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FROM "OBJECTS OF SYMPATHY" TO "SUBJECTS OF RIGHTS": REIMAGINING DISABILITY RIGHTS IN INDIA WITH "DOCTRINE OF SUBSTANTIVE EQUALITY" AND "DOCTRINE OF REASONABLE ACCOMMODATION"

Harshita Tholiya¹, Manik Tindwani²

I. ABSTRACT

Indian disability law has moved far from treating "persons with disabilities" as "objects of sympathy" to treating them as "especially abled individuals" as "subjects of rights", but ground reality is still far aloof from this doctrinal vision. This paper challenges charity model and medicalised view that disability lies mainly in defective body or mind. It argues that Indian law now speaks different language. The Supreme Court's disability handbook adopts social model and explains that disablement often comes from social, institutional, communicational, legal, and attitudinal barriers rather than impairment alone. The Rights of Persons with Disabilities Act, 2016, read with UN Convention on Rights of Persons with Disabilities, places dignity, autonomy, participation, accessibility, equality of opportunity, and reasonable accommodation at centre of disability justice. The Court's recent decisions deepen that shift. Pragma Prasun v Union of India, 2025 INSC 599 treated inaccessible digital KYC systems as exclusion from essential services and ordered structural accessibility measures. Sujata Bora v Coal India Limited, 2026 INSC 53 linked accommodation in public employment with Articles 14, 21, and 41, and rejected bureaucratic technicalities that would defeat equal opportunity. The real crisis now is enforcement and on-ground implementation. Rights exist in statute, in constitutional doctrine, and in judgments. Yet persons with disabilities still litigate for basic access to education, employment, courts, services, and technology. This paper therefore argues for eight practical and implementable "Ashtvakra Reforms" that convert on-paper guarantees into everyday inclusion through timelines, audits, digital standards, institutional cells, intersectional governance, and stronger efficacious remedies.

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II. KEYWORDS

Disability rights; substantive equality; reasonable accommodation; RPwD Act 2016; Supreme Court of India.

III. INTRODUCTION

*“Equality, in its truest sense, demands not uniformity but removal of barriers that prevent individuals from standing on equal footing.” Mission Accessibility v/s Union of India (2025)*³

A. Introduction and Background

Persons with disabilities in India were for long treated as “dependants”. Law, policy, and public administration often treated them as recipients of concession or sympathy. That frame had paternal warmth but weak legal force. It could sympathise. It could rarely transform. The sharper contemporary position is different. The Supreme Court handbook states that disability discrimination often arises through societal, attitudinal, communicational, cultural, institutional, structural, political, economic, legal, and environmental barriers.⁴ This perspective matters because it shifts responsibility from individuals to state. It confers constitutional duty on state and its institutions, that were designed for imagined able-bodied citizen, to ensure participative inclusivity for special abled individuals.

The incumbent social model of our country explains this more honestly than older frameworks did. A blind person is excluded from digital KYC because user interface assumes that user has normal eyesight. A wheelchair user is blocked because building assumes stairs. A candidate is denied work because employer confuses medical condition with incapacity. These are failures of design and governance. They are not neutral accidents. The Rights of Persons with Disabilities Act, 2016 (RPwD Act) also

³ Mission Accessibility v/s Union of India, 2025 INSC 1376.

⁴ Handbook Concerning Persons with Disabilities 3-4 (Supreme Court of India 2024).

reflects that move by defining disability in relation to impediments to full and effective participation in society.⁵

B. Shift from “Charity” to “Rights”

Earlier, persons with disabilities were treated merely as “objects of sympathy”. The phrase “objects of sympathy” captures older disability governance with uncomfortable precision. It focused merely on formal equality. It imagined *de jure* protection without *de facto* parity. It recognised need, but no agency was practically foresought to ensure *de facto* inclusive participation of persons with disabilities. It allowed welfare schemes, certificates, and selective benefits for disabled but it left core institutional structure mostly untouched. It is in recent normative developments of jurisprudence around protection of disability rights that especially abled individuals are being treated as “subjects of rights” rather than merely “objects of sympathy”. The phrase “subjects of rights” showcases that substantive equality for especially abled individuals demand dignity, legal capacity, autonomy, participation, accessibility, and enforceable duties.⁶

That shift is visible in Court’s own language. The Supreme Court’s handbook states that reasonable accommodation does not flow from charity, but from equal respect and dignity under law.⁷ That single move changes lot. Once accommodation is understood as equality requirement, refusal becomes discrimination, not administrative inconvenience. Likewise, accessibility stops being benevolent gesture and becomes precondition for constitutional citizenship. Disability rights then cannot be reduced to reservation percentages or welfare entitlements. They require reorganisation of examinations, buildings, platforms, procedures, and workplace design.⁸

⁵ Rights of Persons with Disabilities Act, 2016, § 2(s), No. 49, Acts of Parliament, 2016 (India); Handbook Concerning Persons with Disabilities 7.

⁶ Handbook Concerning Persons with Disabilities 1-9, 45-52 (Supreme Court of India 2024).

⁷ Handbook Concerning Persons with Disabilities 8 (Supreme Court of India 2024).

⁸ Id. at 3-4, 7-9, 56-57.

