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**Empowerment
through Law:
A Disability Rights
Newsletter**

Edition IV

The Muruganantham Doctrine and the New Frontier of Disability Rights in India's Penal System

The Indian prison walls with the help of the metal bars have over decades been more than a wall to physical freedom; it is a fortress to the changing values of human dignity. In its historic decision in L. Muruganantham v. State of T.N. (1925) 10 SCC 401, the Court's decision has broken this veil of institutional blindness, and has licensed what is now being celebrated as the Muruganantham Doctrine.

THE INVISIBLE MINORITY: A DATA CRISIS BEHIND BARS

To comprehend how big the issue is, it would be first necessary to consider the sheer invisibility of the disabled persons within the criminal justice system. Although the National Crime Records Bureau (NCRB) publishes the Prison Statistics India (PSI) report every year, it has been held without disability-disaggregated data by critics and rights groups, with the absence of this missing report the subject of their longstanding criticism. By December 2023, the Indian jail population was around 5.3 lakh of which an appalling 73.5% are undertrials. Yet, official statistics do not reflect the precise quantity of such inmates that have physical, sensory or intellectual disabilities.

Without state-led data, there is a grim projection of international standards. According to World Health Organization (WHO), it is estimated that about 16 percent of any particular population resides with a disability of some kind. When it is applied to the situation in India, tens of thousands of prisoners are now operating within the system of the able-bodied. This statistical blind is not just a statistical system malfunction; it is an inherent impediment of change because the state cannot serve a population it will not enumerate.

THE AGONY OF THE INACCESSIBLE: LIFE IN A "DARK CAGE"

In the case of a disabled prisoner, the general miseries of prison life in overpopulation, lack of hygiene, and food scarcity are exacerbated by physical and structural disadvantages. The situation of G.N. Saibaba, a Paraplegic academic who spent years of his life in the "anda cell (solitary confinement). Physically, the majority of Indian prisons do not have ramps, tactile floors, and toilets that are applicable by the disabled. Prisoners are usually reduced to reliance with other inmates, to the point of taking a shower, eating, or even going to the restroom, depriving them of the remaining remnants of agency. The isolation is great psychologically. The absence of sign language interpreters with the deaf or a kind of Braille with the blind leaves these prisoners effectively quieted down in an already quiet system.

Additionally, absence of special medical personnel including physiotherapists or psychiatrists implies that progressive conditions can very easily worsen the condition in jail.

THE NARRATIVE OF INJUSTICE: THE CASE OF L. MURUGANANTHAM

The change in jurisprudence was initiated by the traumatic story of L. Muruganantham who was an advocate based in the Tamil Nadu courts. His case is a tragic example of how the law that is meant to safeguard may be used against the weak. Muruganantham was 80 percent disabled with Becker Muscular Dystrophy, which is a progressive degenerative disorder and autism, as well as Avoidant/Restrictive Food Intake Disorder (ARFID).

The epic began when a land matter with his uncle of his father grew. A police officer, at the request of the powerful uncle, arrested Muruganantham on the early mornings of the day and in what was later by the Court, a false implication. Although he is visibly disabled and his disability is recorded, the arrest was carried out with total ignorance of the procedures in safeguarding his rights. His detention was not only, it was a deprivation of an environment that was his home, where he would have received specialized care that his condition required. A nightmare of the inability to have a reasonable accommodation was lived during his eleven days of imprisonment in the Coimbatore Central Prison. Muruganantham was withheld the protein diet, which he needed to keep his muscles, the psychotherapies needed to keep his mental disorders, and even the simple dignity of a friendly environment. Although the prison officials did not act in the spirit of malice, they were frozen by the so-called institutional constraints, the inability of the system to address anything other than the generic type of an inmate.

The court struggle was shifted out of the State Human Rights Commission (SHRC) which could grant a small compensation of the unlawful detention, the High Court, and finally the Supreme Court. The issues that were taken to the apex court were deeper: Does the right to life under Article 21 encompass a right to reasonable accommodation of disabled prisoners? Is it within the logistical constraints of the state to deny the basic amenities to a PwD? and lastly, what systemic amendments are needed to make sure that the Rights of Persons with Disabilities (RPwD) Act, 2016, is not left at the prison gates.

THE MURUGANANTHAM DOCTRINE: A CONSTITUTIONAL MANDATE

Transformative constitutionalism is the masterpiece of the judgment of the Supreme Court by Justices J.B. Pardiwala and R. Mahadevan. The Court categorically stated that incarceration should not simply halt the right to human dignity due to being lawfully imprisoned.

The Court determined that this was a doctrine of personal duty by referencing Article 21 of the Constitution and the principles of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

This doctrine is based on three pillars, namely Reasonable Accommodation, Universal Accessibility and Substantive Equality. The Court has made it clear that the State has a positive obligation of making special adjustments in order to give disabled inmates a chance to exercise their rights equally as others. It also shifted away the medical model of disability (where a person is the problem) and shifted to the social model where the environment is the cause of the handicap.

More importantly, the Court made a difference between a 'luxury' and a necessity. An inmate cannot insist on a gourmet meal but a disabled inmate entitles a right to an appropriate diet which is medically appropriate. The State can no longer use financial or logistical constraints to cover its moral and constitutional liabilities.

DIRECTIONS FOR A SYSTEMIC TRANSFORMATION

The decision went beyond the rhetoric; it gave a strict 15-point charter of instructions that was to reform the penal system immediately:

- Identification at Admission: All prisons should identify PwDs as soon as they enter the premises so that they could indicate their support needs.
- Easy Communication: Prison regulations and materials should be made in Braille, large print or sign language. Infrastructure Audits: The state level audits are required to confirm that all prison facilities have ramps, wheelchair accessible toilets, and sensory safe environments.
- Healthcare Parity: The inmate should be provided with healthcare that is equal to the general population including such specialized care as physiotherapy and speech therapy.
- Staff Sensitization: The rights and human treatment of PwDs should be provided to all police officers and other staff in the prison through mandatory training.
- Dietary Standards: Dietary needs are provided as certified by qualified specialists and are designed to meet certain medical needs.

