International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Reimagining Disability Rights in India: Judicial Interpretation and the Human Rights Paradigm

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Abstract

The discourse on disability rights in India has shifted radically from a welfare-centric and charity-oriented approach to a human rights approach based on dignity, equality, and inclusion. This research paper examines this shift by analysing the conceptual evolution of disability from the medical model to the human rights model, focusing on the role of sociocultural obstacles in shaping disability. It emphasizes the role of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in redefining disability as a rights-based issue and shaping India's legislative framework.

The paper analyses the Rights of Persons with Disabilities Act of 2016 as a legal development that aligns domestic legislation with international standards by expanding the definition of disability, prohibiting discrimination, and implementing the principle of reasonable accommodation. The role of the court in promoting disability rights through progressive interpretation of constitutional protections under Articles 14 and 21 is an important focus of this research. The study highlights the shift from formal equality to substantive equality by analysing landmark and recent case laws, particularly by adopting principles like accessibility and reasonable accommodation as enforceable rights.

Despite these advancements, there are major challenges that still persist in implementing the rights, including institutional gaps, infrastructural barriers, and societal stigma. The paper argues that while the legal framework reflects a progressive human rights approach, its effectiveness depends on proper enforcement, awareness, and inclusive policymaking. It concludes that achieving substantive equality requires sustained legal, institutional, and social transformation.

Keywords: Disability rights, human rights model, CRPD, RPWD Act 2016, reasonable accommodation, substantive equality, judicial interpretation.

1. Introduction and Conceptual Foundations of Disability Rights

1.1 Historical Perceptions: From Charity to Welfare

Throughout history, persons with disabilities have occupied an uneasy and often a precarious position in human society. In ancient civilisations, disability was associated with divine punishment, moral failing, or supernatural reasons. In Greek history, disabled infants were abandoned on hillsides; in medieval Europe, the Church alternately cast disabled individuals as objects of piety and as embodiments of sin.[1] Across South and East Asia, disability was frequently interpreted through the lens of karmic retribution. Indian society was no exception: the Manu smriti and various texts under the Dharma shastra placed

[1] Shilpaa Anand, *"Historicising Disability in India: Questions of Subject and Method*" Disability Studies in India, 35-60.

persons with physical and mental impairments at the margins of social life, while the folk traditions viewed disability as punishment for transgressions committed in a prior life.[2]

These archaic views gave rise to what scholars have termed the "charity model of disability", a framework in which the disabled person is cast as an object of pity deserving benevolence, not as a rights-bearing subject entitled to justice. The charity model manifested institutionally in the form of alms houses, asylums, and welfare homes with segregated facilities that removed disabled persons from public life under the guise of protection and care[3]. In India, the colonial period reinforced this tendency; philanthropic efforts addressed disability through institutions of custody, not empowerment. Post-independence welfare schemes continued this tradition, framing disability as a social burden that was to be managed through state patronage rather than a condition of human diversity which needs to be accommodated through rights.

The welfare model, which succeeded the charity paradigm in the latter half of the 20th century, retained many of its paternalistic features. It located the problem of disability within the individual and offered rehabilitation and social security as responses which were valuable in themselves, but somehow premised on dependence rather than agency. In India, **the National Policy for Persons with Disability and the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred as PWD Act, 1995),** was a groundbreaking moment but was still substantially imposing a welfare model. It can also be observed that the provisions of the PWD Act promised education, employment, and rehabilitation "as a charity, dependent on the mercy of the state rather than as enforceable entitlements".[4]

1.2 Medical and Social Models of Disability

The 20th century witnessed the crystallisation of two competing conceptual frameworks that would fundamentally reshape the discourse on disability. Disability was characterised by the medical model, which dominated the policy framework for the entire century, as a pathological condition that is inherent in the individual and comprises a deficiency of biological or psychological function that medical science should try to cure, fix, or compensate.[5] This paradigm specified the nature and scope of legal protection based on the identified disability and treated the disabled person as a patient in need of medical care. Instead of focusing on the barriers society puts in the way of full involvement, the emphasis was on what the individual was unable to achieve by themselves.

