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RIGHT TO WORK OF PERSONS WITH LOCOMOTOR DISABILITIES IN INDIA: A LEGAL ANALYSIS

Akanksha Singh¹

I. ABSTRACT

In the world more than one billion people are disabled. One of the main goals is that the disability rights movement is to give this group of people equal access to jobs and education. The development of human rights can be traced back from the 441 BC Sophocles play "Antigone" until the 1948 AD to Universal Declaration of Human Rights. On December 9, 1975, the United Nations General Assembly adopted the Declaration on the Rights of Disabled Persons which marked the beginning of the campaign to safeguard the rights of disabled people. Due to the lack of jurisprudence on this topic, the obstacles to accomplishing this are worsening in underdeveloped countries. The most prominent of these obstacles is the definition of disability that is used in different jurisdictions which frequently emphasizes the medical model of disability above the social model. In India, one significant piece of legislation that attempts to advance and defend the rights of people with disabilities. The Act aims to give people with disabilities a thorough framework for mainstreaming and inclusion in society, guaranteeing their equal access to opportunities and participation, right to reasonable accommodation. There are different types of disabilities which are present in today's context this paper focuses on conceptualizing the concept of locomotor disabilities. The main cause of locomotor disabilities is stress. Moreover, the paper includes both International and Indian framework for recognition of these disabilities. Lastly, it concludes by offering suggestions for strengthening the legal framework and promoting inclusive employment practices which can contribute to the ongoing discourse on disability rights and inclusive employment in India.

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II. KEYWORDS

Persons with disabilities, Locomotor Disabilities, Right to Work, Disability Rights, Employment.

III. INTRODUCTION

The concept of disability is about the societal barriers that prevent people from fully participating. This societal issue causes significant barriers to accessibility, education and employment. The belief that employment and education are only for the “able-bodied” is a harmful myth as people with disabilities possess the same skills and potential as anyone else. Even according to the World Report on Disability, on paragraph 3, 2011 published by the WHO, it states that ‘Disability is a natural part of human life.’² According to the report on “Disability and Health” published by WHO in the year 2018 more than 15% or a billion of the global population have some or other kind of disability.³

The right to work is a fundamental human right affirmed by both the ICESR under article 6 and the UDHR under article 23. Also, for the locomotor disabilities securing this right is crucial as it provides economic independence, promotes social inclusion and challenges societal biases upholding their dignity and autonomy.

In India the right to work is recognised under Article 41 of the Constitution as a directive principle. However, in the landmark case of *Olga Tellis v Bombay Municipal Corporation*,⁴ the Supreme Court elevated its status by reading it alongside Article 21 making it a fundamental right. Despite this, many marginalized groups including people with disabilities, still struggle to access this right. According to the Census Report of 2011 the population of persons with disabilities is approximately 2.68 crores of which the highest countable and prevalent disability observed was the locomotor disability with a

² Baikunth Roy, ‘Disability in India Socio Economic and Demographic Determinants of Disability and Employment for Persons with Disabilities’ (PhD Thesis, Jawaharlal Nehru University, 2020) <<http://hdl.handle.net/10603/521386>> accessed 8 August 2025.

³ *ibid.*

⁴ *Olga Tellis & Ors v Bombay Municipal Corporation & Ors* 1986 AIR 180.

percentage of 20.3%.⁵ The Census data 2011 reveals that of the total population of the PWD only 26% constitute the working population among the persons with disabilities, of which 78% are males.⁶ The employment rate in women with disabilities are very low as compared to male counterparts.

India's 2016 Right to Persons with Disabilities (RPWD) Act replaced the 1995 law expanding types of disabilities from seven to twenty-one which also expanded the scope of locomotor disabilities by including five major types and increased the job reservation quotas to 4%. Despite these significant changes the act's implementation has been slow. According to the annual report (2023-2024) despite the introduction of SIPDA (Schemes for the Implementation of Rights of Persons with Disabilities Act 2016) with twenty sub-schemes in 2023-2024 implementation has been lacking.⁷ On 4th November 2024, the Supreme Court of India in a bench comprising Chief Justice, D Y Chandrachud and Justices J B Pardiwala and Manoj Misra heard a PIL filed by disability rights activist Sanjay Jain⁸ on November 4, 2024 highlighted issues pertaining to low implementation rate of the RPWD Act thereby citing joint report by the Disability Rights Foundation and the annual report of 2021-2022 by the office of the commissioner for Persons with Disabilities echoed these concerns demonstrating lack of implementation in many states. In response, the court directed the centre to take effective measures and set guidelines for the strict implementation of the law.⁹ Moreover, recently in July 2025 a new Pacta report¹⁰

⁵ Social Statistics Division, 'Disabled Persons in India a statistical profile 2016' (*Ministry of Statistics and Programme implementation*, 21 July 2016)

<https://niepmd.tn.nic.in/documents/Disabledpersons2016_2408.pdf> accessed 8 August 2025.

⁶ Roy (n 2).

⁷ "The Department of Empowerment of Persons with Disabilities, Annual Report 2023- 2024" (*Ministry of Social Justice and Empowerment*) <<https://socialjustice.gov.in/scheme-cat>> accessed 8 August 2025.

⁸ Sanjay Jain v Union of India and Ors. W.P.C No. 705/2024 Diary No. 45995/2024.

⁹ Anmol Bawa, 'Supreme Court issues notice on Disability Rights Activist's PIL to strengthen Right of Persons with Disabilities Act 2016' *LiveLaw* (New Delhi, 14 October 2024) <<https://www.livelaw.in/top-stories/supreme-court-issues-notice-on-disability-rights-activists-pil-to-strengthen-right-of-persons-with-disabilities-act-2016-272420>> accessed 8 August 2025.

¹⁰ Shilpa Elizabeth, 'Report highlights critical data gap on persons with disabilities in Indian justice system' *The Hindu* (Bengaluru, July 4, 2025)

<<https://www.thehindu.com/news/cities/bangalore/report-highlights-critical-data-gap-on-persons-with-disabilities-in-indian-justice-system/article69772951.ece>> accessed 13 September 2025.

reveals a significant lack of disability-related data in Indian justice system hindering access to persons with disabilities in India. The report, 'Access to Justice for Persons with Disabilities in India: Data-Informed Report' highlights inaccessible infrastructure, poor staffing, and the fact that only 0.29% of legal aid recipients in 2023-2024 were persons with disabilities. Therefore, the report recommends mandatory data collection, public accessibility audits, and integrating disability rights and inclusiveness.

A. RESEARCH PROBLEM

Despite several Indian laws and policies enacted for PWDs such as the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995, The Rights of Persons with Disabilities Act 2016, National Policy for Persons with Disabilities 2006, and Accessible India Scheme 2015, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999 the persons with locomotor disability in India continues to face significant barriers to employment hindering their socio-economic integration and dignity. As per National Institute of Urban Affairs data provided that with a workforce participation rate of 21.9% people with impairments face a significant employment gap of 20.4% to 43.4% compared to those without disabilities¹¹ Moreover, the Supreme Court¹² bench comprising of Justice Vikram Nath and Sandeep Mehta¹³ has addressed "hostile discrimination" against persons with disabilities including locomotor disability in employment. It questioned the Centre on the lack of "upward movement" for meritorious candidates with disabilities to the unreserved category. The court also launched "Project Ability Empowerment" taking eight National Law Universities with monitoring state-run institutions for cognitively disabled persons to ensure proper implementation of the Rights of Persons with

¹¹ 'Reasonable Accommodation for Employees with Disabilities in Workplace' (NIUA)

<<https://niu.in/forums/reasonable-accommodation-employees-disabilities-workplace>> accessed on 19 August 2025.

¹² 'Supreme Court flags hostile discrimination against persons with disabilities in Employment' Economic Times (New Delhi, 12 September 2025) <<https://economictimes.indiatimes.com/news/india/supreme-court-flags-hostile-discrimination-against-persons-with-disabilities-in-employment/articleshow/123850641.cms>> accessed 13 September 2025.

¹³ Reena Banerjee and Another v Government of NCT Delhi and Ors (IA No 130117 of 2018).

Disabilities Act 2016 especially pertaining to the provision of employment by directing NLU state-run institutions to focus on key issues such as care. Accessibility and rights. All State and UTs are mandated to provide logistical and administrative support with equal expenses shared between Centre and state/UT social justice departments.¹⁴

In India people with locomotor disabilities face major hurdles in accessing public services, work, healthcare and education. This is due to lack of reasonable accommodation which prevents their full social and economic integration. The Supreme Court in case of *Vikas Kumar v Union of India* observed that:

“The principle of reasonable accommodation captures positive obligation of the State and private parties to provide additional support to persons with disabilities parties to provide additional support to persons with disabilities to facilitate their full and effective participation in the society”.¹⁵

The 40% Benchmark disability criterion under section 2(r) established to provide reservations and benefits to PWD including locomotor disabilities are vulnerable to misuse and exploitation such as false claims and certification forgery. According to the article published in the Wire, the media reports in the last two years (2022-2024) approximately about 71 teachers were booked for faking disability and issuing fake certificates. Further, approximately about 450 fake certificates were issued from a single hospital in Madhya Pradesh and in Punjab approximately around 2 lakh fake disability certificates were issued.¹⁶ Recently, the Khedkar case was one such example where the IAS candidate was alleged for forging 7% locomotor disability certificate.¹⁷ These cases can cause severe impact on genuine individuals with disabilities including persons with

¹⁴ n 12.