Another issue raised by the Court was the necessity to have modern technologies like CCTV surveillance over zones with disabled inmates to prevent custodial abuse and provide assistance in time.

CHANGES FOR THE BETTER: WHAT THIS MEANS FOR INMATES

It is turning mercy into a right. No longer does one have to be a handout of a benevolent jailer to have a wheelchair; it is a statutory and constitutional mandate.

The requirement of the disaggregated data will eventually take the crippled prison population out of the dark to enable specific resource allocation. The need of the accessibility audits will imply that new wings of prisons will be constructed with universal design in their core, and the old ones will have to be re-equipped. Above all, the emphasis on the staff sensitization is supposed to break the culture of indifference and indirect discrimination that ends up in torturing disabled prisoners.

THE WAY FORWARD: BEYOND THE JUDGEMENT

Although the judgment of Muruganatham offers a solid roadmap, the path to genuine change is a long one. The path forward entails the shift of the judicial directions to the legislative and cultural shifts:

- Revision of Prison Manuals: States should revise their Prison Manuals which are decades old in order to incorporate the requirements of the RPwD Act 2016 and the Muruganatham directions.**
- Independent Oversight: Prison prisons are in urgent need of independent oversight mechanisms such as NGOs and disability rights advocates to carry out regular, unannounced inspections of prisons.**
- Legal Aid Reform: The current access rate of PwDs to legal aid is 0.29% as search data reveal. The physical and digital access of legal aid clinics needs to be opened to make sure disabled prisoners will defend their rights internally.**

CONCLUSION: A LEGACY OF DIGNITY

The "Muruganatham Doctrine" is a strong message that the level of civilization is seen in the treatment of the weakest and least noticeable people. The Supreme Court has reiterated the original message of our Republic to us: dignity is not a privilege of the able-bodied but rather an inalienable right.

Written by Krishna Sachdeva

Inclusive Education as a Legal Right: Reasonable Accommodation under the RPwD Act

In recent years the Indian judiciary in disability jurisprudence has increasingly shifted away from a welfare-oriented approach towards a rights-based framework, equality, dignity, and non-discrimination. August 2025 was yet another milestone in this evolution, with the Indian courts reiterating that the framework of Rights of Persons with Disabilities Act, 2016 (RPwD Act) creates enforceable legal obligations rather than aspirational policy goals. This shift has been most clearly reflected in the sphere of education, where courts have consistently upheld that the right to education must be inclusive and cannot exclude persons with disabilities from its ambit.

The Delhi High Court's decision in G.D. Goenka Public School v. Aadriti Pathak & Anr. reaffirms that access to mainstream education for children with disabilities is not a matter of institutional benevolence but a right grounded in statutory mandate and constitutional guarantees. By emphasising on the concept of "reasonable accommodation", the judgement highlighted that exclusion whether overt or indirect violates both the word and spirit of law.

INCLUSIVE EDUCATION AND REASONABLE ACCOMMODATION UNDER THE RPWD ACT

The RPwD Act was enacted to give domestic effect to India's obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Its effect marked a paradigmatic shift from the medical model to a society driven rights-based model, recognising that social discrimination, rather than any individual impairments is the main source of exclusion. Section 3 of the RPwD Act guarantees equality and non-discrimination, expressly highlighting the right for reasonable accommodation. Importantly, discrimination under the Act is defined broadly to include all practices that have the effect of disadvantaging persons with disabilities.

Further, section 16 and 17 impose a positive duty on state and educational institutions to ensure inclusive education for these people at all levels. These provisions require institutions to adapt curriculum, teaching methods, and infrastructure to facilitate the meaningful participation of children with disabilities in mainstream education. Reasonable accommodation, referring to necessary and reasonable modifications made to accommodate without imposing a disproportionate or undue burden, lies at the centre of this framework.

The Delhi High Court upheld that these sections should be interpreted purposely, in light of India's obligations under the UNCRPD, and not just with due regard to the legal doctrine but also the lives it impacts.

The court further continued that section 3 read with section 2 (y) creates a positive obligation to change existing systems to prevent exclusion, and that non-provision of reasonable accommodation itself constitutes discrimination under the Act. Mere formal inclusion, the Court clarified, does not satisfy the statutory mandate unless it enables effective and meaningful participation of the child in the educational process.

In *G.D. Goenka Public School v. Aadriti Pathak*, dealt with the refusal of a private unaided school to continue the education with the child diagnosed with autism spectrum disorder. The school went on to justify its decision on the basis of institutional policy, academic standards, and alleged lack of general capacity to cater to the child's needs. The parents of the child then went to challenge this action as discriminatory and in opposition to the RPwD Act.

The matter reached the Division Bench as an intra-court appeal against a Single Judge's order directing the school to readmit the child. The court rejected the school's argument that admitting the child would put undue burden on the school. Further, the court highlighted that according to the expert assessments conducted by the Institute of Human Behaviour and Allied Sciences (IHBAS). It was highlighted that the child was completely capable of continuing in a mainstream educational environment with appropriate support. Based on these findings the court held that not giving admission to the child relying on the perceived inconvenience or assumed institutional incapacity was legally impermissible. The appeal was accordingly dismissed, and the obligation to provide reasonable accommodation was reaffirmed.

IMPLICATIONS FOR DISABILITY RIGHTS AND PRIVATE EDUCATIONAL INSTITUTIONS

The most significant contribution of this judgement lies in its interpretation of the reasonable accommodation as a legally enforceable right rather than a matter of discretion of the institutions. Unfortunately, or so it is widespread practice among schools to justify such exclusionary practices by invoking uniform academic standards or administrative convenience. However, such justifications overlook the principle of right to equality embedded in Article 14 of the Constitution, which requires differential treatment to address structural disadvantage supplemented by the rights embedded in RPwD act.