C. Research Problem

Disability rights no longer lack *de jure* legal recognition on paper in India. The Constitution, RPwD Act, 2016, and UNCRPD together provide strong doctrinal basis for disability justice. The Court has repeatedly spoken in language of dignity, substantive equality, accommodation, accessibility, and autonomy.⁹ Yet *de facto* exclusion remains routine. Persons with disabilities still struggle in exams, recruitment, banking systems, court premises, transport, websites, classrooms, and welfare delivery.¹⁰ That gap is load-bearing problem which this research paper aims to solve. The crisis here is not merely absence of rights but also failure of translation. Neutral-looking procedures still exclude PwD(s). Accessibility standards remain under-enforced. Institutions comply formally, then wait for litigation. The result is hard to miss. A person with disability must repeatedly prove entitlement to rights already recognised in statute and in constitutional interpretation. Mere *de jure* existence of disability rights is not enough without practical and efficacious *de facto* enforcement of these rights. Thus, this research endeavor aims to study, analyse and propose such practical reforms which can actually solve problem to its core and help solve this critical legal problem.¹¹

D. Research Objectives

The researcher has formulated following research objectives:

1. To trace doctrinal shift in Indian disability law from welfare and charity to enforceable rights.¹²
2. To examine how substantive equality and reasonable accommodation operate within constitutional and statutory disability jurisprudence.¹³

⁹ Handbook Concerning Persons with Disabilities 4-9; Pragma Prasun v. Union of India, 2025 INSC 599; Sujata Bora v. Coal India Limited, 2026 INSC 53.

¹⁰ Pragma Prasun v. Union of India, 2025 INSC 599; Sujata Bora v. Coal India Limited, 2026 INSC 53; Rajeeb Kalita v. Union of India & Ors., 2025 INSC 75.

¹¹ Id.

¹² Handbook Concerning Persons with Disabilities 4-9 (Supreme Court of India 2024).

¹³ Rights of Persons with Disabilities Act, 2016, §§ 2(y), 3, 20, No. 49, Acts of Parliament, 2016 (India); Handbook Concerning Persons with Disabilities 7-9.

3. To identify why implementation failures, continue despite comparatively strong legal framework.¹⁴
4. To propose practical reforms that can convert formal guarantees into lived inclusion.¹⁵

E. Research Questions

The researcher has formulated following research questions:

1. How has Indian constitutional law moved disability rights from charity to rights?¹⁶
2. How has Supreme Court used substantive equality and reasonable accommodation to protect persons with disabilities?¹⁷
3. Why does present legal regime still fail many persons with disabilities in practice?¹⁸
4. What practical reforms are needed to secure real inclusion and enforceable equality?¹⁹

F. Thesis Statement and Central Argument

The most important shift in Indian disability law is movement from formal equality to substantive equality. That shift becomes operational through accessibility and reasonable accommodation. But doctrine alone cannot deliver inclusion. It must be backed by measurable duties, institutional redesign, accountability, and remedies that do not force fresh litigation for every denied accommodation.²⁰

G. Research Methodology & Literature Review

This research paper adopts doctrinal and analytical research methodology. It studies and analyses constitutional provisions, RPwD Act, 2016, UNCRPD, Supreme Court handbook, and recent Supreme Court judgments together. The handbook is unusually

¹⁴ Pragya Prasun v. Union of India, 2025 INSC 599; Sujata Bora v. Coal India Limited, 2026 INSC 53.

¹⁵ Id.; Handbook Concerning Persons with Disabilities 3-9, 35-57.

¹⁶ Handbook Concerning Persons with Disabilities 4-9 (Supreme Court of India 2024).

¹⁷ Pragya Prasun v. Union of India, 2025 INSC 599; Sujata Bora v. Coal India Limited, 2026 INSC 53.

¹⁸ Id.

¹⁹ Id.; Handbook Concerning Persons with Disabilities 3-9, 35-57.

²⁰ Handbook Concerning Persons with Disabilities 4-9; Rights of Persons with Disabilities Act, 2016, §§ 2(y), 3, 20, 40, 42, 46, No. 49, Acts of Parliament, 2016 (India).

useful because it does not merely restate law. It ties disability rights to substantive equality, transformative change, reasonable accommodation, inclusive workplaces, educational access, legal capacity, and non-stereotyping language.²¹ *Pragya Prasun case* clarifies that digital governance, and regulated services shall also ensure inclusivity. *Sujata Bora case* clarifies that public employment must not be denied merely on basis medical benchmarks, and intersectional disadvantage shall be resolved through structural accommodation.²² The academic literature reviewed also disclose some unresolved tensions like where one article stresses that reasonable accommodation must be understood as equality technique and not discretionary benevolence,²³ another literature identifies how inclusive education remains doctrinally uneven when inclusive commitments under RPwD framework interact with older institutional logics.²⁴ The literature is now fairly clear on first principle that ‘disability law has moved’ but ‘enforcement architecture has not moved enough’.

IV. CONCEPTUAL FOUNDATIONS: FROM “DISABILITY AS DEFECT” TO “DISABILITY AS EXCLUSION”

A. Medical model, charity model, and rights model

The medical model treats disability as deficiency within person. It asks what is wrong with body or mind. From there, law usually moves toward certification, treatment, and restricted concession. The charity model softens tone but keeps same centre of gravity. It sees person with disability as ‘passive beneficiary of care, pity, or welfare’. Both “medical” as well “charity” models are ‘exclusionary’.²⁵ The “rights” model is very different from that. It treats disability as question of equality, participation, entitlement, and institutional obligation. The handbook expressly rejects view that disability is merely illness, defect, or “bad difference”. It explains that law now

²¹ Handbook Concerning Persons with Disabilities table of contents and chapters 1-3, 9, 14, 16-17 (Supreme Court of India 2024).

²² *Pragya Prasun v. Union of India*, 2025 INSC 599; *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

²³ Sachin Verma & Mohd. Ahmad, *Ensuring Fundamental Rights: The Role of Reasonable Accommodation for Persons with Disabilities*, 3(1) *Research Communications* 18 (2025).

²⁴ Adya Jha & Jasel Mundhra, *How Accommodating Is Reasonable Accommodation: Analysing India’s Rights of Persons with Disabilities Act, 2016*, 16 *NUJS L. Rev.* 452 (2023).