¹⁵ *Vikas Kumar v Union Public Service Commission* AIR 2021 SC 2447.

¹⁶ Satendra Singh, ‘Rights over Ruses: Confronting Fake Disability Certificates’ *The Wire* (New Delhi, 20 July 2024) <<https://thewire.in/rights/rights-over-ruses-confronting-fake-disability-certificates>> accessed 19 August 2025.

¹⁷ ‘No wrongdoing found in issuance of locomotor disability certificate to puja khedkar : Hospital Authorities’ *The Hindu* (New Delhi, 24 July 2024) <<https://www.thehindu.com/news/national/no-wrongdoing-found-in-issuance-of-locomotor-disability-certificate-to-puja-khedkar-hospital-authorities/article68441203.ece>> accessed 13 September 2025.

locomotor disability as this allows non-disabled persons to fill the vacancy of various government and private posts.

B. RESEARCH OBJECTIVES

To achieve the aim of this research work, the following objectives are set forth:

1. To define and conceptualize the meaning of locomotor disabilities.
2. To critically analyze international standards and their role in promoting right to work for people with locomotor disabilities.
3. To assess the existing Indian legislative framework in ensuring equal employment opportunities for persons with locomotor disabilities.
4. To examine the role of Indian Judiciary in enforcement of right to work for persons with locomotor disabilities.
5. To propose effective suggestions for fostering inclusive work environment for people with locomotor disabilities.

C. RESEARCH QUESTIONS

To achieve the aim of this research work, the following research questions are set forth:

1. Who are the Persons with Locomotor Disabilities?
2. How do international standards promote right to work for people with locomotor disabilities?
3. What are the existing Indian legislative framework in ensuring equal employment opportunities for persons with locomotor disabilities
4. How Indian Judiciary has influenced the enforcement of right to work for persons with locomotor disabilities?
5. What are the suggestions for fostering inclusive work environment for people with locomotor disability?

D. RESEARCH HYPOTHESIS

1. H1: Right to work for persons with locomotor disability is not explicitly recognized as fundamental right under Indian Constitution.
2. H2: The accessibility of resources and accommodations for persons with locomotor disability in employment sector in India is inadequate.
3. H3: The Right of Persons with Disabilities Act 2016 has low implementation for persons with locomotor disabilities in India and remains weak regarding employment quotas, accessibility and grievance redressal mechanisms.

E. RESEARCH METHODOLOGY

The research work is purely doctrinal in nature. The study aims to explore the various legislative framework pertaining to equal employment of persons with locomotor disabilities in India with special focus on the importance of assistive technologies and reasonable accommodation for persons with locomotor disabilities and various other policies and schemes.

In writing the research work the researcher uses both descriptive and analytical methods. Descriptive methodology is used to conceptualize the meaning of people with locomotor disabilities and analytical method is used to analyze existing Indian legislation and international standards concerning right to work of persons with locomotor disabilities.

Primary sources encompass Indian laws, judicial pronouncement and international standards along with case studies are used to understand the legal landscape. Second sources include scholarly articles, journals, and reports from the 2011 census, NSS 2018 and NGOs. Research tools like ESCR, Google Scholar, Jstor, and Shodhganga, Indian Express, the Hindu are used for legal, scholarly documents and news articles.

Oxford University Standard for the Citation of Legal Authorities (4th edition) is used as a mode of citation.

F. LITERATURE REVIEW

The review of literature has been undertaken by following the thematic analysis.

Dhole and Others (2015),¹⁸ in this literature pointed out that one of the main causes of locomotor disabilities, especially in young people is trauma. According to studies traumatic locomotor disability is largely caused by railroad and auto accidents. According to a study undertaken by a rehabilitation facility in Mumbai the main causes of traumatic persistent locomotor disability affect 14.97% of patients with locomotor disabilities are railway and traffic accidents. Most instances were in the age range of 21 to 40 and males were more likely than females to be impacted. The study emphasizes the necessity of taking preventive action for such causes. According to the World Health Organization, trauma resulting from injury has a substantial role in severity of disability around world.

Blattner (2020)¹⁹ in his literature gave a theoretical analysis that the right to work for people with disabilities has not been fully realized despite legal provisions and increased job quotas. The author's findings indicate that unequal treatment and lack of access persist, showing that even a shift to the social model of disability hasn't secured meaningful employment. The author argues that without new social, economic, and political framework, the right to work will not lead to true social inclusion, economic security and self-realization for people with disabilities.

Vernal (2023)²⁰ in their literature has pinpointed that in India the rights of people with disabilities have changed drastically from a charity-based strategy to right-based framework. A plethora of 21 different forms of disabilities are recognized under the Rights of Persons with Disabilities Act 2016 which also establishes a number of rights and

¹⁸ Sandip Dhole, 'Study of Locomotor Disability due to various types of Trauma' (2015) 5(3) NJMR <<https://njmr.in/index.php/file/article/view/399>> accessed 13 September 2025.

¹⁹ Charlotte Blanter, 'Right to Work or refusal to Work: Disability rights at a crossroads' (2020) 36 (9) TF <<https://doi.org/10.1080/09687599.2020.1788511>> accessed 8 August 2025.

²⁰ Triveni Vernal, 'Right of Persons with Disabilities in india: Provisions, Promises and Reality' (2023) 4(2) BAU <<https://digitalcommons.bau.edu.lb/cgi/viewcontent.cgi?article=1069&context=schbjournal>> accessed 13 September 2025.

entitlements such as equality, non-discrimination, access to justice, education and employment. Even with progressive legislation there are still issues with understanding, acceptance in society and implementation. Accessibility and inclusivity are hampered by systematic flaws and parent activists are divided over recent plans to repeal this Act. Moreover, the author emphasizes the necessity of improved monitoring systems, legislative changes and cooperative initiatives.

Jindal and Chari (2015)²¹ in their white paper on disability employment in India notes a modest increase in employment rates for persons with disabilities from 2% in 2005 to 8% in 2015. Despite the RPWD Act 2016 expanding recognised disabilities and aiming for more inclusive opportunities, significant barriers persist including a lack of workplace accommodations and poor infrastructure. While government schemes exist, bureaucratic inefficiencies and poor coordination impede their effectiveness, hindering the act's practical implementation.²² Although a lot of material has been written about the right to work for PWD, but there isn't much that focuses on the right to work for persons with locomotor disabilities in India.

IV. CONCEPTUALISING PERSONS WITH LOCOMOTOR DISABILITY.

Disability is a different concept as it comprises of various physical, psychological and social problems. It is basically lack of ability to do normal activities in a proper manner due to various impairments. It is a functional limitation in the body which is either acquired by birth or through accident.

Amartya Sen Gupta stated that 'Disability is a condition which causes incapacitation of a person from carrying in physical and mental activities in a way or within a range deemed typical or humans.'²³

²¹ Ankit Jindal and Rama Chari, 'Employment Scenario of People with Disabilities in India' *NCPEDP* (New Delhi, November 2015) <<https://www.deoc.in/wp-content/uploads/2018/03/White-paper-on-Employment-updated-27-Nov.pdf>> accessed 10 August 2025.

²² Roy (n 2).

²³ *ibid*.

The UNCPRD in its preamble also defines the concept as-

“Disability results from interaction between persons with impairments and attitudinal and environment barriers that hinder their full and effective participation in society on an equal basis with others”²⁴

The World Health Organization defines disability as both physical impairment and social construct. While the former refers to a limitation in physical activities, the latter highlights how societal views are crucial. A positive social perception can empower individuals with disabilities while negative views lead to their exclusion and marginalization.²⁵

A. TYPES OF DISABILITY

The RPWD Act 2016 under section 2(s) provides for the definition of people with disability as people with long term physical, mental, intellectual or sensory impairment who face societal barriers that hinder their full participation.²⁶ The Act has expanded the list of disabilities to twenty-one which is depicted through the following flow chart.