Against this medical model disability scholars and activists, particularly in the United Kingdom and the United States from the 1970s onwards developed the "social model of disability". Championed by Michael Oliver and others, in the social model of disability the society itself is the root cause of disability rather than physical impairment of the individual[6]. It argued that inaccessible environment, discriminatory attitudes, and exclusionary institutions transform impairment into disability. A person who uses a wheelchair is not disabled by their inability to walk, but by workplaces that do not provide appropriate accommodations, transportation systems without step-free access, and buildings built without ramps. The

[2] Rehabilitation Psychology Resource Hub, available at https://rehabilitationpsychology.wordpress.com/2024/06/11/history-of-disability-in-the-indian-context/
[3] Id.
[4] Bhavya Johari, *"India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise"* (Oxford Human Rights Hub, 2022) https://ohrh.law.ox.ac.uk/indias-rights-of-persons-with-disabilities-act-2016-an-unfulfilled-promise/
[5] Colin Barnes, "*A Legacy of Oppression: A History of Disability in Western Culture",* in Len Barton and Mike Oliver (eds), Disability Studies: Past, Present and Future, 3–24. Leeds: The Disability Press. (1997)
[6] Michael Oliver, "*The social model of disability: thirty years on"* Disability & Society, (2013) 28(7), 1024–1026.

social model shifted the locus of responsibility from the disabled individual to the structures and systems that society has created.[7]

Although the social model gave the disability rights movement a strong political and intellectual push, it was not without its critics. Disability experts remarked that the paradigm was difficult to implement in legal frameworks because it still required proof of individual functional disability, others pointed out that it tends to minimize the lived experience of pain and limitations. The human rights model, which attempted to combine the social model's insights with the normative language of human rights, was made possible by these criticisms.

1.3 Emergence of the Human Rights Model

The human rights model of disability, crystallised in the text and spirit of the United Nations **Convention on the Rights of Persons with Disabilities (CRPD)[8]** adopted in 2006, represents a paradigm shift from all earlier frameworks. It treats disability not as a deficit or a social construct alone, but as an aspect of the natural diversity of humanity. The Convention defines disability as arising from the interaction between persons with long-term physical, mental, intellectual, or sensory impairments and various barriers that hinder their full and effective participation in society on an equal basis with others.[9] This definition refuses to locate disability entirely within the individual or entirely within the social environment, recognising instead their dynamic interaction.[10] Three interlocking principles which animate the CRPD's approach are equality, accessibility, and inclusion.

Additionally, the human rights approach also considers people with disabilities as subjects of rights rather than as objects of social protection, medical care, or charity. It states that people with disability have the ability to assert their rights, make choices with respect to their own life, and participate in society as active members[11].

In addition to the negative obligations of non-discrimination, this redefined right calls on states to take active measures to establish supportive environment, abolish structural obstacles, and guarantee that rights are exercised in practice rather than only on paper. This insistence on disabled people being the principal creators of the frameworks that regulate their lives is expressed in the phrase "nothing about us without us" which was carried throughout the CRPD drafting process.

1.4 Disability as a Question of Equality and Dignity

Understood through the human rights model, disability becomes fundamentally a question of equality and dignity, which is the twin pillars of the modern constitutional order in India. Equality, in this context, is not the formal equality that treats all persons the same regardless of difference, but substantive equality that recognises and responds to the particular disadvantages that persons with disabilities face[12]. The Supreme Court of India has been adopting this view more and more, shifting its jurisprudence from one of tolerance to one of active acceptance.