²⁵ Handbook Concerning Persons with Disabilities 4-9 (Supreme Court of India 2024).

recognises persons with disabilities as especially abled persons prejudiced by social structures that fail to accommodate them.²⁶ That is why legal question is no longer whether person fits pre-existing norm. It is whether system unlawfully excludes them?

B. Social model of disability

The “social” model does not deny impairment. It denies that impairment alone explains exclusion. The handbook states that UNCRPD and RPwD Act are based on social model, and that socially constructed barriers prevent full participation in civic life.²⁷ This is critical. It directs judges and administrators to examine buildings, language, technology, procedures, and attitudes. Barriers may be physical. They may also be communicational, legal, institutional, or cultural.²⁸ That wider list matters in India’s present context. Exclusion now often arrives through code, interface, deadlines, format rules, biometric design, and automated verification. The barrier is quieter. It is still barrier. *Pragya Prasun* case shows this starkly. Digital KYC norms that required blinking, visual alignment, signatures on screen, rapid OTP use, and non-prompted reading of displayed text effectively shut out blind users and acid attack survivors from essential services.²⁹

C. From formal equality to substantive equality

Formal equality asks whether law treats like alike. It sounds neat. It often fails in hard cases. A neutral rule may still burden historically disadvantaged groups. The Supreme Court’s handbook states that Articles 14 to 18 encapsulate substantive equality and that identical treatment can perpetuate disadvantage where structural barriers remain.³⁰ It relies on *State of Kerala v N.M. Thomas, 1975 INSC 224* for this constitutional orientation.³¹ Substantive equality asks different question. It asks whether rule, institution, or design produces exclusion in lived terms. That is why failure to take

²⁶ Id. at 5, 8-9.

²⁷ Id. at 1, 5.

²⁸ Id. at 3.

²⁹ *Pragya Prasun v. Union of India, 2025 INSC 599.*

³⁰ Handbook Concerning Persons with Disabilities 4 (Supreme Court of India 2024).

³¹ *State of Kerala v. N.M. Thomas, 1975 INSC 224*, cited in Handbook Concerning Persons with Disabilities 4.

positive steps can itself amount to discrimination. In disability law, this is decisive. A standard online process may appear equal because every applicant receives same screen. Yet if blind applicants cannot complete it independently, equality claim collapses. Same treatment here entrenches unequal outcome.³² Prof. Upendra Baxi has stated that “*right to be human*” is more important than “*human rights*”, “*formal equality*” is “*human right*” but “*substantive equality*” ensures “*right to be human*”.³³

D. Transformative Constitutionalism & Disability Justice

The Supreme Court’s handbook treats equality as transformative. It quotes *Sandra Fredman* to explain that equality as transformation requires removal of barriers and positive measures that bring about change.³⁴ These fits Indian constitutionalism well. Articles 14, 15, 16, 19, and 21 do not merely restrain state excess. In contexts of entrenched exclusion, they also demand redesign. Disability justice therefore belongs inside transformative constitutionalism, not at its margin. This has practical bite. Courts cannot stop at declaring abstract rights. They must ask whether institutions were designed with disabled persons in mind. They must also ask who bears burden of redesign. My own view is plain. If constitutional equality does not alter public architecture, employment processes, court systems, and digital interfaces, then equality remains too decorative. Disability jurisprudence has already recognised this. Administration has just been slower to absorb it.

E. Reasonable Accommodation as Doctrine of Equality

Section 2(y) of RPwD Act defines reasonable accommodation as necessary and appropriate modifications and adjustments, without disproportionate or undue burden, to ensure that persons with disabilities enjoy rights equally with others.³⁵ The handbook states that denial of reasonable accommodation amounts to discrimination under Act.³⁶ It also states that accommodation aims to level playing field, not confer

³² *Pragya Prasun v. Union of India*, 2025 INSC 599.

³³ Upendra Baxi, *From Human Rights to Right to Be Human: Some Heresies*, 13(3/4) *India Int’l Ctr. Q.* 185 (1986).

³⁴ *Handbook Concerning Persons with Disabilities 5* (Supreme Court of India 2024).

³⁵ *Rights of Persons with Disabilities Act, 2016*, § 2(y), No. 49, Acts of Parliament, 2016 (India).

³⁶ *Handbook Concerning Persons with Disabilities 8* (Supreme Court of India 2024).

untoward advantage.³⁷ The distinction between accessibility and accommodation is equally useful. The handbook treats accessibility as *ex ante* and systemic. It concerns standards and design before exclusion happens. Accommodation is *ex post* and individualised. It responds to particular need in particular case.³⁸ Both are necessary. Accessibility without accommodation can become rigid. Accommodation without accessibility becomes case-by-case firefighting. The Court also makes clear that additional effort or administrative complication does not by itself establish undue burden.³⁹

F. Intersectionality and Anti-exclusion

Disability does not operate on single axis. The handbook discusses intersectionality through Kim Crenshaw's work and shows how caste, class, gender, religion, and other markers can intensify disability-based exclusion.⁴⁰ It specifically refers to *Patan Jamal Vali v State of Andhra Pradesh, 2021 INSC 272*, where Court recognised overlapping vulnerability of visually impaired Scheduled Caste girl subjected to sexual violence.⁴¹ The same handbook also discusses *Suchita Shrivastava v Chandigarh Administration, 2009 9 SCC 1* to reject stereotypes about intellectual disability and incapacity for reproductive decision-making.⁴² More recently, *Sujata Bora* directly recognised disability-gender intersectionality and rejected technical objections that would deny single woman with benchmark disability public employment after years of litigation.⁴³ Anti-exclusion analysis in disability law therefore has to remain layered. Standardised compliance often misses who gets left behind first.

V. CONSTITUTIONAL AND STATUTORY FRAMEWORK OF DISABILITY RIGHTS IN INDIA

³⁷ Id. at 8-9.