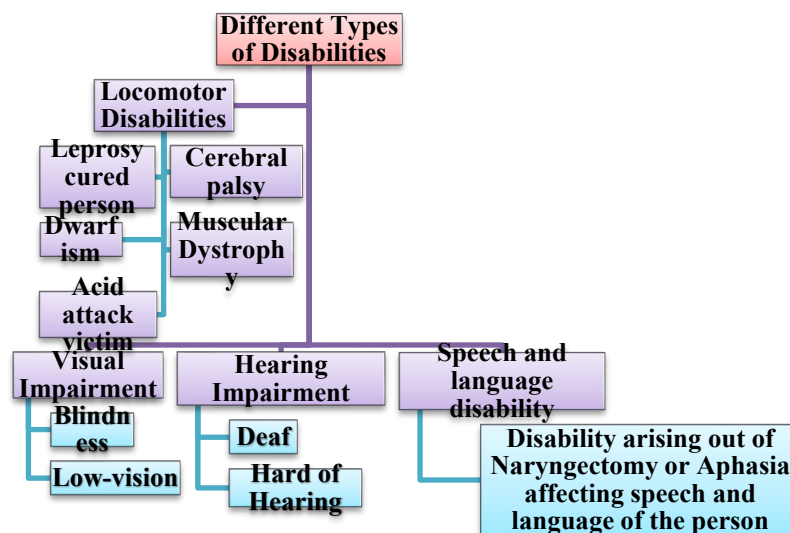


Figure 1: Types of Disabilities²⁷

²⁴ Roy (n 2).

²⁵ *ibid.*

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

²⁷ Roy (n 2).

B. CONCEPT OF LOCOMOTOR DISABILITIES

A Locomotor disability is a crucial and sometimes long lasting impairment that affects body movement and hinders a person's ability to move and causes hindrance have endurance or dexterous.²⁸ Though, it is said that locomotor disability do not affect individuals life seriously but it makes there life challenging as it stops persons to carry out regular activities such as walking, sitting and standing, muscle dis appropriation which also causes difficulty in moving hands as there is no grip in their hands.

The committee on Technical Advisory Committee was constituted to review the conceptual framework of disability. It aimed to standardize definitions for disabilities in India by consulting specialists like Yavar Jung National Institute for the hearing handicapped and for the Mentally Handicapped. Even the NSSO survey 2002 and Census 2001 gathered detailed information on disabilities using various definitions of disability. Their findings defined locomotor disability as conditions affecting movement including loss or absence of limbs due to amputation, paralysis, cerebral palsy and physical deformities like hunchback or deformed. Even conditions like dwarfism and permanent stiff neck are considered locomotor disabilities even if they have or no impact on normal movement.²⁹

This idea was rightly incorporated under the RPWD Act 2016 which included varied types of locomotor disabilities to ensure inclusivity and support for individuals for diverse physical abilities. The Act defines various types of locomotor disabilities under its schedule which includes:

A person's inability to carry out activities which are linked to movement, walking, running or moving any object due to afflictions of musculoskeletal or nervous system are locomotor disabilities. There are various types of locomotor disabilities such as

²⁸ Roy (n 2).

²⁹ (Ministry of Statistics and Program Implementation) <https://mospi.gov.in/sites/default/files/reports_and_publication/cso_social_statistics_division/Chapter3_Definition_Disability.pdf> accessed 13 September 2025.

1. “*Leprosy Cured Person*” is a person who has suffered from leprosy and after being cured suffers from many others diseases which later results when a persons who is suffering from loss of sensation in both hands and even in feet and also paresis in the eye lids with no manifest deformities, Sufficient physical mobility but manifests deformity in both hands and legs preventing them to engage in normal economic activity, Due to advance age or extreme physical disability which prevents the individual from undergoing any gainful occupation.³⁰
2. Cerebral Palsy is a non-progressive neurological condition which interferes body movements, damages caused to the brain which results of muscle coordination which is a symptoms of before or after child birth.³¹The people with cerebral palsy are also covered under the National Trust for the welfare for the persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999.
3. Dwarfism is genetic or medical condition which results in an average height of 4 feet 10 inches or 147 centimeters of an adult height.³²
4. Muscular Dystrophy is a hereditary genetic muscle illness in which person has several dystrophies in a group of muscles that move the body which prevent body from making enough proteins for building healthy muscles. This illness results in weakening of skeletal muscle, defects in muscle proteins and loss of muscle cells and tissue.³³
5. Acid Attack Victims are in those categories of individuals who are disfigured by throwing corrosive substance such as acid which causes violent assault.³⁴ The items 1. A e of the schedule speaks about two categories general and specific. General category consists of disfigurement due to violent assaults such as throwing acid whereas specific speaks about violent assaults using corrosive substances. The inclusion of Acid Attack under the disability definition not only

³⁰ Right to Persons with Disability Act 2016

³¹ *ibid.*

³² Right to Persons with Disabilities Act 2016

³³ Right to Persons with Disability Act 2016.

³⁴ *ibid.*

expands the scope this Act but also gives a platform for them who become victims of attitudinal and environment barriers and are looked down by the society.³⁵

As per the Census of 2011, out of the 121 Crore of total Population, 2.68 Crore of persons are 'disabled' which accumulates to 2.21% of the total population in India.³⁶

Total Population in India in 2011			Disabled Persons in India in 2011		
Persons	Males	Females	Persons	Males	Females
122.07 crore	61.31 crore	57.77 crore	3.69 crore	2.50 crore	2.19 crore

Table 1: Population Statistics³⁷

According to the India's Census of 2011, 20% of the disabled persons in India have a disability that affects their ability to move, 19% of the disabled persons have a disability that affects their vision, another 19% of the disabled persons have a disability that affects their hearing and 8% have multiple disabilities. Which clearly indicates the highest person suffering from locomotor disabilities.

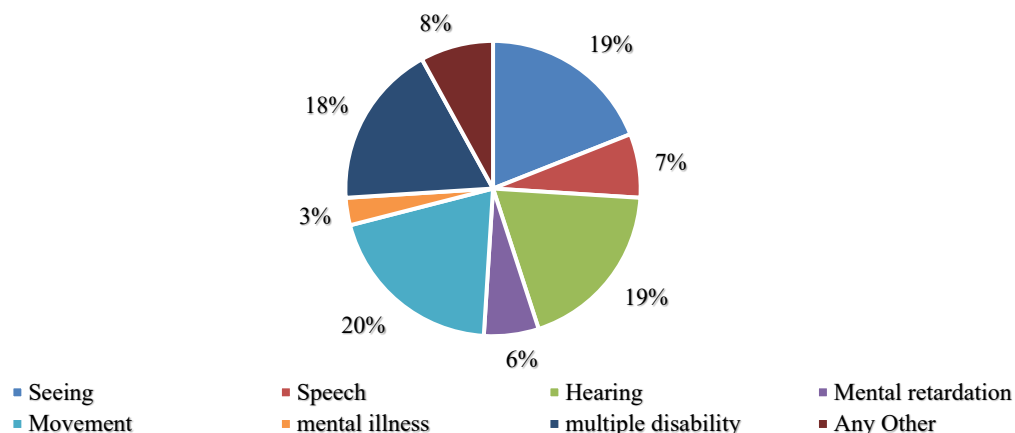


Figure 2: Distribution of population by different types of disabilities in India (Census 2011)

³⁵ *ibid.*

³⁶ n 5.

³⁷ Roy (n 2).

C. ROLE OF ASSISTIVE DEVICES FOR PERSONS WITH LOCOMOTOR DISABILITIES

Assistive devices are tools or equipment that help people with disabilities live more independently by improving, maintaining, or increasing their functional abilities, thereby creating a more inclusive environment.³⁸ These devices grant people with locomotor disabilities the freedom of movement needed for work and education. These aids, which include seating, positioning and other equipment are crucial for adapting various postures for daily activities.

Assistive Devices	Uses
Orthoses (Lower Limb Orthoses, Upper Limb Orthoses, Hand Orthosis)	Lower Limb orthoses are used to gain the functional abilities back from legs. Upper Limb to gain functional abilities from arms. Hand orthoses are used to remove any functional abnormalities in movement of hands. ³⁹
Sticks/ canes, Tripods, Crutches, Tricycles	Canes and walking sticks offer balance and stability for people with minor leg injuries or older adults. Tripods are foundational walking aids. Crutches, either axillary (underarm) or elbow assist with lower extremity weakness. ⁴⁰ Tricycles are also used as pedal powered mobility aid. ⁴¹

³⁸ 'Assistive Devices for Mobility & Sensory Aids'

<<https://egyankosh.ac.in/bitstream/123456789/35150/1/Unit-27.pdf>> accessed 1 September 2025.

³⁹ (n 38).