In **Vikash Kumar v. Union Public Service Commission,** the Court held that the failure to provide a scribe as a reasonable accommodation to a candidate with a writing disorder constituted discrimination,

[7] Nikunj Mehta and Md. Azam Ghause, *"Expanding the Horizons of Disability Law in India from a Human Rights Perspective"* (2025) 10 (21s) Journal of Information Systems Engineering and Management 953, 954.
[8] Convention on Rights of Persons with Disability, (adopted 13 December 2006, entered into force 3 May 2008).
[9] Id.
[10] Theresia Degener, '*Disability in a Human Rights Context'* (2016) 5(3) Laws 35.
[11] *Supra* note 5.
[12] *Supra* note 7.

and articulated a vision of equality that "accounts for where individuals start, the systemic barriers they face, and the degree of support needed to equalise them."[13]

Dignity which is the other foundational value, demands that the legal system and the society it reflects should treat every disabled person as a full human being entitled to respect and recognition. This includes not merely freedom from degrading and inhumane treatment but the positive right to live an autonomous and self-determining life including the right to choose where one lives, what one does, and how one participates in the affairs of the community. The constitutional guarantee of the right to life and personal liberty under **Article 21** of the Constitution of India, has been interpreted expansively by the judiciary to include the right to live with human dignity, which provides the normative foundation for these claims within the domestic legal order.[14]

1.5 Need for a Paradigm Shift in India

India's disabled population is vast. Census data have consistently underestimated its size because of definitional limitations and social stigma that inhibits reporting, but conservative estimates place the figure at between five and six percent of the total population which is well in excess of 70 million people.[15] The 2011 Census counted approximately 26.8 million persons with disabilities, of whom a significant proportion live in rural areas with limited access to basic services, let alone specialised support. Women with disabilities face compounded disadvantages arising from the intersection of gender and disability, while disabled children in marginalised communities confront multiple layers of exclusion from education and healthcare.

Against this demographic reality, the persistence of welfare-inflected attitudes in the administration of disability law is both a moral and a constitutional failure. The paradigm shift demanded by the human rights model is not merely academic: it requires a fundamental reorientation in how state institutions, courts, employers, educational establishments, and civil society understand and respond to disability.[16]

The enactment of the **Rights of Persons with Disabilities (RPWD) Act 2016**, marked a decisive paradigm shift. Enacted to fulfil India's obligations under the CRPD, the Act expanded the categories of disability from seven to twenty-one, including conditions such as autism spectrum disorder, cerebral palsy, multiple sclerosis, acid attack survivors, specific learning disabilities, and chronic neurological conditions[17]. This expansion acknowledged a broader spectrum of human diversity and brought Indian law closer to the CRPD's relational and contextual understanding of disability. However, legislation alone is insufficient. What India needs is a transformation in legal culture one that treats the rights of persons with disabilities as genuine, enforceable entitlements grounded in the constitutional values of equality and dignity, rather than as aspirational goals subject to the "limits of economic capacity."[18]

[13] Vikash Kumar v. Union Public Service Commission, (2021) SCC Online SC 84.
[14] Kumar, "*From welfare to rights: The evolution of disability laws in India."* Indian Journal of Law and Society, 45(1), 67-89 (2018).
[15] C-30: Disabled population by type of disability, type of households and sex (India & States/UTs) – 2011. https://censusindia.gov.in/nada/index.php/catalog/43469
[16] Shilpaa Anand, *Historicising Disability in India: Questions of Subject and Method,* Disability Studies in India 35-60.
[17] *Schedule*, Rights of Persons with Disabilities (RPWD) Act 2016.
[18] Bhavya Johari, *"India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise"* (Oxford Human Rights Hub, 2022) https://ohrh.law.ox.ac.uk/indias-rights-of-persons-with-disabilities-act-2016-an-unfulfilled-promise/.