³⁸ Handbook Concerning Persons with Disabilities (discussion on reasonable accommodation and accessibility).

³⁹ Id.; *Sujata Bora v. Coal India Limited, 2026 INSC 53*.

⁴⁰ Handbook Concerning Persons with Disabilities 7 (Supreme Court of India 2024).

⁴¹ Id at 7; *Patan Jamal Vali v. State of Andhra Pradesh, 2021 INSC 272*.

⁴² Id at 7 – 8; *Suchita Shrivastava v. Chandigarh Administration, 2009 9 SCC 1 (India)*.

⁴³ *Sujata Bora v. Coal India Limited, 2026 INSC 53*.

A. Constitutional Grounding

Article 14 supplies equality anchor. In disability cases, it does more than prohibit obvious arbitrariness. It supports substantive equality and requires institutions to remove structural barriers.⁴⁴ Article 15 does not expressly list disability, yet its anti-discrimination ethic and allowance for protective measures fit disability-responsive governance. Article 16 matters sharply in public employment. Article 19 supports participation, profession, movement, and expression. Article 21 connects disability rights with dignity, autonomy, meaningful life, bodily integrity, and access to essential services.⁴⁵ Article 41 also matters, even though it sits in Part IV. *Sujata Bora* linked reasonable accommodation to Article 41 read with Articles 14 and 21.⁴⁶ The Court there recalled that Directive Principles are fundamental in governance and must inform interpretation of rights.⁴⁷ That move is doctrinally sensible. Disability justice in India cannot rest on negative liberties alone. It needs social support, public design, and affirmative institutional obligation.

B. UNCRPD as Interpretive Framework

The RPwD Act was enacted to give effect to UNCRPD. The handbook says Act must be interpreted in light of Convention's general principles, including dignity, autonomy, non-discrimination, full and effective participation, accessibility, equality of opportunity, gender equality, and respect for difference.⁴⁸ This interpretive frame matters because it resists narrow readings of domestic provisions. The UNCRPD also helps answer old paternal assumptions. It treats persons with disabilities as rights-holders with legal capacity and agency. That has consequences across fields, from reproductive autonomy to court access to technological design. In Indian law, Convention-consistent reading has been one route through which disability claims gained sharper constitutional content. It is not imported morality. It is statutory context and rights-based interpretive discipline.⁴⁹

⁴⁴ Handbook Concerning Persons with Disabilities 4-5 (Supreme Court of India 2024).

⁴⁵ *Pragya Prasun v. Union of India*, 2025 INSC 599; *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁴⁶ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁴⁷ *Id.*

⁴⁸ Handbook Concerning Persons with Disabilities 35-36 (Supreme Court of India 2024).

⁴⁹ *Id.*

C. The RPwD Act, 2016

Section 2(s) defines “person with disability” in participatory terms. Section 2(y) defines reasonable accommodation. Section 3 secures equality and non-discrimination. Sections 16 and 17 address education. Section 20 addresses non-discrimination in employment and reasonable accommodation. Sections 40, 42, and 46 deal with accessibility standards, information and communication technology, and access to electronic and print media.⁵⁰ These provisions were central in *Pragya Prasun case*. The Court treated accessibility duties under sections 40, 42, and 46 as extending to websites, applications, digital interfaces, and online service delivery. It directed compliance with ICT accessibility standards, WCAG 2.1, government web guidelines, alternative formats, grievance mechanisms, human review, and sensitisation of regulated entities.⁵¹ The judgment makes one point hard to evade. Technology vendors, banks, telecom operators, and regulators do not stand outside disability law.

D. Accessibility, Universal Design & Accommodation

Accessibility cannot remain aspirational for decades. That is clear drift of recent jurisprudence. In *Pragya Prasun case*, Court ordered that online services, digital payment systems, and e-governance platforms be made accessible to persons with disabilities.⁵² It also required alternative formats, voice-enabled services, dedicated helplines, and human override for rejected KYC applications.⁵³ *Sujata Bora* adds workplace dimension. The Court did not stop at declaring candidate eligible. It directed appointment in suitable desk job and required separate computer and keyboard consistent with universal design.⁵⁴ That remedy is worth pausing on. It shows that equality adjudication can be concrete. Court need not hover at abstraction when denial is specific and repairable.

⁵⁰ Rights of Persons with Disabilities Act, 2016, §§ 2(s), 2(y), 3, 16, 17, 20, 40, 42, 46, No. 49, Acts of Parliament, 2016 (India).

⁵¹ *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

VI. SUPREME COURT JURISPRUDENCE: PROTECTING PERSONS WITH DISABILITIES AS RIGHTS-BEARING CITIZENS

A. The Judicial move from “Welfare” to “Rights”

The Supreme Court’s own handbook is institutional evidence of jurisprudential change. It tells judges to move away from stereotypes, patronising language, and purely medical understandings of disability.⁵⁵ It asks courts to recognise non-discrimination, accommodation, inclusive procedures, and barrier removal as legal obligations.⁵⁶ That is not cosmetic guidance. It reshapes adjudicatory method. The recent cases show same move in judgments. *Pragya Prasun* case treated exclusion from digital verification as denial of access to banking, telecom, pensions, investments, and government benefits.⁵⁷ *Sujata Bora* case treated public employment as site of constitutional inclusion, not managerial discretion.⁵⁸ Rights language now appears with greater confidence. Still, doctrine remains ahead of administrative habit.

B. Reasonable Accommodation and Constitutionalisation of Disability Rights

The handbook states that judges must understand reasonable accommodation as element of justice and democratic participation, not as act of charity.⁵⁹ It further states that persons with disabilities are entitled to specific measures because otherwise existing conditions exclude them from full participation.⁶⁰ That places accommodation within equality itself. *Sujata Bora case* strengthens this. The Court held that reasonable accommodation is enshrined in RPwD Act and emanates from Article 41 read with Articles 14 and 21.⁶¹ It relied on its own earlier line that accommodation includes human assistance and support necessary to enable equal enjoyment of

⁵⁵ Handbook Concerning Persons with Disabilities 1-6, 22-31 (Supreme Court of India 2024).