⁴⁰ *ibid.*

⁴¹ *ibid.*

Walkers/ Rollators, Buggies / Prams	Walkers are for short distances while wheeled rollators are for longer travel. Buggies and prams are mobility aids specifically for children aged 1-12. ⁴²
Wheelchairs	Wheels are customized mobility aids. They range from self-propelling models to those with various supports and can include features like trays or single-hand levers. For children a ramped cushion chair can be used for extra support in a wheelchair. ⁴³
Creepers and Crawlers	In creepers and crawlers, a child operates it by crawling and creeping by putting its whole strength on stomach by propelling its arms to move. It has wheels inside to provide support. ⁴⁴
Trolleys	Trolley is a wooden platform with three to four wheels where a person operates it by self-propelling or using handpad.

Table 2- List of Assistive Devices/Aids for Persons with Locomotor Disability⁴⁵

V. INTERNATIONAL LEGAL FRAMEWORK ON RIGHT OF PERSONS WITH LOCOMOTOR DISABILITIES

Since the inception of the UN charter there has been a global focus on ensuring the rights of people with disabilities with a growing international framework dedicated to their equality, dignity, and inclusivity.⁴⁶ While no single standard specifically targets those with locomotor disabilities their rights are implicitly and explicitly supported by various international agreements.

⁴² *ibid.*

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ (n 38).

⁴⁶ 'International Norms and Standards Relating to Disability' (*United Nations*, 2003)

<<https://disabilityindia.co.in/wp-content/uploads/2020/08/Overview-of-International-Legal-Frameworks-for-Disability-Legislation.pdf>> accessed 03 September 2025.

A. UDHR

The Universal Declaration of Human Rights (UDHR) is the foundation for international standards on disability rights, but it doesn't explicitly mention people with disabilities. However, its core principles such as all humans being born free and equal (Article 1), the right to life and liberty, and equal protection under the law without discrimination which provides a strong basis for recognizing the rights of people with disabilities⁴⁷.

B. ICCPR

The ICCPR encompasses variety of civil and political rights which makes it a cornerstone in the international human rights regime. The ICCPR protects the right to people with disabilities who are especially vulnerable to abuse (article 6 and 7).⁴⁸ Its provisions like the right to life and freedom from cruel treatment are essential for ensuring a dignified existence for this population.⁴⁹ Similarly lack of access to basic amenities for disabled people can violate ICCPR Article 7 which restricts human treatment. Article 16 further protects their rights by guaranteeing equal recognition before the law.⁵⁰ The ICCPR also provides for social cooperation rights such as free association within the community (Article 22), right to have a family (Article 23), and right to privacy (Article 17).⁵¹ The political rights enshrined under the covenant freedom of thoughts and opinions (Article 18 and 19),⁵² the PWD should have all autonomy to share their views and opinions in the society be it in any political debate, media or lobby groups.

C. ICESCR

The ICESCR includes contains variety of rights promoting human dignity and welfare. First important right is enunciated under Article 2 which provides for non-discrimination

⁴⁷ *ibid.*

⁴⁸ *ibid.*

⁴⁹ *ibid.*

⁵⁰ (n 38).

⁵¹ (n 46).

⁵² *Ibid.*

clause irrespective of their sex, language, race, colour, religion, political or other opinion, national or social origin, property, birth or any status.

The General Comment no. 5 connotes that the term “other status” includes disability requiring protection from discrimination.⁵³ It calls for comprehensive laws that not only provide legal remedies but also promote social inclusion and independent living thereby obligated states to include the principle “reasonable accommodation”.⁵⁴

The ICCPR’s Article 3 promotes gender equality in economic, social and cultural rights. General Comment No. 5 notes that women with disabilities face “double discrimination”, being viewed as “genderless”. The General Comment no. 6 on economic, social, and cultural rights reinforces that disability cannot justify lower pay and that states must ensure just working conditions as part of Article 6 right to work.⁵⁵

D. CEDAW

Article 11 of CEDAW state that all the women should have the right to free choice of employment and carry out any profession, right to job security and promotion.⁵⁶ The General Recommendation No. 18 states that –

“That the States provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security and to ensure that they can participate in all areas of social and cultural life.”⁵⁷

E. ILO

The theoretical foundation of the International Labour Organisation in providing inclusivity to PWD is not only right based approach but also economic centric welfare.

⁵³ *ibid.*

⁵⁴ *ibid.*

⁵⁵ *ibid.*

⁵⁶ *ibid.*

⁵⁷ (n 46).

According to ILO approximately 800 million working population are categorized under PWD and are subjected to many barriers such as physical, attitudinal, and information barriers.⁵⁸ Throughout the ILO has worked over years and have developed various policy recommendations and conventions to provide maximum employability, inclusive employment environment.

1. ILO Code of Practice on Managing Disability in Workplace 2001⁵⁹

The Code of Practice on Managing Disability in Workplace was convened in the year 2001 in a tripartite meeting held in 277th session of ILO in March 2022 provides guidelines for governments and workers representatives. It aims to help governments implement policies that promote equal employment for PWDs while also ensuring the rights and voices of workers representatives are protected.

2. Vocational Rehabilitation (Disabled) Recommendation (No.99), 1955⁶⁰

It served as a framework for States in promoting vocational schemes and training, vocational guidance, and providing placement for people with disabilities.

3. ILO Convention No. 128 1965⁶¹

The ILO convention 128 of 1965 is also one of the initiative in promoting employment it obligates various member states to adhere to the prescribed conditions- Firstly, it promotes rehabilitative measures for persons with disabilities to resume their previous employment or provide any other alternative solutions if any considering their aptitudes, secondly various stringent measures should be adopted for placement of PWD in standard employment.

4. ILO Convention No. 159 1982⁶²

⁵⁸Arthur Reily 'The Right to Decent Work of Persons with Disabilities' (ILO, 2003)

<https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@robangkok/documents/publication/wcms_bk_pb_93_en.pdf> accessed 03 September 2025.

⁵⁹ ibid.

⁶⁰ Reily (n 58).

⁶¹ ILO Invalidity Old-Age and Survivors Benefits Convention (No 128) (adopted 29 June 1967, entered into force 01 November 1969).

⁶² ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No 159) (adopted 20 June 1983, entered into force 20 June 1985).

The Convention 159 of 1982 obligates member states to develop, implement, carry out and review a national policy on vocational rehabilitation and employment for PWD. It prescribes various mechanisms for development of people with disabilities such as reasonable workplace environment, accessible job designs and tools, information about their rights and opportunities.

VI. UN STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES 1993⁶³

The UN Standard Rules on Equalization for Persons with Disabilities were adopted in 1993⁶⁴. The aim is to ensure that member states provide PWDs with equal employment opportunities. This involves implementing vocational training, incentive programs and increasing reservation quotas. The rules also advocate for reasonable accommodation in workplaces the use of assistive devices and public awareness campaigns to eliminate societal barriers.⁶⁵

A. VIENNA DECLARATION ON HUMAN RIGHTS 1993⁶⁶

The Vienna Declaration under article 22 and article 64 provides that people with disabilities need special attention by ensuring non-discrimination freedom to live with dignity, social, economic and physical freedoms, and equal participation in society.

B. UNCRPD⁶⁷

The UNCRPD is a milestone in the history of international standards as it is the only international framework which explicitly deals with rights of PWD. The convention was

⁶³ n (58).

⁶⁴ *ibid.*

⁶⁵ n (58).

⁶⁶ *ibid.*

⁶⁷ United Nations Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

adopted on 13th December 2006 in the headquarters of New York and enforced on 30 March 2007.⁶⁸

As of November 2025, the UN Convention on the Rights of Persons with Disabilities (UNCPRD) has been ratified by 191 countries and is governed by the Committee on the Rights of Persons with Disabilities. The convention outlines 26 guiding principles to promote human rights for PWDs such non-discrimination (article 5), equal enjoyment of rights for women with disabilities (article 6), ensuring accessibility (article 9), right to life (article 10), personal mobility (article 20), right to privacy (article 22), right to adequate health services (article 25), right to work which empowers freedom to choose their own employment opportunities.

General Comment No. 8 (2022) highlights that PWDs face significant employment barriers due to issues like lack of accessibility and hiring bias. The Comments suggests a green economy could help integrate PWDs into workforce addressing “ableism” in economic attitudes.⁶⁹

VII. INDIA’S COMPLIANCE WITH THE GLOBAL CONVENTIONS.

India has ratified several international conventions to promote rights of persons with disabilities including those with locomotor disabilities. The UNCPRD was ratified by India in 2007 which led to the enactment of Right to Persons with Disabilities Act 2016 thereby clearly aligning with international standards. Various features include 4% reservation in government jobs and educational institutions, accessibility measures, disability certificate and employment opportunities. Earlier to this India followed the UDHR, ICCRPR, ICESR, and CEDAW to protect the rights of Persons with Disabilities within the framework of the constitution.⁷⁰ Moreover, there is no specific convention

⁶⁸ ‘United Nations Convention on the Rights of Persons with Disabilities’ (NDA) <<https://nda.ie/disability-policy/uncrpd>> accessed 03 September 2025.