2. Judicial Paradigm of Disability Rights

2.1 Constitutional Foundations of Disability Rights

While the Indian Constitution does not explicitly enumerate disability as a ground of non-discrimination, its foundational provisions furnish a robust normative basis for disability rights claims. **Article 14** guarantee of equality before the law and equal protection of the laws has been interpreted to permit and in appropriate cases to require differential treatment where such treatment addresses a substantive inequality rather than creating an arbitrary one[19]. The doctrine of reasonable classification allows the state to treat persons with disabilities differently in order to bring them to a level playing field; it also operates as a constitutional imperative to provide the accommodations and adjustments necessary for genuine equality. Under **Article 21** right to life and personal liberty has been expansively interpreted by the Supreme Court to encompass a "right to live with human dignity" a formulation that has been extended to persons with disabilities to protect them from degrading institutional conditions and to recognise their right to independent living and community inclusion.[20] The Directive Principles of State Policy, particularly **Article 41** (right to public assistance in cases of disablement) and **Article 46** (promotion of educational and economic interests of weaker sections), impose positive obligations on the state that have been invoked to justify affirmative measures in education and employment. Read together with Parliament's legislative competence under Articles 249 and 253, these provisions provide a constitutional scaffolding upon which a comprehensive rights-based framework for disability can be constructed.

2.2 Role of Judiciary in Advancing Disability Rights

The Indian judiciary has played an indispensable role in bridging the gap between legislative promise and practical reality in the domain of disability rights. The Supreme Court has exercised its extraordinary original jurisdiction under Article 32 and the High Courts through its powers under Article 226 have provided disabled individuals and advocacy organisations with direct access to constitutional relief, bypassing the delays and inaccessibility's of ordinary litigation. Public interest litigation has been a particularly powerful vehicle: it has allowed disability rights issues to reach the highest courts without the formidable barriers of standing, court fees, and procedural complexity that might otherwise deter individual claimants.

The judiciary's approach has evolved from a relatively cautious, welfare-oriented reading of disability legislation toward a more purposive and rights-centred jurisprudence. Early decisions tended to defer to executive discretion on matters of resource allocation and institutional design. More recent judgments have moved toward a demanding standard of substantive equality, requiring the state and other duty-bearers to demonstrate not merely that they have adopted formal policies of non-discrimination but that those policies translate into genuine inclusion and access in practice.

2.3 Landmark Case Law Analysis

The evolving disability rights jurisprudence of India's higher courts has been shaped by a series of landmark decisions. In **Javed Abidi v. Union of India,** the Supreme Court directed Indian Airlines to provide concessions to passengers with locomotor disabilities and called for the creation of barrier-free environments, marking an early judicial endorsement of the right to accessibility.[21] In **Chandan Kumar Banik v. State of West Bengal (1995),** the Court intervened to protect the dignity of mentally ill inmates

[19] Jayan Kothari, *The future of disability law in India: A critical analysis of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995*. Oxford University Press. (2012).
[20] Jeeja Ghosh vs. Union of India, AIR 2016 SC 2393.
[21] Javed Abidi v Union of India (1999) 1 SCC 467.

being kept in chains in a hospital, the case became a foundational principle that the right to dignity under Article 21 extends fully to persons with mental illness.[22]

In **Rajive Raturi v. Union of India,** the Supreme Court directed the government to ensure accessibility in public spaces and infrastructure, emphasising that the absence of accessible environments constituted a violation of the rights of persons with disabilities.[23] The Court's directions encompassed government buildings, railways, airports, and public transport, which was a comprehensive mandate for structural transformation that remains imperfectly implemented till today.

Perhaps the most doctrinally significant recent judgment is **Vikash Kumar v. Union Public Service Commission**, in which a three-judge bench of the Supreme Court held that the denial of a scribe to a candidate with a writing disorder for a civil services examination violated the RPWD Act and the constitutional guarantee of substantive equality. The judgment engaged extensively with the philosophy of reasonable accommodation, articulating it as a fundamental right rather than a discretionary benefit. The Court observed that insensitive language offends the human dignity of the disabled, called for participative policymaking that gives disabled persons a meaningful voice, and directed that the fruits of the RPWD Act must actually reach the intended beneficiaries rather than remaining confined to paper.[24]

In **State of Kerala v. Leesamma Joseph,** the Court upheld the right of persons with disabilities to reservation in promotions, reinforcing the Act's mandate for affirmative action in employment.[25]