⁵⁶ Id. at 3-9.

⁵⁷ *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁵⁸ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁵⁹ Handbook Concerning Persons with Disabilities 8 (Supreme Court of India 2024).

⁶⁰ Id. at 8-9.

⁶¹ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

rights.⁶² The Court also rejected technical reliance on expiry of recruitment panel. Since candidate had been wrongly denied earlier, complete justice required remedy in present, not moral sympathy for past wrong.⁶³

C. Accessibility as Fundamental Right

Accessibility has often been treated as infrastructure issue. That view is too small. The trajectory in recent decisions is firmer. Access determines whether person can study, transact, travel, communicate, litigate, and work. In that sense, accessibility is part of dignity and equal citizenship. *Pragya Prasun* case captures this in digital form. It recognised that inaccessible KYC systems can block entry to essential and regulated spaces of modern life.⁶⁴ The logic extends beyond screens. The Court in *Rajeeb Kalita case* addressed lack of accessible washrooms in court premises and framed that failure as question of basic rights and human dignity.⁶⁵ Directions were structural, not symbolic. High Courts and state authorities were required to build separate and accessible washroom facilities, conduct surveys, improve signage, and ensure functional amenities.⁶⁶ Court access without bodily dignity is not serious access.

D. Digital Exclusion and New-Age Discrimination

Pragya Prasun case is one of most useful recent disability cases because it exposes how formally neutral technology can discriminate. The petitioners were acid attack survivors with facial disfigurement and person with blindness. The Court recorded that digital KYC had become mandatory for opening bank accounts, demat and trading accounts, SIM cards, pension accounts, insurance, investments, property transactions, digital signatures, and government benefits.⁶⁷ It also recorded exclusionary design features. These included selfie capture, face recognition, screen signatures, print-rescan requirements, short-window OTP verification, display of documents on screen, and random visual reading tasks.⁶⁸ For many blind users, face

⁶² Id.

⁶³ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁶⁴ *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁶⁵ *Rajeeb Kalita v. Union of India & Ors.*, 2025 INSC 75.

⁶⁶ Id.

⁶⁷ *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁶⁸ Id.

alignment guidance was absent. Assistance triggered suspicion of “prompting.” A neutral interface thus became exclusion machine. The Court responded with detailed directions, including alternative methods, accessible websites and apps, multi-format communication, human review of rejected cases, helplines, training modules, and regulator monitoring.⁶⁹ This case makes formal equality look threadbare.

E. Employment, Equal Opportunity & Structural Accommodation

Sujata Bora v Coal India Limited, 2026 INSC 53 is equally striking. The appellant had been denied appointment after being treated as medically unfit. The Court received AIIMS report that she had 57% disability, above benchmark threshold.⁷⁰ It held that Division Bench was wrong to deny relief merely because panel had expired, since original exclusion was wrongful.⁷¹ Then came remedial part, which is where judgment gets serious. The Court held she qualified for appointment as Management Trainee and directed creation of supernumerary post if needed.⁷² It required that she be assigned desk job and that separate computer and keyboard be provided consistent with universal design.⁷³ The Court also linked case to disability-gender intersectionality and refused to let procedural technicalities defeat complete justice.⁷⁴ That is substantive equality in action. Not rhetoric, remedy.

F. Gender, Disability & Intersectional Disadvantage

The handbook’s discussion of *Patan Jamal Vali* case and *Suchita Shrivastava* case shows that disability justice cannot be gender-neutral in abstraction.⁷⁵ In *Patan Jamal Vali*, Court recognised compounded vulnerability of visually impaired Scheduled Caste woman subjected to sexual violence.⁷⁶ In *Suchita Shrivastava* case, Court rejected forced reproductive decision-making imposed on woman with intellectual disability.⁷⁷ *Sujata Bora* case continues this recognition. It quotes *Jane Kaushik v Union of India, 2025 SCC*

⁶⁹ *Pragya Prasun v. Union of India, 2025 INSC 599.*

⁷⁰ *Sujata Bora v. Coal India Limited, 2026 INSC 53.*

⁷¹ *Id.*

⁷² *Sujata Bora v. Coal India Limited, 2026 INSC 53.*

⁷³ *Id.*

⁷⁴ *Sujata Bora v. Coal India Limited, 2026 INSC 53.*

⁷⁵ Handbook Concerning Persons with Disabilities 7-8, 52 (Supreme Court of India 2024).

⁷⁶ *Id.* at 7; *Patan Jamal Vali v. State of Andhra Pradesh, 2021 INSC 272.*

⁷⁷ *Id.* at 7- 8; *Suchita Shrivastava v. Chandigarh Administration, 2009 9 SCC 1 (India).*

OnLine SC 2257 and passages on intersectionality to explain that barriers faced by persons situated at multiple axes of discrimination are more intense and qualitatively different.⁷⁸ These matters for doctrine and for administration. Accommodation cannot be one-dimensional when disadvantage is not one-dimensional.

G. Bodily Autonomy, Legal Capacity & Anti-Paternalism

Disability rights are often discussed through ramps, reservation, and workplace access. Those are central. They are not whole field. The handbook's treatment of *Suchita Shrivastava* case reminds that persons with disabilities also hold rights over body, pregnancy, and decision-making dignity.⁷⁹ The Court there held that mild intellectual disability did not justify stripping woman of reproductive choice.⁸⁰ This anti-paternal strand matters conceptually. Once law treats disabled persons as full legal subjects, guardianship instincts lose force. The state cannot casually substitute its own judgment under cover of welfare. That is why shift from sympathy to rights is not merely linguistic. It changes who decides.