⁶⁹ Committee on the Rights of Persons with Disabilities ‘General Comment No 8: The Right of Persons with Disabilities to Work and Employment’ (adopted 25 August 2022) 9 <<https://www.ohchr.org/en/treaty-bodies/crpd/general-comments>> accessed 03 September 2025.

⁷⁰ Vernal (n 20).

upholding right to work of persons with locomotor disability but India has ratified few ILO conventions such as Discrimination (Employment and Occupation) Convention 1958 (No. 111) and Equal Remuneration Convention (No.100) which indirectly protects the employment rights of persons with disabilities. But the above-mentioned ILO conventions are still no ratified by India.⁷¹

VIII. LEGAL LANDSCAPE GOVERNING PERSONS WITH LOCOMOTOR DISABILITIES IN INDIA

The Indian Constitution is inspired by others is extensive because it guarantees fundamental rights like equality and dignity for all citizens. It also makes a special effort to address the needs of specific groups such as people with disabilities by implementing various policies and initiatives.⁷²

A. STATISTICS OF EMPLOYMENT STATUS IN INDIA

The below fig depicted as per 2011 census only one third of the disabled population is working out of which 36% of the total disabled population are workers with 47% being male and 23% being female. The working female population is higher in rural India 25% compared to urban areas 16%.⁷³

⁷¹ Reily (n 58).

⁷² Roy (n 2).

⁷³ n 5.



Figure 3: Distribution of Disabled persons (in %) by work status in India- Census, 2011⁷⁴

The below figure 4 depicts that of India's 1.7 crore non-working disabled population the majority (46%) are aged 15-59 followed by the 0-14 (31%) and 60+ (23%) age groups. Within the 15-59 age group non-working females is (49%) and males (42%) pointing to higher unemployment among disabled women.⁷⁵

⁷⁴ *ibid.*

⁷⁵ n 5.

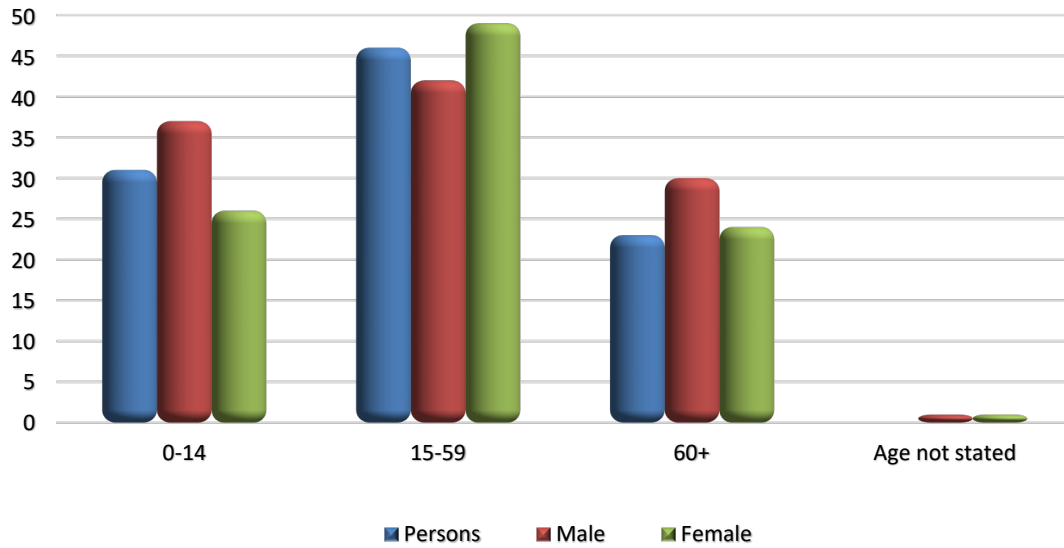


Figure 4: Distribution of disabled non-workers (in%) by age group and sex in India- Census, 2011⁷⁶



Figure 5: Employment Status of Persons

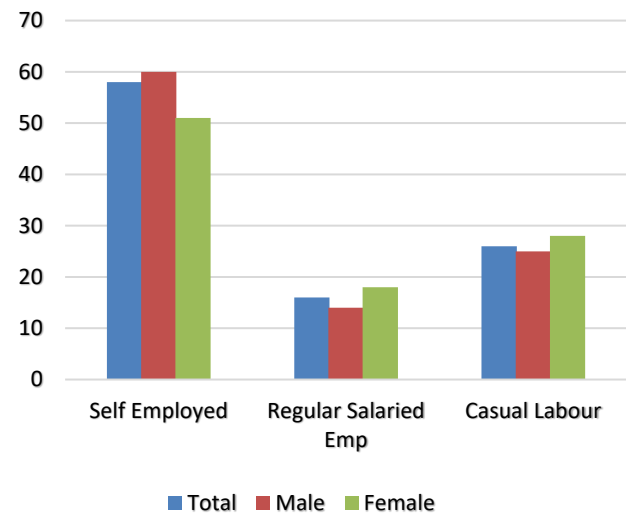


Figure 6: Employment status of

⁷⁶ n 5.

*with Disabilities in India, 2018*⁷⁷

*Person with disabilities in
Rural India, 2018*⁷⁸



*Figure 7: Employment status of Person with Disabilities in Urban India, 2018*⁷⁹

The Figure 6 depicts based on the 76th NSS round 2018 the employment status of PWDs is 55% self-employed (60% male and 50% female) and 18% have regular salaried employment of which 16% male and 18% female and 26% are casual laborers out of which 25% male and 28% female.⁸⁰

Fig 7 and 8 reveals that 60% are self-employed of which 65% is in rural areas and 45% in urban areas. In urban areas females with disabilities constitute 48% then male with 30% in regular salary employment. In casual labour in urban areas too female disability population is higher with 28% than male with 25%. The same with rural female disability persons.⁸¹

⁷⁷ 'India Survey of Persons with Disabilities NSS 76th Round: July 2018- December 2018' (Ministry of Statistics and Programme Implementation, 13 May 2022)
<<https://microdata.gov.in/nada43/index.php/catalog/154/overview>> accessed 03 September 2025.

⁷⁸ n 5.

⁷⁹ *ibid.*

⁸⁰ n 5.

⁸¹ *ibid.*

B. LEGISLATIVE FRAMEWORK PERTAINING TO PERSONS WITH DISABILITIES

1. Constitution of India 1950

The Constitution of India 1950 guarantees fundamental rights such as dignity, equality, and justice to all citizens including persons with disabilities (PWD). Part III of the constitution which covers fundamental rights applies equally to PWDs including Article 14 (equality before law), Article 15 (non-discrimination), Article 19 (freedoms), Article 21 (protection of life and liberty) and Article 16 (equality in public employment with provisions for reservation for disadvantaged classes).⁸² Article 41 directs the state to promote the education, and public assistance to disabled individuals. Article 46 mandates the state to promote the educational and economic interest of PWDs and protect them from exploitation.⁸³ Additionally, the Ninth schedule contains provisions for the welfare and protection of PWDs under Article 243-G (social welfare) and Article 243-W (protection of weaker sections).⁸⁴

Though all the articles such as 14, 15, 19 and 21 are applicable for people with disabilities. Article 16 provides for non-discrimination in employment and reservation in employment opportunities for disadvantaged class of people which also includes PWD.⁸⁵

2. Right to Work under Article 21 of the Indian Constitution

Various international standards recognize right to work as fundamental right, but our Indian Constitution does not recognize the right to work as a fundamental right as it is placed under the article 41 of the DPSP which makes it unenforceable. Thus, the need for recognition of right to work as fundamental right came into existence⁸⁶. The Supreme Court in *Municipal Corporation of Greater Bombay v Century Textiles and Industries*⁸⁷,

⁸² n 5.

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ Roy (n 2).

⁸⁶ Roy (n 2).

⁸⁷ *Municipal Corporation of Greater v Century Textiles and Industries* 2025.

where a Writ petition filed by the petitioner against the respondents Mumbai Municipal Corporation it was held that right to work is an important aspect of every individual and to fully enjoy these rights various facets of other rights should be provided. Moreover, right to live is essential ingredient of right to life. Right to live includes right to earn for livelihood and it is necessary that is right is enshrined as fundamental right or right to life under article 21 is meaningless. Therefore, right to work is raised to the status of fundamental right under article 21 of the Indian Constitution.⁸⁸

3.The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995

India's Persons with Disabilities Act serves as a vital legal framework to protect the rights of its large disabled population. The Act works as deterrent by preventing fraudulent activities through penalties outlined in chapter XIV, rehabilitation, early detection of disabilities (Chapter IV), and grievance redressal system (chapter XII). The key provisions included a mandate for state governments to identify suitable jobs (section 32)⁸⁹ implements 3% reservation in public establishments for individuals with vision, hearing, and locomotor disabilities (section 33), and a "carry-forward" rule for vacant posts (section 36). The Act also required establishments to provide information on PWD employment (section 34) and maintain records (section 37).⁹⁰

Section 38 mandates the government to formulate employment schemes including training and creating a safe accessible work environment.⁹¹ A 3% reservation for PWDs is required in poverty alleviation schemes under section 40.⁹²Section 41 encourages a 5% minimum workforce of PWDs in both public and private sectors by offering incentives.⁹³Finally, section 44 protects PWDs from demotion ensuring they are

⁸⁸ Roy (n 2).

