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## THE LEGAL RIGHTS OF DISABLED PERSONS IN INDIA

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### ABSTRACT

What do we understand when we talk about term disabled? Someone who can't move or someone who is helpless, well that's a very common thinking and understanding between people who are healthy and never get to experience that lifestyle but there is way much more in the term disabled.

Disabled term is used for those people who face problem in using particular body part of theirs. That part could be anything from physical, mental, intellectual to sensory impairment, but that doesn't give us right to view them as someone different from us as people who are healthy or without any disability always either pity them or view them as a superhero who are fighting bravely rather than recognizing them as someone who are a leading equal equal life with social barriers.

We Indians always proudly claim ourself as world's largest democracy, we celebrate different diversity, cultures and equality among people yet for millions of disabled people navigating normal life is difficult, for them everyday life is still inaccessible like going to school, workplaces that silently reject them or the society who often mistake pity for a equality.

In India Around 45% of disabled are illiterate and only 62.9% of disabled people between the ages of 3 and 35 have ever attended regular schools. Less than 40% of school buildings have ramps and around 17% of schools have accessible toilets. Although technology is a key focus of the NEP, only 59% of schools across the country have access to electricity.<sup>1</sup>

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<sup>1</sup> Tanushree Sarkar, "Examining disability in India's new national education education policy", UKFIET (12 August 2020), <https://www.ukfiet.org>.

The major change come with the enactment of **Rights of Persons with Disabilities (RPwD) Act, 2016**, this Act has been aimed to uphold the dignity of people with disability and prevent them from any type of discrimination to ensure them of equal opportunity.

Article 15(2) clearly states that No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction

- a) access to shops, public restaurants, hotels and places of public entertainment
- b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.<sup>2</sup>

### ❖ **Understanding rights of disabled person in India**

India officially recognise that he people with disability also deserve life without any discrimination where they can stand equally in society. One of the biggest change was that The legislation expands the recognition of disabilities from 7 to 21 categories, ensuring comprehensive civil and social rights<sup>3</sup>. These include blindness, hearing impairment, autism spectrum disorder, cerebral palsy, mental illness, learning disabilities, and multiple sclerosis, among others.

#### **1) Right to Equality and non discrimination**

What the government aimed behind this law was very simple that any disabled person should not be treated differently because of their condition.

It had clearly written that the The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others<sup>4</sup>.

For example if qualified candidate is rejected just because he can't walk that would be huge shame to the preamble which we proudly celebrate, if equality wouldn't be present then there should be nothing called competition where everyone stand on equal footing.

This law also talk about proper accommodation for disabled people, in simple words workplace or institutions must make proper arrangements for disabled people so they could work

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<sup>2</sup> INDIA CONST. art. 15, cl. 2 (a) (b)

<sup>3</sup> "*India's Commitment to Disability Rights*", PIB (02 Dec 2025, 12:04 PM), <https://www.pib.gov.in>.

<sup>4</sup> The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016, (India).

comfortably. This could include ramps, screen-reading software, accessible washrooms, flexible work arrangements, or sign-language support.

## **2) Reservation in Jobs and Education**

The RPWD Act provides certain reservation in different areas like for people suffering from disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes.

- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.<sup>5</sup>

Still vacancies almost remain unfilled as people feel social barriers, most of the families itself don't support their children out of fear of society.

## **3) Employment**

Everyone who is citizen of india as long as they come under given education or eligibility criteria they all can be a employee.

The law prohibits discrimination in employment and encourage people to take employment under both private and government sector.

In this modern era where everything is easily accessible, modern technology has itself develop in greater length as the people who have any kind of impairment or disorder they can take work from home or any remote job and there are too many jobs available they can take anything that suits them.

## **CONCLUSION**

As India has moved forward by providing and recognizing rights of persons with disabilities. The RPWD Act has provided equality toward the people who are struggling by not getting right opportunity.

I will say it one more time that right only matters when people know it exist, so it is in ours hand also when we see someone with disability struggling, all we need to do is remind that person that no one can stop him as he have this particular right.

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<sup>5</sup> "Right to Reservation in Promotions for PwDs", DRISHTI IAS (30 June 2021), <https://www.drishtiiias.com>.

Unless or until we people will not come forward to help our country wouldn't progress.