H. Educational Inclusion & Unresolved Doctrinal Tensions

The handbook contains separate sections on educational accommodations and on key statutory obligations.⁸¹ The academic article on disability and education points to deeper tension. Inclusive commitments under RPwD Act sit uneasily with institutional and statutory habits that still treat segregation or partial integration as normal.⁸² This becomes visible in admissions, support services, infrastructure, assessment formats, and assistive technology access. I am less sure about one part here, namely how quickly courts will force uniform educational redesign across sectors. But tension is real. If inclusive education remains dependent on ad hoc accommodation requests, system will keep reproducing exclusion while formally endorsing inclusion. Education law still has unfinished work.

⁷⁸ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁷⁹ Handbook Concerning Persons with Disabilities 52 (Supreme Court of India 2024).

⁸⁰ *Suchita Shrivastava v. Chandigarh Administration*, 2009 9 SCC 1 (India), discussed in Handbook Concerning Persons with Disabilities 7-8, 52.

⁸¹ Handbook Concerning Persons with Disabilities 56-57 (Supreme Court of India 2024).

⁸² Jha & Mundhra, article on educational inclusion and disability law tensions.

VII. THE IMPLEMENTATION GAP: WHY DISABILITY RIGHTS STILL REMAIN UNREALISED IN PRACTICE

- 1. Rights exist, but Enforcement remains Fragmented:** The legal position is stronger than enforcement practice. That mismatch appears across several literatures reviewed. Courts speak in rights language. Statute imposes duties. Yet compliance often arrives only after litigation.⁸³ Pragma Prasun case itself arose because digital systems had already been rolled out widely before accessibility failures were addressed.⁸⁴
- 2. Persistent Attitudinal Barriers:** The handbook devotes significant space to language, stereotypes, and judicial sensitivity.⁸⁵ That alone tells its own story. Institutions still carry ableist assumptions. Disabled persons are often seen as dependent, incoherent, technically incapable, or administratively inconvenient. Those assumptions distort eligibility decisions, courtroom conduct, employment screening, and service delivery.⁸⁶
- 3. Accessibility still treated as Optional Compliance:** Accessibility is too often postponed as budget item or future target. Recent cases reject that mindset. Pragma Prasun case treated inaccessible digital architecture as barrier to essential services.⁸⁷ Rajeeb Kalita case treated absence of accessible washrooms in courts as violation of dignity and equal environment within justice system.⁸⁸ Optional compliance is no longer defensible.
- 4. Weak Institutional Design & Poor Coordination:** Disability governance is fragmented across ministries, regulators, employers, universities, service providers, courts, and commissioners. The digital KYC case involved banking, telecom, securities, pensions, insurance, and government service

⁸³ Pragma Prasun v. Union of India, 2025 INSC 599; Sujata Bora v. Coal India Limited, 2026 INSC 53.

⁸⁴ Id.

⁸⁵ Handbook Concerning Persons with Disabilities 22-31 (Supreme Court of India 2024).

⁸⁶ Id. at 1-6, 22-31, 45-52.

⁸⁷ Pragma Prasun v. Union of India, 2025 INSC 599.

⁸⁸ Rajeeb Kalita v. Union of India & Ors., 2025 INSC 75.

access.⁸⁹ The judgment's broad directions reflect that fragmentation. Systems were built in silos. Exclusion then travelled across sectors.

5. **Compliance without Accountability:** Policies often exist on paper. Equal opportunity statements may exist too. But rights-enforcement culture remains thin. The continuing need for court-directed audits, grievance channels, helplines, human review, and structural compliance directions shows that formal policy issuance has not produced dependable implementation.⁹⁰
6. **Over-reliance on Individual Litigation:** A regime that requires each disabled person to litigate each denied accommodation is failing. *Sujata Bora* case should not have needed Supreme Court intervention for matter that turned on benchmark disability, recruitment fairness, and workplace adjustment.⁹¹ Same for digital KYC. Repeated litigation is not sign of vibrant rights culture. It is sign that institutions still wait to be compelled.
7. **Lack of Disability-sensitive Design in Technology:** Technology now mediates access to everything. That changes disability law. Digital exclusion is no longer niche issue. It touches banking, telecom, pensions, benefits, taxation, signatures, and even market participation.⁹² *Pragya Prasun* case shows how inaccessible design can quietly recreate older barriers inside new systems.⁹³
8. **Intersectionality remains Underenforced:** Institutions still treat disability as single category. The handbook and *Sujata Bora* case both reject that simplification.⁹⁴ Women with disabilities, persons in rural areas, poor users dependent on public systems, and persons facing multiple impairments often encounter barriers that generic compliance frameworks do not

⁸⁹ *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁹⁰ *Id.*; Handbook Concerning Persons with Disabilities 35-57.

⁹¹ *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁹² *Pragya Prasun v. Union of India*, 2025 INSC 599.

⁹³ *Id.*

⁹⁴ Handbook Concerning Persons with Disabilities 7-8; *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

catch.⁹⁵ Anti-exclusion law is ahead. Implementation practice is flatter and cruder.

VIII. RECOMMENDATIONS AND SUGGESTIONS: THE ASHTVAKRA REFORMS

A. First Reform: A Statutory Right to Time-Bound Reasonable Accommodation, interim support, and limited appeals

Reasonable accommodation cannot remain open-ended administrative discretion. Every public authority, university, court, employer, bank, transport body, and regulated service provider should be placed under statutory duty to decide accommodation requests within fixed timelines. Delay often destroys right before case is heard. So, law must treat silence and delay as serious forms of denial. Written reasons should be mandatory in every refusal. A short internal review may be allowed, but appeals cannot be endless. If every refusal generates multiple layers of challenge, relief becomes illusory. There should also be interim relief modelled on provisional support principles known to procedural law.