The Court rejected the school's attempt to equate reasonable accommodation with an "undue burden", clarifying that inconvenience or deviation from uniform pedagogical practices cannot, by themselves, meet the threshold of disproportionality under the RPwD Act.

Where a child is found capable of continuing in a mainstream educational setting with appropriate support, the burden lies on the institution to demonstrate why accommodation is impossible. This reasoning aligns reasonable accommodation with substantive equality and affirms it as a right firmly grounded in statutory mandate and constitutional guarantees.

This judgement also speaks to the relevance of the judgement to the principles enshrined in Article 21 of the Indian Constitution, in which there is a right to education recognised as an integral part of “dignity, personable growth, and the capacity to meaningfully make a contribution in society.” In assuming the importance of accommodation as an integral part of equality rather than an exception to it, the court’s stance in the judgment can be said to have been decisive in its negating approach to the “charity-based” approach to disability that still informs disability as a major challenge to it.

Yet another notable aspect of this decision is the clear extension of disability rights obligations to private institutions in this case unaided private school. The Court held that once an institution operates within the regulated sphere of education, it is bound by the statutory discipline of the RPwD Act. Disability rights cannot be denied or subordinated to private management prerogatives, particularly in cases where exclusion undermines access to education and dignity. This reinforces the horizontal application of disability rights and recognises the significant role played by private actors in determining access to educational opportunities.

G.D. Goenka Public School v. Aadriti Pathak marks an important step in the evolution of Indian disability law. By affirming that inclusive education and reasonable accommodation are legal mandates rather than charitable concessions, the Delhi High Court reinforces the rights-based framework of the RPwD Act. The judgment underscores that true inclusion requires institutional transformation, ensuring that the right to education is realised for all children, irrespective of disability.

Written by Aarohee Purohit

Armed Conflict and Persons with Disabilities: A Legal Analysis with Special Reference to Gaza

One of the saddest and harshest consequence of war is the psychological as well as the physical agony caused to the civilians, especially the innocent children and women. Further, persons with disability are disproportionately affected, where they are more likely to be overlooked during an armed conflict. Persons with disabilities face higher risks during war situations since their access to healthcare, nutrition and communication gets severely restricted. The issue of protection of disabled persons is often put on the sidelines by agents of international law, and focus is on the safety of general civilian population. It is only in the past few years that protection and safety of persons with disability has been recognised as a separate human right.

The armed conflict in Gaza has rendered around 21,000 children disabled as per the report of UN Committee on the Rights of Persons with Disabilities. Globally, 16% of the disability caused is attributable to wars, alongside there being a barrier to legal and humanitarian aid. These conditions raise important legal questions about state responsibility and compliance with international disability and humanitarian law. This article aims to examine the legal provisions available for the protection of persons with disabilities, with a special reference to the Israel-Palestine conflict.

LEGAL PROVISIONS

Under International law, the bodies of International Humanitarian Law and International Human Rights Law primarily deals with protection of persons with disability during armed conflicts, wars or other emergency situations. The most important international instrument dealing with disability rights is the Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006. The CRPD acknowledges and recognizes persons with disability as active right holders and not as mere recipients of charity. Article 11 of the CRPD creates obligation for the state for protecting specifically people with disability during armed conflict, natural disasters and other emergencies. The convention's obligation carries on at every state of the conflict. Duties of the state under this obligation includes making evacuation warnings accessible, ensuring shelters can be used by persons with disabilities, and providing medical care and rehabilitation services. Other provisions of the CRPD, such as the right to life, the right to health, and the requirement of accessibility, strengthen this duty and make it clear that discrimination on the basis of disability is not allowed even during emergencies.

International humanitarian law also plays an important role. Under the Geneva Conventions, civilians must be protected from direct attacks and unnecessary suffering. Although persons with disabilities are not mentioned separately, they are clearly part of the civilian population. The principles of distinction, proportionality, and precaution require parties to a conflict to minimise harm to civilians. When military operations cause widespread and permanent disabilities, especially among children, these principles must be closely examined. In addition, humanitarian law requires care for the wounded and sick, which includes people who acquire disabilities as a result of conflict.

International human rights law continues to apply during armed conflict alongside humanitarian law. Core rights such as the right to life, dignity, and non-discrimination remain in force. The CRPD adds an important disability-specific layer to these protections by requiring reasonable accommodation and equal access to services, even in difficult and unstable conditions.

International Humanitarian Law (IHL) and the Convention on the Rights of Persons with Disabilities (CRPD) jointly impose obligations to ensure accessible health care and rehabilitation services for persons with disabilities, particularly in situations of armed conflict. Under IHL, all wounded and sick persons whether civilians or members of armed forces—are entitled to receive the medical care and attention required by their condition to the fullest extent possible in the circumstances. This obligation applies not only to individuals whose health needs arise directly from the conflict, but also to those with pre-existing disabilities or medical conditions whose access to continued health care is disrupted due to hostilities, provided they do not take part in hostile acts.

IHL strictly prohibits any adverse distinction among wounded and sick persons on grounds other than medical necessity. While the nature and quality of medical care that must be provided may vary depending on available medical resources and prevailing security conditions, the ICRC has clarified that health care under IHL cannot be confined to the minimum treatment necessary for survival. The right to medical care does not depend on the severity of the condition or on whether the illness or injury.