⁸⁹ Roy (n 2).

⁹⁰ *ibid*.

⁹¹ Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995, s 38.

⁹² *ibid* s 40.

⁹³ *ibid* s 41.

transferred to an equivalent role with the same pay and benefits if their disability prevents them from continuing their current employment.⁹⁴

4.Right of Persons with Disabilities Act 2016

The underlying principle behind enactment of RPWD Act 2016 is giving direct effect to the United Nation Convention on Right to Persons with Disabilities. The object of this act is to ensure equality, non-discrimination, dignity and inclusion of PWD's in the current set up. The previous legislation has failed to recognize various crucial elements which was recognized under this Act. For instance, the type of disabilities increased from 7 to 21.

The RPWD Act of 2016 defines key terms like “barrier” (section 2(c)) and establishment (both government and private) (Section 2 (i)).⁹⁵It introduces two new concepts “persons with benchmark disability” (at least 40%) and “reasonable accommodation” which implies necessary adjustments for equal participation.⁹⁶ Two new concepts were included under this Acts such as persons with benchmark disability (Section 2y).⁹⁷ The Act also defines “special employment exchange” is defined under section 2(zb) as offices that provide job information for people with disabilities.⁹⁸

The Act outlines key provisions of an act for Persons with Disabilities (PwDs). Chapter II (Sections 3-14) details their rights and entitlements. Chapter IV and VI address employability and skill development with section 19 mandating skill development measures like concessional loans and inclusion in mainstream training.⁹⁹Section 20 ensures non-discrimination for PWDs through reasonable accommodation and a barrier free environment.¹⁰⁰ It also reserves 4% reservation in jobs for those with benchmark

⁹⁴ *ibid* s 44.

⁹⁵ Right of Persons with Disability Act 2016, s 2(c).

⁹⁶ *ibid* ss 2 (i), (k), (v).

⁹⁷ *ibid* s 2(y).

⁹⁸ Roy (n 2).

⁹⁹ n 90 s 19.

¹⁰⁰ *ibid* s 20.

disabilities and offers expert guidance (section 33) roles in private sector.¹⁰¹ Under section 40-41 various accessibility rules are provided for public places as well as ICT.

5.The Right of Persons with Disabilities Rules 2017.

The RPWD Rules 2017 established guidelines for PWD employment covering accessibility, job reservations, identifying posts and disability certificates.¹⁰² An expert committee from the Ministry of Justice and Empowerment was created to identify suitable jobs for PWDs in both entry level and promotional case¹⁰³

Under Rule 16 a 4% reservation for persons with disabilities (PWD) applied to Group A, B, and C government posts. The DEPWD can review any exemption to this rule.¹⁰⁴ Reservations for Group C are based on the suitability of the post while for Group A and B they are based on vacancies.¹⁰⁵ A 100-point roster is used with PWD points at 1, 26, 51 and 76. Vacant PWD posts are carried forward.¹⁰⁶ Form IV provides for examination of disability certificate for appointment in jobs. An application process is also mentioned under the form along with the procedure. The issuance is done in accordance with form V, VI, VII.

6.The Right of Persons with Disabilities (Amendment) Bill 2019

The RPWD (Amendment) bill 2019 strengthens the 2016 Act by removing “long term” from the definition of disability. It expands educational provisions to include learning disability, autism, deaf-blindness and cerebral palsy by allowing substitution of mathematics with other subjects. The amendment also focuses on job identification and equal pay. It also increased the composition of Central Advisory Board’s composition to include NGOs and PWDs.¹⁰⁷

¹⁰¹ *ibid* s 33.

¹⁰² The Right of Persons with Disabilities Rules 2017, rule 15-18.

¹⁰³ *ibid* rule 11.

¹⁰⁴ *ibid*.

¹⁰⁵ The Right of Persons with Disabilities Rules 2017, rule 11.

¹⁰⁶ *ibid*, rule 14.

¹⁰⁷ Kunjlata Lal, ‘The Right of Persons with Disabilities (RPWD) Act 2016’ (2024) 9(8) IJNRD <<https://www.ijnrd.org/papers/IJNRD2408177.pdf>> accessed 13 September 2025.

7.The Right of Persons with Disabilities (Amendment) Bill 2020

The RPWD (Amendment) bill 2020 strives to insert new definitions to Section 2 under pa defining “National Commission” and zd as “State Commission”. The clauses ‘zd’ and ‘ze’ were renumbered to ‘ze’ and ‘zf’.¹⁰⁸

8.The Right of Persons with Disabilities (Amendment) Bill 2022

The RPWD (Amendment) Bill 2022 included the composition of National and State commission members which includes chairperson, a person with disability and women with disability or knowledge of this subject matter under section 59 A (2) and their salary and allowances shall be determined by the Central Government under section 59D.¹⁰⁹

9.The Rights of Persons with Disabilities (Amendment) Bill 2023

The RPWD (Amendment) Bill 2023 amended the 2016 Act by redefining “rehabilitation” for persons with disabilities in section 2. The new definition is broad in alignment with WHO which includes the process that empowers people with disabilities to achieve optimal physical, sensory, intellectual, psychological, environmental and social function.¹¹⁰

10. The Right of Persons with Disabilities (Amendment) Rules 2024.

The Union Ministry of Social Justice and Empowerment has proposed the RPWD rules 2024 under the RPWD Act 2016 introducing several changes to the rules for obtaining a disability certificate. The key amendments include mandatory Aadhaar, proof of identity and a recent photograph for the application of certificate for PWDs. The authority to issue certificates is now limited to a competent medical authority at the district level. The processing time has been extended from one month to three months. A new color-coded Unique Disability ID card system has been introduced to be white for below 40% disability, yellow for 40% to 80%, and blue for 80% above. This has raised serious

¹⁰⁸ *ibid.*

¹⁰⁹ *ibid.*

¹¹⁰ *ibid.*

concerns especially for persons with disabilities who do not have access to such identity cards.¹¹¹

Important Modifications in the new Act of 2016

PWD ACT 1995	RPWD ACT 2016
It only recognizes seven types of disabilities.	It has updated the list to include twenty-one disabilities. The Act has expanded the list of locomotor disabilities to five types.
Early detection and prevention	No such provision.
It mentions about employment of disabled persons which also includes locomotor disability in government sectors.	It emphasizes schemes and programs that facilitate vocational training and self-employment for people with disability which also includes locomotor disability.
It do not contain the chapters on rights and entitlement.	It has derived various principles from UNPRD 2007 and embedded chapter II under the heading right and entitlements which includes accessibility in voting, access to justice, equality and discrimination for people with locomotor disabilities as well.
No such provision was included.	Provision of education under section 18 for adults with disabilities which also include locomotor disabilities.
Reservations up to 3% was provided in educational and employment institutions.	Relaxation increased by 4% in all institutions providing educational and employment opportunities.

¹¹¹ Lal (n 103).

No such recognition.	Provision for benchmark disabilities under section 31.
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Table 3- Comparative Chart of PWD Act 1995 and RPWD Act 2016.¹¹²

11. The National Trust Act 1999

The National Trust Act provides for protection to those individuals who have disabilities such as autism, cerebral palsy, mental retardation and multiple disabilities for providing equal opportunities and ensure full participation in society. The object of the Act is basically to provide guardianship in cases of individuals who have lost their parents.¹¹³

12. Rehabilitation Council Act 1992

The Act provides for enactment of rehabilitation professionals with necessary qualifications for providing skill development for persons with disabilities. A register of qualified professionals is maintained under the Act.¹¹⁴ The professionals are also held accountable as they are considered public servants under the Act.¹¹⁵

13. The Factories Act 1948

Under section 62 of the Act provides certificate of fitness. This provision no excludes people with disabilities from employment. Even the certifying surgeon assesses individuals for providing suitable employability to persons.¹¹⁶

14. The Workmen Compensation Act 1923

The Act provides compensation to injured workers for rehabilitation and employee's benefit. Under section 4 various types of disabilities and the specified amount is mentioned- Temporary disabilities 25% of employee's monthly wages, permanent disabilities a 60% of monthly wages along or an amount of 1,20,000 whichever is

¹¹² Roy (n 2).

¹¹³ The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act 1999, s 10.

¹¹⁴ The Rehabilitation Council of India Act 1992, s 3.