If litigation is pending, person with disability should not be left without help till final judgment. Temporary scribes, assistive devices, accessible interface support, provisional workplace adjustments, transport assistance, and educational aids should continue during pendency of dispute. That is practical justice. It prevents institution from defeating rights through time. This reform also needs summary appellate structure, so every minor decision is not dragged endlessly, but serious questions still remain reviewable.

B. Second Reform: Mandatory Disability Impact Assessment before any law, policy, technology, or service rollout

The Indian state and regulated private actors now govern through portals, biometric systems, apps, automated decision tools, and standard digital workflows. Most disability exclusion today enters through design stage, not afterthought. Therefore, every major law, policy, welfare portal, examination system, KYC mechanism,

⁹⁵ Id.

telecom interface, employment portal, university platform, and court service should undergo disability impact assessment before rollout. This assessment must be mandatory, not advisory. The review should ask simple but sharp questions. Can blind users complete process independently. Can persons with limited mobility access it without physical hardship.

Can persons with speech, hearing, psychosocial, intellectual, or multiple disabilities use service with dignity. Are there human alternatives when technology fails. Are there multilingual and non-visual formats. The important point is this. Institutions should not first create exclusion, then wait for constitutional litigation to repair it. Disability impact review should become as routine as compliance review or risk assessment. That change alone would prevent many future disputes.

C. Third Reform: Enforceable Accessibility Standards, Ring-Fenced Budgets, and Maintenance Accountability

Accessibility fails in India not only because infrastructure is absent. It also fails because existing infrastructure is non-functional, locked, badly maintained, or treated as decorative compliance. That pattern needs direct legal correction. Every ministry, court complex, university, hospital, transport node, public office, and large private establishment should have binding accessibility standards tied to yearly budget allocations. Accessibility should not depend on spare funds or discretionary goodwill. Separate and traceable budget heads must exist for ramps, tactile pathways, lifts, accessible washrooms, signage, digital compatibility, assistive kiosks, hearing support systems, and maintenance. Independent annual accessibility audits should be compulsory. Audit must examine both existence and functionality. It is not enough that accessible washroom is built.

It must be usable. It is not enough that lift has Braille buttons. It must work. This reform should also include penalty for repeated non-functional accessibility infrastructure. A building with dead lift, blocked ramp, or locked accessible toilet is not partially compliant. It is practically exclusionary. Public reporting of audit outcomes will create pressure that internal circulars never create.

D. Fourth Reform: A National Inclusive Digital Governance Protocol and Accessibility Credit Framework

India needs one integrated digital accessibility protocol across public systems and regulated private services. It should cover banking, telecom, e-governance, welfare access, education portals, examination systems, court services, insurance, securities, tax systems, and employment platforms. The protocol must require multimodal verification methods, screen-reader compatibility, voice navigation, non-visual alternatives, captioning and sign support where relevant, simplified user flows, human assistance options, and meaningful override when automated systems reject disabled users. Alongside compliance, there should be incentive architecture too. A graded “accessibility credit” or “ability credit” framework can reward institutions that exceed minimum standards in digital inclusion, workplace design, assistive innovation, and accessible service delivery.

Like environmental compliance frameworks, this would create measurable recognition for inclusive design. Credits may translate into procurement preference, regulatory scoring benefits, public ranking, tax rebates, or recognition incentives. This system should never replace mandatory obligations. But it can push institutions beyond bare compliance. Rewarding good design often works faster than only threatening punishment. Still, floor of rights must remain non-negotiable.

E. Fifth Reform: Move from Symbolic Inclusion to Enforceable Employment Participation and Economic Support

Employment remains one of weakest points in Indian disability inclusion. Too many institutions still rely on formal equality while actual participation remains negligible. The answer cannot remain corporate social responsibility language. Disability inclusion in workforce should be treated as legal compliance issue. Public authorities must fully implement reservation and accommodation duties already recognised in law. Large private establishments may be brought under graded statutory obligations through disclosure duties, reasonable participation targets, and fiscal incentives for inclusive hiring and retention.

Tax rebates, payroll-linked benefits, and procurement preference can be offered to firms that demonstrate real inclusion, accessible recruitment, retention support, and career mobility for persons with disabilities. At same time, employers who maintain exclusionary structures should not be able to hide behind glossy diversity statements. Economic justice also requires reduction or removal of taxes on essential mobility aids, prosthetics, assistive devices, and accessibility technologies. These are not luxury goods. They are preconditions of equal participation. State should also subsidise disability-tech products and support affordable procurement pipelines. Inclusion cannot be real when assistive access remains financially out of reach.

F. Sixth Reform: Disability Innovation Ecosystems, Research Cells, and Lived-Experience Design Partnerships

Law alone cannot generate all practical accommodation models. India needs permanent research and innovation structures devoted to disability inclusion. A national disability accommodation research network should be created through universities, IITs, NITs, law schools, medical institutions, design schools, and public policy centres. Each major public university and selected regulatory institutions should host disability research cell focused on one basic question. What form of disability requires what form of support in actual environments such as classrooms, workplaces, courts, transport systems, and digital platforms.

This reform should also promote disability-tech incubators, student competitions, and challenge grants for assistive and inclusive design. IITs, innovation hubs, startup ecosystems, and state technology missions can be mobilised for this purpose. But one safeguard is crucial. Persons with disabilities and their families must be involved from beginning, not only after prototype is built. Lived experience often sees failure points that technical designers miss. Inclusive design made without disabled users usually reproduces exclusion in polished form. So, this reform should combine research funding, startup support, public procurement, and participatory testing with users who actually live these barriers daily.

