements.

## Discussion

Kirtiraj's narrative serves as a powerful lens through which to examine the theoretical underpinnings of disability rights and their practical non-application.

The Medical Model vs. The Social Model of Disability

Kirtiraj's life story is a classic illustration of the conflict between these two models.

**Medical Model in Practice:** Society's initial response to Kirtiraj's impairment was to segregate him in a special school, focusing on his deficit ("he cannot see") and treating him as a problem to be managed separately. This model pathologizes his condition and locates the problem within him.

**Social Model in Reality:** The Social Model, central to the RPwD Act, posits that people are disabled by societal barriers, not their impairments. Kirtiraj's struggles are a textbook example of this.

**Environmental Barriers:** Inaccessible schools, lack of Braille and audio books, unavailability of scribes.

**Institutional Barriers:** Non-implementation of the RPwD Act, administrative apathy, failure to provide reasonable accommodations.

**Attitudinal Barriers:** Societal prejudice against a blind person in the marriage market, pity, and low expectations. His academic successes were achieved in spite of these barriers, not because of systemic support. The problem, therefore, is not Kirtiraj's blindness, but a society that refuses to be accessible and inclusive.

Critical Social Work and Rights-Based Analysis:

A Critical Social Work perspective analyzes the power structures and systemic oppression in Kirtiraj's narrative. The state, educational institutions, and society at large wield power but fail in their duties. The state, as the primary duty-bearer, neglects its obligation to implement and monitor its own law. Educational institutions exercise power arbitrarily, denying accommodations without accountability. Society exercises hegemonic power through ableist norms that exclude him from social institutions like marriage.

**Rights-Based Approach (RBA)** reframes Kirtiraj not as a beneficiary of charity but as a rights-holder.

The core failures are:

1. **Lack of Participation:** He was never consulted in decisions about his education.
2. **Accountability Failure:** No institution has been held accountable for denying him his legal rights.
3. **Non-Discrimination and Empowerment:** The system perpetuates discrimination by failing to provide a level playing field, and his empowerment is blocked by information deprivation.

The Theory-Practice Chasm

The chasm between the progressive, rights-based theory of the RPwD Act and Kirtiraj's lived practice is stark. The law theoretically mandates inclusion and reasonable accommodation, but the practice remains entrenched in the old medical/welfare paradigm. The education system defaulted to segregation, the examination system functions on ableist assumptions, and society views him through a lens of limitation, not potential. This disconnect confirms that legislative change is merely the first step. Without massive

investments in capacity building, robust monitoring, public awareness, and cultural change, the law remains an inert document.

### Recommendations

To bridge the gap between the RPwD Act and lived reality, a multi-pronged approach is essential.

#### A. Local and Institutional Level (District Administration, Agra)

1. Mandatory Awareness Cells: Establish RPwD Act awareness cells in every college and university to proactively inform students of their rights.
2. Scribe Bank: Create and widely publicize a certified, accessible pool of scribes with a streamlined online/offline process for candidates to request them.
3. Accessibility Audits: Conduct mandatory accessibility audits of all government examination centres and educational institutions, with penalties for non-compliance.

#### B. Systemic and Policy Level (Ministry of Social Justice and Empowerment)

4. Nationwide Awareness Campaign: Launch a sustained, nationwide "Know Your Rights" campaign for PwDs, utilizing accessible formats (audio, sign language, Braille) and local media.
5. Mandatory Curriculum Integration: Make the RPwD Act and the Social Model of Disability mandatory modules in all teacher training, public administration, and judicial academy courses.
6. Strengthen Grievance Redressal: Strengthen District Level Committees and Chief Commissioners for Persons with Disabilities to be more proactive, visible, and empowered to impose meaningful penalties for non-compliance.
7. Link Funding to Compliance: Link university grants and school recognition certificates to demonstrable implementation of RPwD Act provisions (Sections 16 & 17), including the provision of accessible learning materials from day one.

#### C. Social and Long-Term Level

8. Address Attitudinal Barriers: Integrate concepts of disability equality and the Social Model into school curricula from the primary level. Promote positive portrayals of PwDs in media and public messaging to challenge stereotypes around marriage, careers, and leadership.
9. Support for Caregivers: Acknowledge the realities of aging caregivers by exploring policy provisions for support for adult PwDs, as highlighted by Kirtiraj's concern for his mother.

### Conclusion

Kirtiraj's life narrative is a powerful testament to resilience in the face of profound systemic failure. His journey exposes the deep contradiction between India's constitutional ideals and progressive legislation like the RPwD Act, 2016, and the harsh, exclusionary realities of everyday institutional practice. The denial of inclusive education, reasonable accommodation, and even basic information about legal rights demonstrates that guarantees on paper do not automatically translate into lived reality. Viewed through the Social Model of Disability, this case powerfully affirms that Kirtiraj is disabled not by his visual impairment, but by inaccessible institutions, administrative neglect, and persistent social stigma. His story establishes that disability in India is fundamentally a question of governance, awareness, and social attitudes. The RPwD Act 2016 will remain under-realized until it moves beyond statute books and becomes embedded in the consciousness of rights-holders and the routine functioning of institutions. Meaningful empowerment, therefore, requires not only progressive laws but a transformative shift in

practice—one that holds duty-bearers accountable and ensures that legal rights are experienced as social realities for every person with a disability.

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