¹¹⁵ *ibid* s 25.

¹¹⁶ The Factories Act 1948, s 62.

maximum, permanent partial disabilities a payment of loss incurred, in case of death 50% of monthly wages or 1,20,000 depending on maximum total amount.¹¹⁷

15. Maternity Benefit Act 1961

The Maternity Benefit Act envisages special beneficial provisions for women at workplace though it does not provide any specific provision pertaining to female disabilities nor exempt them to avail the benefit.¹¹⁸

IX. ROLE OF JUDICIARY IN UPHOLDING THE RIGHT TO WORK FOR PERSONS WITH LOCOMOTOR DISABILITIES

The Supreme Court of India as well as various High Courts have given landmark judicial pronouncements while dealing with various cases against the government in case of violation and infringement of rights for persons with disabilities.

One of the landmark judicial pronouncements delivered by the Supreme Court pertaining to locomotor disabilities is *Parivartan Kendra v Union of India*,¹¹⁹ in this case highlighted the case of *Laxmi v Union of India*¹²⁰ which provided for rehabilitation for acid attack victims where it held that various State and Union Territories are directed to assess the conditions and circumstances of acid attack victims and to add them in the disability list.¹²¹

In *Rajive Raturi v Union of India*,¹²² a PIL was filed by the Petitioner highlighted the concerns prevalent in Indian setting such as lack of accessibility, safety and barrier free environment. The Supreme Court stated it is important that the provisions of RPWD Act 2016 and various norms of international standards. Further, stringent action should be taken for proper accessibility to public places, roads and transport facilities.¹²³

¹¹⁷ The Workman Compensation Act 1923, s 4.

¹¹⁸ The Maternity Benefit Act 1861.

¹¹⁹ *Parivartan Kendra v Union of India* 2016 2 SCC Cri 143.

¹²⁰ *Laxmi v Union of India* 2014 SCC 4 427.

¹²¹ Roy (n 2).

¹²² *Rajive Raturi v Union of India* 2018 SC 54.

¹²³ Roy (n 2).

In *Gulshan Kumar v Institute of Banking Personnel Selection and Ors*¹²⁴, the Honorable Supreme Court has ruled that the principle of reasonable accommodation is essential to ensure equality for individuals with impairments. Moreover, denying someone with disability the ability to use scribe or compensatory time is discriminatory.

In *Arun Sarkar v State of West Bengal & Ors*¹²⁵ Dr. Arun Sarkar who has bilateral upper limb amputation and is 80% impaired was suggested for the position of Assistant Professor in Bengali under physically handicapped category. But because they doubted his capacity to carry out teaching responsibilities. The college's governing body declined to validate this appointment. The 2016 Act definition of disability is comprehensive and does not exclude anyone who developed the disease later in life. The Calcutta High court held that the governing body's decision to be discriminatory and overturned it ordering them to reevaluate appointments.

X. ROLE OF CIVIL SOCIETY ORGANISATIONS IN PROMOTING RIGHTS OF PERSONS WITH LOCOMOTOR DISABILITIES

A. Gharaunda Scheme-

This scheme aims to provide lifelong home and care services for individuals with autism, cerebral palsy, mental retardation and multiple disabilities. Its goals include creating the necessary infrastructure and delivering care in a dignified and environmentally friendly manner.¹²⁶

B. Sahyogi Scheme-

The primary goal is to establish "Care Associate Cells" to train a skilled workforce for PWDs and their families offering equal opportunities for parents to participate. Training will be provided directly to families and through other institutions like NGOs.¹²⁷

¹²⁴ *Gulshan Kumar v Institute of Banking Personnel Selection and Ors* Writ Petition (civil) No 1018 of 2022.

¹²⁵ *Arun Sarkar v State of West Bengal & Ors* (2023) 1 CALLT 412 (HC).

¹²⁶ *ibid.*

¹²⁷ Roy (n 2).

C. Gyan Prabha Scheme-

It provides equal employment opportunities by ensuring training skills and educational facilities by providing various courses including graduation courses, professional courses and vocational training leading to employment or self-employment.¹²⁸

D. Sambhav Schemes-

This Scheme will establish resource centers in cities with populations over 5 million (except Delhi) to collect display and demonstrate assistive devices and technology and data on these resources will be regularly updated on the “National Trust Website”.¹²⁹

E. NHFDC (National Handicapped Finance and Development Corporation) -

The goal of this scheme is to enhance various economic development activities which promote self-employment for people with disabilities. This scheme also provides various loans and advances which provide economic and financial assistance to people with disabilities.¹³⁰

F. UDID (Unique Disability Identity Card for Disabled Persons) -

The Department of Empowerment of Persons with Disabilities with a goal to provable India's Universal ID & Disability Certificates by providing their identification and data. The aim of this scheme is to build a comprehensive end-to-end integrated system.¹³¹

G. Acid Attack Scheme-

The Punjab Financial Assistance to Acid Victims Scheme 2017 introduced monthly compensation of Rs.8000 which is to be provided to the acid attack victims for their benefit from the date of application.¹³²

¹²⁸ *ibid.*

¹²⁹ *ibid.*

¹³⁰ Roy (n 2).

¹³¹ *ibid.*

¹³² *ibid.*

H. Accessible India Campaign-

The Accessible India Campaign (Sugamya Bharat Abhiyan) launched on December 3, 2015, promotes universal accessibility for PWDs such as making the physical environment, transportation and communication systems accessible with a goal of making 50% government buildings and public transport accessible by 2019.¹³³

I. Deendayal Disabled Rehabilitation Scheme (2016)

The Department of Empowerment of Persons with Disabilities launches a scheme known as DDERS which promotes NGOs by granting aid for developing rehabilitation schemes. The scheme basically creates a supporting environment which empowers PWD. The process is that the eligible projects such as special-schools, community-based rehabilitation and low vision centers. Various NGOs can apply and review their projects they can then receive 90% funds except in north-eastern states where the approved projects receive 100% funding.¹³⁴

J. SIPDA (Scheme for Implementation of Rights of Persons with Disabilities Act 2016)

The SIPDA Scheme offers financial assistance in ensuring accessibility to persons with disabilities such as making public places, buildings and transportation which is accessible to PWD, an action plan known as National Action Plan for Skill Training is developed for providing vocational training and enhancing employment opportunities for PWD and also various district level rehabilitation centers are established so to provide proper rehabilitation programs to persons with disabilities.¹³⁵

¹³³ *ibid.*

¹³⁴ Roy (n 2).

¹³⁵ Roy (n 2).

K. National Action Plan for Skill Development of Persons with Disabilities under SIPDA

The National Action plan (NAP) launched on March 21, 2015 aims to improve employability for PWDs through various units covering training content, and job creations. The Eligibility requires a person to be an Indian citizen with at least a 40% benchmark disability aged 15 to 59.¹³⁶

XI. SUGGESTIONS

- A) The budget allocation for the welfare of PWD should be increased as there are many necessities such as aids and appliances which are needed for their living. According to report published in the *Wire* the Prime Minister gave rhetoric for Divyang Kalyan but when the budget allocation list was published it depicted a different story. Even in 2025-2026 fiscal year it is Rs 1,275.00 Cr which shows an increase of 0.02 percent compared to that in 1,212 crores in 2024-2025 which very low for welfare of persons with disabilities.¹³⁷
- B) The health insurance policy should be availed to people with locomotor disabilities as well as people suffering from multiple disabilities. A recent survey conducted by National Centre for Promotion of Employment for Disabled People found that 80% persons suffering from locomotor and multiple disabilities have no access to health insurance policy neither from government nor private providers. This shows the glaring condition of the present context which needs serious intervention.¹³⁸

¹³⁶ *ibid.*

¹³⁷ Anusha Paul, 'Budget Gaps How the 2024-2025 Fiscal Plan Fails People with Disabilities' (The Wire, 28 July 2024) <<https://thewire.in/rights/budget-gaps-how-the-2024-25-fiscal-plan-fails-people-with-disabilities/?ref=disabilitydebrief.org>> accessed 4 September 2025.

¹³⁸ Kaveri Datt, 'Over 80 percent of disabled person lack health insurance policy in India : Survey' The New Indian Express (New Delhi, 26 March 2025) <<https://www.newindianexpress.com/nation/2025/Mar/26/over-80-per-cent-of-disabled-people-lack-health-insurance-in-india-survey>> accessed 17 September 2025.