THE GAZA SITUATION AND THE GROWTH OF CONFLICT-INDUCED DISABILITY

Reports from United Nations bodies show that the number of persons with disabilities in Gaza has increased sharply since the start of the conflict. A very large number of civilians, including thousands of children, have suffered injuries leading to permanent disabilities such as amputations, spinal injuries, and loss of sight or hearing. Data from Permanent Mission of Egypt for the United Nations Office at Geneva reported that Egypt has received 460 disabled people, out of which the majority were amputee. Further, 4800 amputation of limbs were conducted with 76% affecting the upper limbs

The given data serves to warn us against the gross human rights violation taking place in Palestine during the period of 2023 to 2025. The scale of child amputations reported in Gaza is extremely rare in modern conflicts and points to long-term social and legal consequences that will last far beyond the end of hostilities.

The legal concerns go beyond the injuries, and include the conditions faced by persons with disabilities after injury which are equally serious. Many people have lost wheelchairs, crutches, and other assistive devices during displacement. Hospitals and rehabilitation centres have been destroyed or are unable to function. Evacuation orders and emergency shelters are often inaccessible, and humanitarian aid distribution does not always take disability into account. As a result, persons with disabilities are frequently unable to access food, medicine, sanitation, and shelter.

LEGAL ASSESSMENT OF STATE OBLIGATIONS

From a legal perspective, the situation in Gaza raises serious concerns about compliance with international law. Article 11 of the CRPD requires states to take active steps to protect persons with disabilities, not only after harm has occurred but also by preventing foreseeable risks. The large-scale creation of permanent disabilities, particularly among children, suggests a failure to adequately limit civilian harm during military operations.

Despite Israel having ratified the Convention on the Rights of Persons with Disabilities (CRPD), it has failed to fulfil its obligations under the Convention. Rather than ensuring protection and assistance to persons with disabilities during armed conflict, evidence suggests that measures have been taken which obstruct the delivery of humanitarian aid to civilians in need, disproportionately affecting persons with disabilities who are uniquely dependent on accessible medical care, rehabilitation, and assistive services.

This failure is compounded by the structural weakness in the international enforcement framework of the CRPD, as no international body possesses the authority to issue binding decisions or impose sanctions in cases of non-compliance, thereby rendering accountability largely political rather than legal.

There are also concerns regarding access to humanitarian assistance. International law requires aid to be provided without discrimination. When persons with disabilities cannot access food, medical care, or shelter because systems are not designed to include them, this obligation is not being met. The lack of reasonable accommodation in emergency settings directly undermines the purpose of disability rights law, which is to ensure equal dignity and participation.

Children with disabilities deserve special protection under international law, including the Convention on the Rights of the Child, read together with the CRPD. The mass disabling of children in Gaza threatens their future rights to education, development, and social inclusion. Without rehabilitation, psychosocial support, and inclusive services, these children face lifelong exclusion.

ACCOUNTABILITY AND THE WAY FORWARD

The situation in Gaza highlights a wider problem in international law: while legal standards are clear, enforcement is weak. United Nations bodies have documented the harm suffered by persons with disabilities, but accountability mechanisms remain limited. Disability rights are still too often treated as secondary concerns during armed conflict. For international disability law to be meaningful, states and humanitarian actors must take these obligations seriously. Disability inclusion must be part of military planning, humanitarian response, and post-conflict recovery, rather than an afterthought.

CONCLUSION

Armed conflict both creates disability and makes life far more difficult for those already living with disabilities. International law, especially the CRPD, clearly states that persons with disabilities must be protected during war. The situation in Gaza shows how far reality falls short of these legal promises. Unless disability rights are fully integrated into the way conflicts are conducted and responded to, wars will continue to leave behind generations of people with permanent disabilities who are denied equal protection, dignity, and justice under international law.

Written by Srishti Prasad

Tightening the Gate or Narrowing the Door?

The Government's new SOP on disability certification is a necessary corrective against fraud — but it risks burdening the very people it is meant to protect.

When a government department issues a circular to fight fraud, the instinct is to applaud. But when that circular governs access to jobs and university seats for India's most excluded communities (i.e. persons with benchmark disabilities) the applause must come with scrutiny. From the perspective of a person in the nascent stages of interpreting Disability Law in India, The DEPwD's Revised Advisory and Standard Operating Procedure issued on 15th October, 2025 deserves both.

THE PROBLEM IS REAL

The SOP replaces an earlier circular of September 2024 and is prompted by a documented problem, which states that the fraudulent or inflated disability certificates being used to claim the 4% reservation in government employment under Section 34 and the 5% reservation in higher education under Section 32 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act). The DEPwD acknowledges complaints of candidates obtaining certificates with "*a different or higher percentage than actual disability.*" In a high-stakes and a high-competition environment, this is not a trivial concern, but directly harming genuine PwBD candidates competing for the same reserved seats.

THREE THINGS THE SOP DOES

The circular builds its framework on three pillars, which was also discussed by Manish Kumar Mishra, A Designate under the Secretary of President of India. Firstly, it mandates that all Government Employers (GEs) and Higher Education Institutions authenticate every disability certificate and UDID card through the national UDID portal and encourages API-based real-time integration of institutional portals with the UDID national database. Secondly, it empowers GE-empanelled hospitals to conduct additional medical evaluations to assess both disability percentage and the functional suitability of a candidate for a specific post or course (beyond what the UDID certificate reflects). Thirdly, it mandates an appellate mechanism, essentially a second empanelled hospital or medical board to which aggrieved candidates may appeal adverse findings.

WHERE IT FALLS SHORT

The circular's most legally contentious element is the functional suitability assessment which acts as a second medical gate controlled by employer-selected hospitals operating without standardised criteria.

The Supreme Court has been unambiguous as well in such decisions. In Vikash Kumar v. UPSC , 12 SCR 311(2021), it held that denying reasonable accommodation to a PwBD candidate constitutes discrimination under Articles 14 and 21. In Justice Sunanda Bhandare Foundation v. Union of India, Civil Appeal No. 6690/2025 (Supreme Court of India, September 12, 2025), the Court reaffirmed that disability reservation must deliver substantive equality which is not merely formal in nature. An open-ended suitability test administered by institutions with no independent oversight and no prescribed standard is precisely the kind of subjective medical gatekeeping that this jurisprudence was meant to foreclose.