3. Emerging Trends and Challenges in Disability Jurisprudence

3.1 Accessibility as a Fundamental Right

Accessibility has emerged as a constitutionally recognised dimension of the right to life and personal liberty under Article 21. Without accessible environments be it physical, informational, and communicative the formal rights conferred by the RPWD Act cannot be implemented. The Supreme Court's directions in **Rajive Raturi**, while landmark, have encountered the persistent problem of weak implementation. Infrastructure audits continue to reveal widespread non-compliance: government buildings lack ramps and tactile pathways, public toilets are inaccessible to wheelchair users, railway stations have not completed accessibility retrofitting, and buses remain beyond reach for many persons with mobility disabilities.

Similarly, in **Rajeeb Kalita v. Union of India (2025),** the Supreme Court reinforced the principle of accessibility as a fundamental right by directing the provision of accessible sanitation facilities in all courts and tribunals. The Court underscored that lack of such facilities undermines dignity and access to justice, thereby linking accessibility directly with Article 21 of the Constitution.[26]

The **Accessible India Campaign** has generated significant administrative activity but its outcomes on the ground have been uneven. Urban centres have seen more progress than rural areas; major railway stations and airports have received attention while smaller facilities remain neglected[27]. Critics have pointed out that the Campaign's goals have frequently been lowered or postponed, and that there hasn't been enough

[22] Chandan Kumar Banik v. State of West Bengal (1995) 4 SCC 505.
[23] Rajive Raturi v. Union of India (2018) 2 SCC 413
[24] Vikash Kumar v. Union Public Service Commission, (2021) SCC Online SC 84.
[25] State of Kerala v. Leesamma Joseph AIR 2021 SC 3076
[26] Rajeeb Kalita v. Union of India 2025 2 SCR 27.
[27] Department of Empowerment of Persons with Disabilities (DEPwD), *Accessible India Campaign (Sugamya Bharat Abhiyan)*, https://depwd.gov.in/en/accessible-india-campaign/

proof of compliance. Accessibility goals run the risk of becoming performative rather than transformative in the absence of strong monitoring systems and harsh penalties for non-compliance.

3.2 Inclusive Education and Employment

The RPWD Act supports inclusive education, stating that the best way to educate people with disabilities is to place them in regular schools with the required support. The human rights model's priority for full participation in established social institutions is reflected in this commitment. However, inadequate physical infrastructure, underqualified teachers, a lack of learning support services, and societal exclusion of disabled kids by their classmates and occasionally by their teachers are the realities in many Indian schools. The Right to Education Act 2009, which guarantees free and compulsory elementary education, is silent on the specific needs of disabled children, creating gaps that the RPWD Act has sought but not always succeeded in filling.

In **Omkar Ramchandra Gond v. Union of India,** the Supreme Court held that disability-based exclusion in medical education cannot be justified solely on numerical thresholds. The Court mandated individualized assessment, emphasizing that equality requires contextual evaluation rather than mechanical application of disability percentages.[28]

Employment remains one of the most challenging domains. The RPWD Act reserves four percent of government employment posts for persons with benchmark disabilities and creates obligations for employers to provide reasonable accommodation and maintain accessible workplaces.[29] Yet data on government employment of disabled persons consistently reveal under-fulfilment of reservations, attributable to lack of identification of suitable posts, administrative inertia, and attitudinal barriers among supervisors and colleagues. In the private sector, where no mandatory reservations apply, employment of disabled persons is even more limited. The absence of a comprehensive intersectoral strategy addressing skill development, workplace accessibility, and attitudinal change means that legislative mandates remain largely aspirational[30].