G. Seventh Reform: Mandatory Sensitisation, Institutional Inclusion Cells, and Onboarding Duties

Many barriers survive because institutions remain ignorant, not only hostile. That ignorance has legal consequences. Every public body, university, school, court complex, hospital, major employer, bank, telecom operator, and service provider should be required to conduct at least two to four disability sensitisation and accessibility training sessions every year. These sessions should not be symbolic lectures. They must be role specific. Faculty need classroom inclusion training. HR teams need accommodation training. Judges and registry staff need procedural accessibility training. Front-desk staff need communication training. Digital teams need accessibility design training.

Every new employee induction should also include one compulsory disability sensitisation module. It should cover rights language, anti-stigma conduct, communication norms, accommodation processes, and complaint duties. Alongside training, every institution above prescribed threshold should maintain disability inclusion cell headed by nodal officer. This cell should track requests, resolve implementation bottlenecks, coordinate infrastructure changes, and maintain compliance data. Training without institutional home fades quickly. Inclusion cells without training become paperwork offices. Both must exist together if legal culture is to change from sympathy to duty.

H. Eighth Reform: Accessible Complaint Portals, Weekly Grievance Hearings, Compensation, and Structural Monitoring

A rights framework needs fast, visible, and accessible remedies. Many persons with disabilities still do not know where to complain when accommodation is denied or infrastructure is inaccessible. India should create integrated and accessible disability grievance portals at institutional, state, and national levels. These should work like specialised public complaint systems, but with stronger legal follow-up. Complaints must be easy to file through text, audio, sign-supported video, helpline, assisted offline filing, and local facilitation centres. Tracking status should be transparent. Disposal timelines should be mandatory.

At institutional level, one fixed day every week or fortnight may be reserved for summary disability grievance hearings, somewhat like structured settlement or lok adalat style administrative sittings, but rights-based and recorded. Many disputes can be solved there without full litigation if officers are empowered and accountable. Where rights are seriously denied, law should provide compensation, mandatory compliance directions, and penalties for repeated breach. Systemic cases should invite structural monitoring by disability commissioners, high courts, or designated oversight bodies. A right that depends only on full-scale constitutional litigation will always remain slow and exclusionary.

I. Why these revised Ashtvakra reforms matter?

These reforms work together. Timelines and interim support reduce harm during disputes. Impact assessments prevent exclusion before it begins. Budgeted accessibility and audits make infrastructure real. Digital protocols and accessibility credits push both compliance and innovation. Hiring duties and economic support connect dignity with work and material independence. Research cells and disability-tech incubators turn inclusion into continuing knowledge project. Sensitisation and inclusion cells change every day institutional behaviour. Complaint portals and weekly grievance hearings create accessible remedies before disputes harden into full litigation. The larger point remains simple. Disability rights in India do not mainly fail because law lacks moral language. They fail because institutions still lack operational architecture. The revised Ashtvakra reforms try to build that architecture. They convert equality from judicial promise into administrative routine. They also respect one basic truth. Persons with disabilities should not have to repeatedly prove humanity before law will redesign system that excluded them in first place.

The Rights of Persons with Disabilities Act, 2016 already establishes an important institutional architecture for the protection and enforcement of disability rights. Section 21 requires specified establishments to publish an Equal Opportunity Policy and appoint an Equal Opportunity Officer. Sections 74 to 78 provide for the Chief Commissioner for Persons with Disabilities and State Commissioners, who are empowered to monitor implementation of the Act, inquire into complaints, and

recommend corrective action. Sections 82 to 84 further contemplate designated authorities and Special Courts for the expeditious trial of offences under the Act. In doctrinal terms, therefore, the principal challenge in India is not the complete absence of institutional mechanisms, but their uneven implementation, limited accessibility, insufficient staffing, weak enforcement culture, and inadequate coordination across sectors.

The Ashtvakra Reforms proposed in this paper do not seek to replace this statutory framework. Rather, they are designed to operationalise and strengthen it. Time-bound accommodation duties would give practical effect to Equal Opportunity Policies under Section 21. Disability impact assessments and enforceable accessibility audits would support the monitoring role of the Chief Commissioner and State Commissioners. Institutional inclusion cells would function as internal compliance mechanisms within establishments. Accessible complaint portals and structured grievance hearings would supplement, not supplant, the statutory complaint jurisdiction of Commissioners and Special Courts. In this sense, the proposed reforms are best understood as an implementation architecture intended to convert existing statutory rights and institutions into more effective, accessible, and accountable mechanisms for securing substantive equality in everyday life.

IX. CONCLUSION

Indian disability law has moved substantially in doctrine. The social model has displaced older defect-based thinking. The Court's handbook, RPwD Act, and recent judgments treat persons with disabilities as rights-bearing citizens entitled to dignity, autonomy, participation, accessibility, and accommodation.⁹⁶ Yet implementation remains thin, fragmented, and reactive. Accessibility is still postponed. Accommodation is still litigated. Technology is still built without disability-sensitive design. Public authorities still behave as though equality begins and ends with same rule for all.⁹⁷ The real test is blunt. Can disabled persons study, work, litigate, travel,

⁹⁶ Handbook Concerning Persons with Disabilities 1-9, 35-57 (Supreme Court of India 2024); *Pragya Prasun v. Union of India*, 2025 INSC 599; *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

⁹⁷ *Pragya Prasun v. Union of India*, 2025 INSC 599; *Rajeeb Kalita v. Union of India*; *Sujata Bora v. Coal India Limited*, 2026 INSC 53.

transact, communicate, and access public systems without first begging institution to notice them? Until answer turns reliable, shift from sympathy to rights remains doctrinally impressive, but practically incomplete.⁹⁸

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⁹⁸ *Pragya Prasun v. Union of India*, 2025 INSC 599; *Sujata Bora v. Coal India Limited*, 2026 INSC 53; Handbook Concerning Persons with Disabilities 3-9 (Supreme Court of India 2024).