There is a second, quieter problem which hinders the process of an amicable solution. The SOP's requirement that candidates with old manual certificates digitise them on the UDID portal before applying presupposes digital access, proximity to digitisation authorities, and administrative fluency. Over 69% of India's disabled population lives in rural areas, where internet penetration is still in its nascent stages without the infrastructure capability or capacity. The SOP contains no helpdesk, no assistance mechanism, and no extended timeline for such candidates. The aspiration that 'sufficient hospitals be empanelled nationwide so candidates do not have to travel too far' is unaccompanied by any binding mandate or compliance timeline (which makes it worth little more than the paper it is printed on under the legal terms).

Finally, a major fundamental transition in the comment is that this circular is an executive advisory, not a statutory rule. It does not amend the RPwD Act or the RPwD Rules, 2017, nor it is complied with the substantive measures that EU has taken in the recent months. A PwBD candidate harmed by its misapplication has no direct statutory remedy under the SOP itself, rather they must approach the CCPD under Section 75 of the RPwD Act or file a writ petition before a High Court. The gap between administrative direction and enforceable right is not a technicality, rather it is the difference between a promise and an obligation.

WHAT MUST FOLLOW

The SOP's anti-fraud intent is legitimate and should be retained at any cost. But it requires three urgent corrections: firstly, a standardised, evidence-based functional suitability criteria developed with disability experts and civil society; secondly, a binding timeline and support mechanism for rural candidates navigating UDID digitisation; and thirdly, incorporation of its substantive protections into an amendment to the Rights of Persons with Disabilities Rules, 2017 under Section 101 of the RPwD Act as the critical juncture, which provides them the force of law rather than the weight of advice.

Fraud in disability certification is a problem worth solving in a developing nation like India. But a framework designed to catch the fraudulent must not, turn its scrutiny on the genuine in the following process and procedure.

India's disability reservation exists because structural exclusion is real and persistent. The October 2025 SOP is a step in the right direction, but only a step with a broken shoe made with individuality protection measures, and the one that needs firm guardrails before it is implemented at scale for the masses.

Written by Vanshaj Mediratta

Towards Substantive Inclusion: Karnataka's Draft Disability Rights Law and the Future of Employment and Education for PwDs

November 2025, brought various changes namely the Government of Karnataka published a draft Bill suggesting extensive reforms of the sphere of education and employment of persons with disabilities (PwDs). The draft law, broadly called the rights-based approach to the rights of persons with disabilities, supplementing the Rights of Persons with Disabilities Act, 2016 (RPwD Act), aims at institutionalising the reservation policies, enhancing the mechanisms of enforcing the rights, and repositioning the inclusion measures, no longer limiting them to the traditional focus on the public-sector.

The move has been broadly characterized as landmark due to its endeavour to go an extra mile in comparison with available statutory protection. Although the RPwD Act already requires reservations in government jobs and other educational institutions, it has continued to be inconsistent and patchy across the states. The proposal presented by Karnataka is an indication of changing the recognition of disability rights through paper to the active operationalisation of the same through state-identified legislative architecture.

Moreover, the proposed law is a new form of an emerging judicial and legislative pattern in India: in which equality among PwDs cannot come through mere symbolic actions, but will have to be implemented structurally in terms of hiring, admissions, accessibility, and institutional responsibility.

WHAT IS THE DRAFT LAW TRYING TO SOLVE?

The proposed law tries to address three long term issues that have traditionally impeded the realisation of disability rights. The proposed bill has come out as a requirement to hire persons with Disabilities (PwDs) in a ratio of 5 percent in all the private firms that have 20 or above employees. It places the duty of inclusion squarely on the private sector, with the support of stringent reporting standards and financial fines.

The following are the major provisions:

1. The Mandate & Scope

Quota: The PwDs should be given 5% of all authorized jobs by the private employers.

Applicability: This includes new employees (direct recruiting) and targeted regular positions.

Exemptions: The government can provide some exemptions although they will be done on a case by case basis using a formal process.

2. Compliance & Transparency

Companies cannot just target these, they must record their achievements in terms of:

Gradual Plan: Achieving the quota within a period of time.

Annual Reporting: Sending compliance plans and releasing information about the overall number of staff, PwDs, and accessibility modifications in the workplace.

Carry-Forward Rule: In case no appropriate candidate is located, the vacancy has to be carried over in up to three recruitment cycles before any other measure can be put into place.

3. Responsibility & Implementation

The Bill goes beyond the recommendations by offering teeth to the enforcement:

Internal Redressal: Firms are required to have a special officer to address the grievances within a limited time.

Monetary Punishments: Non-compliance fines vary in the amount of money paid, where the maximum amount is INR 5,00,000 in case of a repeat offense.

Public Shaming: The regulator can publicly reveal the names of non-compliant companies.

4. Positive Reinforcement

To have a balance on the mandates, the Bill proposes a carrot and stick strategy by providing:

Potential tax incentives.

Formal 'Inclusive Employer' certification.

Recognition and awards of excellence on inclusion of disability supported by the government.

Other than these specific ones, there are other general suggestions which include.

5. Under-representation at Employment and Education

Statutory reservation requirements notwithstanding, PwDs are still disproportionately underrepresented in institutions of higher learning and the workplaces, especially in the private sector. Participation has been restricted by recruitment processes, inaccessible campuses, absence of assistive technologies and attitudinal barriers.

The draft Bill of Karnataka suggests:

- Obligatory quotas of benchmark disabled in some educational institutions and areas of employment;**
- Motivation and government regulation of the employers;**
- Observing organizations to keep them in line**

6. Lack of Intensity of Implementation of the current laws

The RPwD Act imposes obligations though enforcement has often relied on an individual litigation- which is a complex process to the marginalised groups.