3.3 Digital Accessibility and Technological Inclusion

The accelerated digitisation of public services has created new frontiers of both opportunity and exclusion for persons with disabilities. Online platforms and digital services, when designed accessibly, have the potential to dramatically reduce barriers that physical environments impose, they can bring employment, education, healthcare, and government services into the homes of disabled persons who regularly face significant challenges. However, when designed without accessibility in mind, digital platforms simply recreate the inaccessible environment in a new medium, what can aptly be described as "the online equivalent of the long, stately steps to the courthouse."[31]

India's government websites and digital services remain inconsistently accessible. The **Web Content Accessibility Guidelines (WCAG)[32]** provide internationally recognised standards for web accessibility, but compliance by Indian government websites has been partial and uneven. The digital governance platforms central to welfare delivery ranging from the **(Unified Mobile Application for New-age Governance) UMANG App** to the **Aarogya Setu** platform have not consistently met accessibility standards, risking the exclusion of disabled persons from the digital public sphere at precisely the moment

[28] Omkar Ramchandra Gond v. Union of India, (2024) 10 SCR 673.
[29] The Rights of Persons with Disabilities (RPWD) Act 2016 (Act No. 49 of 2016), s. 19, 20, 21.
[30] *Supra* note 18.
[31] David Allen Larson, *"Access to Justice for Persons with Disabilities: An Emerging Strategy*" (2014) 3 Laws 220, 222.
[32] World Wide Web Consortium (W3C), available at https://www.w3.org/WAI/.

when digital inclusion is becoming a prerequisite for social participation. **Section 42** of the RPWD Act imposes obligations regarding accessible information and communication technologies, but enforcement remains weak.[33]

A notable development is the Supreme Court's decision in **Pragya Prasun v. Union of India,** which addressed exclusionary practices in digital verification systems.[34] The Court recognised that digital Know Your Customer (KYC) processes, though efficient, often exclude persons with disabilities due to design barriers. It held that such exclusion violates the principles of equality, dignity, and non-discrimination under the RPwD Act, and directed the formulation of inclusive digital guidelines aligned with universal design principles.[35] Additionally, the Court emphasized that reasonable accommodation must extend to digital infrastructure, thereby expanding its scope beyond physical spaces.

Assistive technology such as screen readers, text-to-speech software, captioning services, alternative input devices hold considerable promise for enhancing the independence and participation of disabled persons. However, the affordability and availability of assistive technologies in India remain areas of serious concern. Most of such devices are imported and expensive, placing them beyond the reach of the overwhelming majority of disabled Indians who require them. Public procurement and subsidy programmes have not kept pace with need.

4. Implementation Gaps and Structural Barriers

The primary paradox in India's framework for disability rights is the stark contrast between the complexity of its legal requirements and the insufficient nature of their implementation. A study conducted by the Disability Rights through Courts across twenty-four states found that more than half had not notified State Rules under the RPWD Act for extended periods after the Act's commencement which was a basic precondition for the Act's operationalisation[36]. The special courts mandated by the Act for the speedy redressal of disability rights violations have not been established in many jurisdictions, leaving complainants with no accessible forum for relief.

Structural barriers to implementation are multiple and mutually reinforcing. At the institutional level, disability is administered through a single department of social justice rather than being mainstreamed across all government ministries, unlike 'education, health, transport, urban development', that bear primary responsibility for the domains in which disabled persons encounter barriers. Social stigma and inaccurate assumptions about the skills of people with disabilities continue to exist at the attitudinal level among government officials, employers, educators, and healthcare professionals, resulting in discrimination that cannot be addressed by legislation alone[37]. Support services, assistive technology, and accessibility modifications all require continuous government funding, which hasn't always been provided.

Data deficits compound these challenges. Comprehensive, disaggregated data on the prevalence of different types of disability, the living conditions of disabled persons, and the extent of compliance with legal obligations are essential for effective policy design and resource allocation. The principal national source, Census data, is recognised to drastically undercount disability prevalence; administrative data from

[33] The Rights of Persons with Disabilities (RPWD) Act 2016 (Act No. 49 of 2016), s. 42.
[34] Pragya Prasun v. Union of India, 2025 INSC 599
[35] Id.
[36] Centre for Accessibility in Built Environment Foundation, available at https://www.disabilityrightsindia.com/p/welcome.html
[37] *Supra* note 18.

disability certification systems is disorganised and of varying quality.[38] Without reliable data, it is difficult to evaluate the impact of existing interventions or to design more effective ones.