- C) The disability pension should be increased as it is meagre and insufficient. The government should take initiative to increase the pension amount along with other beneficiaries. The Indira Gandhi National Disability Pension Scheme provides for INR 1000 per month for persons with disabilities. But the current fiscal year budgetary allocation has reduced the Pension schemes. Even the disability right activists Arman Ali, who is an executive director of the National Centre for Promotion of Employment for Disabled People states that a 5% budgetary allocation should be granted to PWDs.¹³⁹
- D) There should be accessibility for people with locomotors as well as other disabilities in private and government institutions. The harrowing case of Virali Modi has forced the Chief Commissioner of Disabilities to issue guidelines stating that government offices should be deputed to ground floor. Even many public services offices such Aadhar Kendra, Passport office, and Jan Suvidha Kendras should have disabled friendly office. All state governments were directed to comply with the orders from the Court of Chief Commissioner.¹⁴⁰ Moreover, recently IS 17802 launched an official digital accessibility standard for Information and Communication Technology which was made legally enforceable under RPWD Act 2016 through its 2023 amendment. It provides text alternatives for non-text content, fully keyboard navigation for users unable to use mouse, color contrast readability, seamless interaction, and compatibility of assistive technologies. In 2024 amendment it included educational institution within its scope.¹⁴¹ But this new step requires strict enforcement which is still yet to be done as recently 155 establishments including Central Ministries and Private

¹³⁹ 'Budget 2024 Disability rights activists demand increased allocations' *Business Standard* (New Delhi, 20 July 2024) <https://www.business-standard.com/budget/news/budget-2024-disability-rights-activists-demand-increased-allocations-124072000281_1.html> accessed 4 September 2025.

¹⁴⁰ 'Disabled Bride Case Registered Suspended' *The Times* (New Delhi, 27 October 2023) <<https://timesofindia.indiatimes.com/city/mumbai/disabled-bride-case-registrar-suspended/articleshow/104741062.cms>> accessed 4 September 2025.

¹⁴¹ 'RPWD Act and IS 17802 India's Digital Accessibility Standards (2025 guide)' (*Pivotal Accessibility*, 13 June 2015) <<https://www.pivotalaccessibility.com/2025/06/rpwd-act-and-is-17802-indias-digital-accessibility-standards-2025-guide/>> accessed 13 September 2025.

establishments were liable for Rs.10, 000 fine for failing to conform to the disability accessibility standards by the Chief Commissioners for Persons with Disabilities.¹⁴²

- E) Work from home facilities should be enabled in India for persons with severe or 80% locomotor disabilities or those who want to continue their employment in this fashion. Recently an article published in *India Today* it was stated that Amazon has introduced new set rules for disabled employees who want to work from home. The rules require strict review process and also in some cases they must visit the office for a month to see if the accommodation is suitable for them.¹⁴³
- F) The assistive devices for persons with locomotor disabilities are outdated and too hi-tech which is available at sky-high prices. A 2019 UNICEF and WHO report found that 2.5 billion people need assistive devices a number projected to grow to 3.5 billion by 2050.¹⁴⁴ With the development of AI various high tech initiatives have been undertaken. Despite this need India has only 5% accessibility. In response, Google's "Project Euphonia" in 2019 used AI to develop speech recognition software for people with Amyotrophic Lateral Sclerosis (ALS).¹⁴⁵ While Center for Internet of Ethical Things developed XoRehab a rehabilitative wheelchair for post-stroke patients. This technological solution if adopted for 80% locomotor disability can make their life much easier.¹⁴⁶

¹⁴² Ambika Pandit, '155 establishments including central ministries fined for failing to meet digital accessibility standards' *Times of India* (New Delhi, 19 February 2025) <<https://timesofindia.indiatimes.com/india/155-establishments-including-central-ministries-fined-for-failing-to-meet-digital-accessibility-standards/articleshow/118374730.cms>> accessed 13 September 2025.

¹⁴³ 'Amazon makes it difficult for disabled employees to work from home' *India Today* (Noida, 18 November 2024) <<https://www.indiatoday.in/technology/news/story/amazon-makes-it-difficult-for-disabled-employees-to-work-from-home-2635102-2024-11-18>> accessed 4 September 2025.

¹⁴⁴ Senthil Kumar, 'How is India making assistive technology affordable and changing lives' (*Social Story*, 4 December 2024) <<https://yourstory.com/socialstory/2024/12/india-making-assistive-technology-accessible>> accessed 4 September 2025.

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¹⁴⁶ Jahnavi, 'IIITB researcher develop IoT enabled wheelchair device for rehabilitation stroke patients' *TheHindu* (Bengaluru, 16 May 2024) <<https://www.thehindu.com/news/cities/bangalore/iiitb->

- G)** RPWD Act 2016 and the policies should be implemented properly at state as well as central level. The data published by Department of Empowerment of Persons with Disabilities on 2023 it was found that many states have not appointed independent commissioner till date and is under process for some states and UT's such as Andaman and Nicobar Island, Andhra Pradesh, Chhattisgarh, Chandigarh, Jharkhand, Lakshadweep, Punjab and Tripura.¹⁴⁷ Moreover, recently in an article published in 7th September 2025 it was found that less than 40% of disabled persons in India have UDID. This is caused due to delay in processing UDID applications for such low coverage.¹⁴⁸
- H)** There should be reasonable accommodation for students and faculty members with locomotor disabilities in the educational institutions and universities so that they can pursue their education and employment.
- I)** Recently, in 2020 the West Bengal National University of Juridical Sciences have launched its first accessibility lab with braille devices in India. But students affirmed that despite installation of such labs it is not beneficial.¹⁴⁹ Further a survey was conducted in 2022 with 40 students across 18 National Law universities. The survey revealed 67% students stated the low accessibility of assistive devices such as ramps facilities which makes it difficult for people with severe locomotor disabilities to push the wheelchair.¹⁵⁰

researchers-develop-iot-enabled-wheelchair-device-for-rehabilitation-of-stroke-patients/article68178430.ece> accessed 4 September 2025.

¹⁴⁷ 'Information pertaining to implementation of the RPWD Act 2016 by the States and UTs' (DEPWD, 28 November 2023) <<https://depwd.gov.in/information-pertaining-to-implementation-of-the-rpwd-act-2016-by-the-states-uts/>> accessed 4 September 2025.

¹⁴⁸ Vernal (n 20).

¹⁴⁹ 'Braille version of Constitution launched at West Bengal National University of Juridical Sciences' *The Telegraph* (Kolkata, 8 December 2024) <<https://www.telegraphindia.com/west-bengal/braille-version-of-constitution-launched-at-west-bengal-national-university-of-juridical-sciences/cid/2033121>> accessed 4 September 2025.

¹⁵⁰ Jelsyna Chacko, 'Law School Survey 2022 Reasonable accommodations still a distant reality for law students with disabilities in India' *Bar and Bench* (New Delhi, 20 December 2022) <<https://www.barandbench.com/columns/reasonable-accommodation-still-a-far-fetched-reality-for-law-students-with-disabilities-in-india>> accessed 4 September 2025.

XII. CONCLUSION

Disability is now viewed as a complex byproduct of political, socioeconomic, environmental, and biological discourses rather than as the biological state of a single person's body. Moreover, it has been observed from the above statistical discussion that people with disabilities including locomotor disabilities have been engaging themselves in workforce with a clear distinction between urban and rural areas. Despite the enactment of the Rights of Persons with Disabilities Act 2016 the persons with disabilities still face significant barriers. Therefore, to bridge the gap between policy and reality proactive measures are needed from state governments such as disability friendly infrastructure, sensitization training and increased budgetary allocation.¹⁵¹ Moreover, in *Seema Girija Lal v Union of India*,¹⁵² the Supreme Court criticized the widespread non-compliance of states with the RPWD Act 2016. The court issued direct orders for all states to promptly establish District Level Committees (Section 72), Special Courts and State Disability Funds (section 88) and Independent commissioners (Section 79). The Union Government also ordered to submit a compliance but has yet to do so.¹⁵³ Therefore, it is important that stricter as such are devise for enforcement of this. The persons with locomotor disabilities comprises the maximum as per the census 2011 with 20% out of all disabilities so it is necessary to properly inspect the welfare of them. Recently, Aman Ali a student from Kozikode, Kerala is heading to Mount Everest base camp who is suffering from locomotor disabilities named cerebral palsy decided to hoist the Indian flag on the 78th Independence Day with a 20 member team. This was possible because of the support from xylem education who provided a sponsorship of 2.5 lakh and 1 lakh from Santhosh George Kulangara. This initiative by the civil society organisation has paved a way for

¹⁵¹ n 5.

¹⁵² *Seema Girija Lal v Union of India* 2024.

¹⁵³ 'From Policy to Practice : Recent Supreme Court Judgments on Disability Right Lapses' (CJP, 13 June 2025) <<https://cjp.org.in/from-policy-to-practice-recent-supreme-court-judgments-on-disability-rights-lapses/>> accessed 13 December 2025.

uplifting the persons with such disabilities.¹⁵⁴ In 2025 many developments are undertaken by the government in order to address the past gaps so effective implementation and addressing shortcomings can empower persons with disabilities.

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