The draft law aims at reinforcing:

- Redressal mechanisms of grief;
- Fines on non-conformance;
- Routine reporting by institutions of disability inclusion measures.

7. Reasonable Accommodation and Accessibility

The physical infrastructure as well as the digital platforms and methods of teaching or working in a workplace are frequently inaccessible. The Bill emphasises:

- Barrier-free infrastructure;
- Assistive technologies and equipment;
- Rationality should be the responsibility of institutions to accommodate instead of putting the burden on individuals.

LEGAL AND CONSTITUTIONAL IMPLICATION

This project is legitimate as per constitutional principles in Articles 14, 15, 16, and 21 that ensures equality, non-discrimination and dignity. Courts within the years, especially the supreme court have reiterated that individuals with disabilities have not only a right to equal treatment but also to unequal treatment that can offset disadvantage.

The given law is an indication of this jurisprudential change as that of formal equality (and treating people equally) to substantive equality (of the real unequal position and the attempt to balance it). It also appeals to the duty of India under the UN Convention of the Rights of Persons with Disabilities (UNCRPD), which needs States to secure complete inclusion of PwDs in social, educational and economic life.

WHAT THIS IMPLICATES FOR DIFFERENTLY ABLED PERSONS

If put into practice ineffectively, the Karnataka draft Bill can have transformative implications:

1. Expanded Opportunities

PwDs may gain:

- More access to professional courses and universities;
- Heightened employment in the private set-ups;

2. Less Reliance on Litigation

Individuals would also not have to go to courts each time their accommodation or reservation benefit is denied to them, as the statutory obligations and monitoring bodies would be more explicit and could resolve the issue

3. Symbolic and Cultural Effect

In addition to legal rights, this type of legislation assists in redefining societal norms, not so much as an issue of charity and welfare, but as one of rights, inclusion and respect.

4. A Model for Other States

The initiative of Karnataka may lead other state governments to enact other bills, which will lead to a more consistent national disability rights regime.

Implementation Problems

The draft law is promising but the success of the law will be greatly reliant on executing it. Some expected obstacles still stand in the way:

1. Opposition by the Private Sector.

This could be unpopular with the more minority employers who are concerned with expenses, compliance costs, and the practicality of the operation. Enforcement may still be weak without powerful incentives or programmes of awareness.

2. Funding Constraints and infrastructure.

Assistive technologies, retrofitting of buildings, and the creation of barrier-free campuses demand long-term investment on the part of the community. In smaller institutions, the budgetary constraints may postpone the implementation.

3. Administrative Capacity

Strong monitoring organizations should be manned by skilled human resources which are knowledgeable about disability law, accessibility standards, and redressal of grievances.

4. Risk of Tokenism

Another risk is that institutions can meet the minimum requirements, of course, but not fulfil the principle of real inclusion or professional growth of PwD.

Recommendations for a better Implementation

In order to make sure that the draft law achieves the transformative promise, a few steps would play a crucial role:

1. Participatory Law-Making - The government needs to consult. Their practical experiences can be used to formulate practical and receptive provisions.

- Disabled Persons' Organisations (DPOs);
- Disability activists;
- Educators and employers.

2. Clearly defined Regulations and Timelines - Assign time limits on prescriptions.

- Subordinate legislation should:
 - stipulate reservation percentages;
 - Bring down accessibility standards;

3. Monetary rewards and assistance.

- Instead of imposing penalties only, the state can offer:
 - Tax credits to those that hire the disabled;
 - Grant on accessibility upgrades;

4. Capacity-Building and Awareness.

Long term attitudinal change may be achieved through training programmes on HR professionals, university administrators and architects.

5. Transparent Data Collection.

Disability inclusion statistics could be publicly reported so that the civil society and researchers can make institutions answer.

Conclusion

The Karnataka Disability Rights draft law is a historical development in the emerging disability jurisprudence in India. It is a pointer towards a growing recognition that equality is not to be achieved under an impartiality only, but a positive legal architecture that dismantles the structures of the system. As with recent Supreme Court decisions that have led to more access in competitive tests and digital government, the proposed legislation changes the welfare-based accommodation debate to that of empowerment based on rights. However, this reform will be dependent on the political good will, administrative capacity, and regular consultation with the disability society. Implemented in letter and spirit, Karnataka will be capable of creating state-level precedents in the classrooms and employment areas of disability law-making into a genuinely inclusive space.

By this means, the draft Bill strengthens a basic constitutional fact:

“that the rights of persons with disabilities are not benefits acceded to them through goodwill, but statements of the Republic investment of dignity, autonomy, and equal citizenship.”

Digital Dignity through the Judiciary

At a time when the digital power is usually superseding the moral restraint, the Supreme Court of India has intervened again to strengthen the constitutional commitment of dignity. The case of *M/S. Cure SMA Foundation of India vs. Union of India and Ors.* has had a radical change in the recent developments, whereby punitive is now replaced by restorative justice. Creating a new norm of social responsibility in the digital era, by instructing major content creators to use their portals to the benefit of the disability community, the Court is not simply righting a wrong; but is instead designing a new standard of social responsibility.

The time of this intervention is when the creator economy has emerged as the main source of information and social conditioning to millions of people. Humor directed at the vulnerable goes beyond inflicting personal harm to promote the prejudice directed at them within the system. This issue addresses the subtleties of this historic intervention, the legal principles of the social responsibility requirements, and the general effect on the Rights of Persons with Disabilities (PwD) in the ever-more online world.

SUPREME COURT WATCH: Making the Contempt into Plea

Name of the case: *M/S. Cure SMA foundation of India vs. Union of India and ors.*

Bench: Chief Justice of India, Surya Kant and Justice, Joymalya Bagchi

Writ Petition: (C) no. 460/ 2025 Date of Hearing: 27 November 2025

I. The Genesis of the Dispute

The court struggle on this case commenced when the Cure SMA Foundation of India, which is a non-profit organization that exists to defend the interests of people living with Spinal Muscular Atrophy (SMA) approached the Apex Court through a Writ Petition. The Foundation showed the presence of some of the high profile comedians and digital influencers making content that mocked individuals with disabilities.