5. The Way Forward: Toward Substantive Equality

Achieving substantive equality for persons with disabilities in India demands a multi-dimensional and sustained effort across legal, institutional, attitudinal, and financial domains.[39] At the legal level, there is a need for rigorous judicial enforcement of existing rights, including through contempt proceedings and structural injunctions in cases of persistent non-compliance. The recent recognition of reasonable accommodation as a fundamental right creates the constitutional foundation for a more demanding standard of judicial review of state action and inaction in the disability domain. Courts should be prepared to exercise this jurisdiction proactively, not merely reactively.

At the institutional level, disability must be mainstreamed across all government ministries and their programmes, rather than siloed within a single department. Every ministry be it health, education, transport, housing, rural development, labour must be required to develop disability-inclusive policies and to report on their implementation. Independent monitoring systems that are properly resourced and well-equipped are required to ensure accountability for compliance with the RPWD Act and its rules. The offices of the Chief Commissioner and State Commissioners must be strengthened with adequate staff, funding, and powers of enforcement.

Attitudinal transformation requires sustained public education and awareness campaigns that challenge the stereotypes and misconceptions about disability which continues to pervade the Indian society, including among the educated middle classes. Law schools, medical schools, schools of public policy, and schools of education should incorporate disability rights including its human rights dimensions and its practical implications as a core component of their curricula. The goal is not merely technical compliance but a cultural shift in which disability is understood as part of human diversity, and the inclusion of disabled persons is recognised as an enrichment rather than a burden[40].

Technology must be harnessed proactively as a vehicle for inclusion. The government should mandate accessibility in all publicly procured digital systems and services, and should create financial incentives for the development and production of affordable assistive technologies in India. Civil society organisations and disability rights advocates must be at the centre of this effort, in fulfilment of the foundational principle of "nothing about us without us."

Finally, the financing of disability inclusion must be treated as a rights obligation, not a discretionary expenditure. The 'within the limits of economic capacity' escape clause that vitiated the 1995 Act must not be allowed to hollow out the promise of the 2016 Act. India's growing economy and expanding fiscal base provide no principled justification for failing to invest adequately in the infrastructure, services, and programmes that the human rights of disabled citizens' demand.

6. Conclusion

The journey of disability rights in India is, at its core, a journey from object to subject, from charity to rights, from welfare to dignity, from exclusion to inclusion. It is a journey that has been shaped by global

[38] *Supra* note 15.
[39] V. Rao, *Expanding the horizons of disability law in India: A critical analysis of legal and policy frameworks.* Indian Law Review, 5(1), 89-108 (2022) https://doi.org/10.1080/24730580.2022.2104567
[40] *Supra* note 10.

intellectual and normative developments, by a dynamic domestic constitutional order, by the advocacy of disabled persons and their allies, and by a judiciary that has shown increasing willingness to give the law its fullest purposive scope. The RPWD Act 2016 represents the most sophisticated legislative articulation of disability rights in India's history, embodying the principles of the CRPD and grounding them in the Indian constitutional tradition.

Yet the gap between law on the books and law in action remains a defining challenge. The promise of substantive equality for India's disabled citizens will be fulfilled not through legislation alone, but through the patient, persistent, and politically difficult work of institutional reform, attitudinal transformation, and sustained public investment. The human rights model demands no less: it insists that every person with a disability is a full citizen, endowed with the same inalienable dignity and entitled to the same enjoyment of rights as every other member of the political community. Meeting that demand is not merely a legal obligation; it is a test of the seriousness with which India's constitutional order takes its own deepest commitments.

As the Supreme Court of India has movingly articulated through its various judgments, the goal is not merely to tolerate the presence of disabled persons in mainstream society, but to actively accept them, to create social conditions in which they can flourish. That goal, which is simultaneously ancient in its moral roots and modern in its legal expression, must continue to drive the development of disability law and policy in India in the decades ahead.