In particular, the petition pointed to a tendency of creators to ridicule the exorbitantly high prices of life-saving drugs such as Zolgensma, in many cases presenting the survival of a child as a bad investment or a crowdfunding scam. The Foundation claimed that this kind of humor was not just insensitive but it also was deliberately detrimental to the fundraising process as well as a lack of sympathy towards those who are struggling with rare genetic disorders. They argued that in a nation where the healthcare system is an uphill battle, establishing a culture of ridicule of life-saving medicine is a direct attack on the right to life.

II. Judicial Philosophy: Dignity instead of Derision

The court was very strict with the content as it was termed by the Supreme Court as being damaging, demoralizing, and socially retrogressive. The Bench, in their proceedings, pointed out that although the freedom of speech and expression as covered by the Article 19(1)(a) is the freedom to do comedy, it is not a license to the Right to Dignity guaranteed in Article 21.

CJI Surya Kant observed that the impact of the contemporary influencers has a weight which can make a generation change in their attitudes. The Court noted that, when a creator who has millions of followers mocks a disability, he or she gives them what the Court terms as a social permit to do the same. This means that the tendency to demean a vulnerable community should be suppressed in any speech since it creates an atmosphere of exclusion.

III. The Innovative Directive: Restorative Justice in Action

In place of the conventional penal punishment, which could have resulted in someone making the accusation of censorship or stifling art, the Court decided to adopt a social responsibility model. The Bench instructed five mainstream comedians, who included Samay Raina, Vipul Goyal, Balraj Paramjeet Singh Ghai, Sonali Thakar and Nishant Tanwar to shift their power towards positive advocacy.

The Court-Ordered Mandates:

- **Monthly Fundraisers:** The respondents will be required to have at least two events (online or offline) every month in the coming six months. The revenues of these activities would be channeled to a legitimate corpus to treat and research on SMA.
- **Narrative Shift:** The comedians should invite persons with disabilities to their platforms as opposed to disability as a punchline. This is supposed to emphasize on success stories and personification of the struggle, refocusing on the use of pity and shifting to empowerment.
- **Public Awareness Campaigns:** The creators will have the responsibility of utilizing their enormous reach to teach the scientific and social truths of rare diseases, making their channels digital classrooms of sympathy.

The Bench made it clear that it was a social burden and not a penal burden and it encouraged the creators to understand that their popularity was a privilege that is accompanied with an internal responsibility to the good of the people.

LEGAL ANALYSIS: Digital Accountability and Horizontal Constitutionalism

The Cure SMA decision is a classic case of Horizontal Constitutionalism. The Traditionally Fundamental Rights were viewed as protection against the State. But this case confirms that in some situations the rights may be imposed against individuals who hold a large amount of social power in their own hands who happen to be privately involved.

- **The Test of Proportionality:** The Court had a fine line to walk on the Free Speech and Dignity. The Court met the proportionality test by selecting a restorative versus a restrictive course (banning the comedians), instead of a mandated advocacy one.
- **The Influencer as a Public Figure:** It has been argued that as soon as a person attains some kind of threshold of followers or social sway, his or her behavior ceases to be completely a personal one. They are transformed into being more public performers with greater accountability.
- **Regulatory Gaps:** The case was a show of the gigantic gap in the regulation of user-generated content. Existing IT Policies are aimed at national security or obscenity and fail to sufficiently cover the unobtrusive micro-aggressions and ableist rhetoric that are rife in the comedy circuit.

BEYOND THE COURTROOM: Spinal Muscular Atrophy (SMA) Understanding
Spinal Muscular Atrophy is a genetically determined disease which concerns both central nervous system and peripheral nervous system, as well as voluntary movement (skeletal muscle). It is brought about by a shortage of a motor neuron protein known as SMN, or, survival of motor neuron. As the name suggests, this protein is required to enable motor neurons to survive.

SMA is one of the most expensive treatments in the world. Collective action is the only hope of many families: crowdfunding and government grants. Public personalities who cause suspicion to such efforts by making fun of them are directly endangering the lives of infants. The Supreme Court order is cognizant of the fact that in the era of viral content, a joke may kill as well as a lack of medicine, when it prevents a donor to make a contribution.

A NEW PRECEDENT: World Wide Consequences of Disability Advocacy

The Cure SMA Foundation case will definitely be mentioned in courts across the world as they continue to toil with the unsavory aspect of social media. It shifts the discussion off of the question of What should we ban? to "How shall we force creators be better?"

This is a significant victory to disability rights movement in India. It confirms the fact that dignity is non-negotiable. It also reminds the entertainment industry that it is time to stop turning to disability as a source of cheap laughter. Going forward the emphasis should still be on making sure that the instructions given by the Supreme Court are carried out in spirit as opposed to form.

ADVOCACY CORNER: MOVING TOWARDS INCLUSIVE MEDIA

To make this judgment enduring the CDLA suggests:

- **Sensitivity Training:** Media houses and talent management agencies are supposed to ensure that there is a mandatory sensitivity training of creators.

- Representation: Encouraging PwD to be creators, writers, and directors in order to have the authentic storytelling.
- Community Surveillance: Having a watchdog to monitor the ableist content and feed-back to platforms.

It is not the final step in the judgment, but a strong new start of the inclusion of PwDs in the cultural life of modern India.

Written by Praticheer Kujur

Disability Rights, Accessibility and Competitive Examinations: The Supreme Court's December 2025 Ruling

The Supreme Court of India, on the 3rd of December 2025, pronounced a very significant judgement which broadened the contours of disability rights in the country. This pronouncement marks a major victory for the future of Persons with Disabilities (PwDs) appearing in national-level competitive examinations. 'Mission Accessibility', an advocacy group working for the rights of Persons with Disabilities, filed a petition which led to the case of '*Mission Accessibility v. Union of India and anr.*' The petitioners prayed for certain modifications in the examination procedures of the Union Public Service Commission (UPSC), so as to make it more accessible for PwDs.

The petitioners believed that the examination process for the Civil Services Examination (CSE) conducted by the UPSC was plagued by certain rigidities. One of their primary demands was leniency in the time period for registration of scribes. Since scribe details are required instantaneously at the time of application, the applicants are left in a difficult position if the scribe becomes unavailable or if circumstances change. Further, they demanded that certain aspirants should also be given approval to use laptops prepared with screen-reader software. Moreover, they sought for the allowance of digital question papers which would aid persons with visual impairments or other disabilities as well.

This reformative judgement was delivered by a bench comprising of Justices Vikram Nath and Sandeep Mehta. Certain directives were issued to aid aspirants in a better manner and help them attempt the examination with ease. The Court gave directions to the UPSC to allow disabled candidates to change their scribes even before seven days of the examination. Moreover, the UPSC has also been instructed to prepare a comprehensive affidavit consisting of a plan to deploy the usage of screen reader software and other such assistive tools for the aspirants who are disabled. This detailed plan needs to be presented before the court within two months of pronouncement of this judgement.

Through this pronouncement, the constitutional guarantees of equality, dignity and non-discrimination for Persons with Disabilities, given under Articles 14, 16 and 21 of the Constitution, are upheld. When these promises are implemented along with the Rights of Persons with Disabilities Act, 2016 (RPwD Act), the rights of disabled persons are truly safeguarded.

Moreover, this judgment remarkably coincided with the International Day of Persons with Disabilities. This very fact can be construed as a foreshadowing of a bright future for the rights of disabled persons living in our nation. This is symbolic of hope for inclusivity, and justice for those who were till now marginalized.

KEY DIRECTIVES BY THE SUPREME COURT

The Supreme Court in this remarkable judgement issued certain directives to the UPSC, which need to be mandatorily complied with:

1. In every notification it issues henceforth, the UPSC must allow eligible candidates to request a change of scribe atleast 7 days before the date of the examination. These appeals shall be objectively deliberated upon and disposed within 3 working days of receipt.
2. The UPSC needs to file a detailed compliance affidavit within 2 months of the pronouncement of the order, elaborating upon the plan of action for deploying Screen Reader Software for candidates with visual impairments appearing in exams conducted by it.
3. The UPSC shall collaborate with the Department of Empowerment of Persons with Disabilities (DEPwD) and the National Institute for the Empowerment of Persons with Visual Disabilities (NIEPVD) to create uniform guidelines and regulations for the use of Screen Reader Software and other such assistive technologies.
4. The UPSC will be provided with necessary administrative and technical help by the Union of India via the Department of Personnel and Training (DoPT) and the Ministry of Social Justice and Empowerment. UPSC must also coordinate with State Governments and examination authorities whenever necessary.
5. These directives must be implemented in such a method that the eligible candidates are provided with full accessibility while also maintaining the sanctity, confidentiality and fairness of the examination procedure.

The Court also remarked that true inclusivity can only be obtained once all barriers which hinder an individual from standing on equal footing as others are removed. Merely creating uniform procedures would not amount to such equality.

CHALLENGES IN IMPLEMENTATION

This noteworthy judgment has been perceived by the masses as both progressive and necessary. However, its true impact would shine through only when it is subjected to the various hindrances and tribulations which come its way. Some of those likely challenges are as follows:

- 1. Infrastructural Constraints:** Throughout the years, the UPSC has relied upon local schools, colleges, state authorities and various local boards for facilities. Since not all of its examination centres are under its direct control, uniform deployment of Screen Reader Software and other assistive digital technologies would prove to be a cumbersome and difficult task, one which would require a high level of coordination and sufficiency of resources.
- 2. Standardisation Concerns:** According to the directives issued, uniform guidelines and protocols need to be enforced in all centres of the UPSC. However, this is not an easy task as remote areas or regions with lack of adequate resources could find it difficult to obtain the necessary assets.
- 3. Training and assistance:** To use the Screen-Reader Software effectively and to access the digital question papers appropriately, certain training is required for both the invigilators and the aspirants.

CONCLUSION

The directives issued by the Supreme Court have been widely welcomed by the public and have been deemed as essential for the progress of individuals with disabilities. However, only time will tell how well they fare in the deep waters of the Indian justice system, which are often marred by various forms of institutional barriers and administrative difficulties.

Through this judgement, we can perceive a clear shift from implementation of 'formal equality' to 'substantive equality'. The Court aimed to modify rigid processes in order to make every Person with Disability feel accommodated and included in the fullest sense. The Supreme Court gave its observations as following:

"Equality, in its truest sense, demands not uniformity but the removal of barriers that prevent individuals from standing on equal footing...The rights guaranteed to persons with disabilities are not acts of benevolence, but expressions of the constitutional promise of equality, dignity, and non-discrimination enshrined in Articles 14, 19, and 21 of the Constitution of India."

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THE TEAM

D i r e c t o r

DR. TANWI SHAMS

C o - D i r e c t o r

MS. ATHENA SOLOMON K

E d i t o r i a l T e a m

Sarah Anand Raj (Editor-in-Chief)

Anshika Pal (Design)

Krishna Sachdeva

Aarohee Purohit

Srishti Prasad

Vanshaj Mediratta

Stuti Jha

Pratichee Kujur

Connect with us on social media for future updates!

Linkedin: [Centre for Disability Law and Advocacy](#)

Instagram: [nluo.cdla](#)

Email: cdla@nluo.ac.in
