

Law and Social Justice for Disabled Persons in India: Problems and Prospects in the State of Telangana

K. Sanjeeva Reddy
PhD Research Scholar
Dept of Law, Osmania University
Email: koppulasanjeev@gmail.com

Abstract

Despite a robust constitutional framework and the enactment of the Rights of Persons with Disabilities Act, 2016, persons with disabilities in India continue to experience significant implementation gaps in the realization of social justice. This paper undertakes a doctrinal study to examine the intersection of law and disability rights in India with a particular focus on the State of Telangana. Relying on constitutional provisions, the RPwD Act and its rules, judicial pronouncements of the Supreme Court and the Telangana High Court, as well as state-specific government orders, rules, and budgetary mechanisms, the analysis highlights both the normative strengths and the operational deficiencies of the existing legal regime. The Telangana-specific discussion evaluates state rules, institutional arrangements, and the creation of a State Fund, while identifying persistent issues in accessibility, reasonable accommodation, and enforcement. The paper argues for a practical compliance roadmap anchored in constitutional equality, reasonable accommodation, and enforceable accessibility standards. While limited to secondary sources and doctrinal interpretation without fieldwork, the study contributes a curated synthesis of legal materials and proposes a reform agenda tailored to Telangana's context.

Keywords: Disability Rights, Reasonable Accommodation, Accessibility Standards, Telangana Government Orders (G.O.s) and Social Justice

I. Introduction

Disability is no longer viewed solely through the medical or charity lens; contemporary legal and social discourse has increasingly adopted the social model of disability, which identifies barriers in society—rather than individual impairments—as the root cause of exclusion. This shift, reinforced by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006), has influenced Indian law and policy by foregrounding the principles of equality, dignity, accessibility, and reasonable accommodation. The Rights of Persons with Disabilities Act, 2016 (RPwD Act), enacted to harmonize domestic law with India's obligations under the UNCRPD, substantially broadened the scope of recognized disabilities, enhanced reservations in education and employment, and placed enforceable duties on public and private institutions.

Yet, despite the progressive design of this legal framework, persons with disabilities continue to face formidable obstacles in enjoying equal opportunities. Barriers in physical infrastructure, education systems, recruitment practices, and digital platforms persist, underscoring a persistent implementation gap between legal entitlements and lived realities. This gap is not uniform across India; it varies with state-level governance capacities, fiscal commitments, and political will.

The State of Telangana, formed in 2014, offers a particularly compelling case study. As a newer state, it has had the opportunity to frame its own rules and government orders (G.O.s) under the RPwD Act, and it has established schemes ranging from employment reservations to a dedicated State Fund for persons with disabilities. However, early evidence suggests uneven compliance: roster reservations remain contested, accessibility norms are inconsistently applied, and grievance redress through the State Commissioner is resource-constrained. Telangana thus reflects the broader Indian paradox of strong normative commitments but weak operationalization, making it an ideal jurisdiction to examine both problems and prospects in achieving social justice for disabled persons.

Research Questions

1. What is the operative legal guarantee for persons with disabilities in India after the enactment of the RPwD Act, 2016?
2. How has apex-court jurisprudence specified and expanded these duties?
3. How does Telangana, as a state, operationalize these duties through its own rules, government orders, institutions, and budgetary frameworks?

4. What enforcement bottlenecks remain, and what feasible reforms could bridge the gap between rights on paper and rights in practice?

Method and Sources

The study adopts a doctrinal legal method, which involves analyzing statutes, constitutional provisions, rules, case law, and executive instruments to assess the normative framework governing disability rights. Rather than collecting field data, the inquiry proceeds through textual interpretation, synthesis of judicial reasoning, and critical examination of state notifications. The Constitution of India provides the foundation, especially Articles 14, 15, 16, 21, 21A, and 41, while international law, most notably the UNCRPD, informs statutory interpretation and judicial reasoning. Central to this inquiry are the Rights of Persons with Disabilities Act, 2016, and the RPwD Rules, 2017, as amended in 2023 to incorporate the Harmonised Guidelines and Standards for Universal Accessibility in India, 2021. Alongside, sectoral instruments such as the Right to Education Act, 2009, the Mental Healthcare Act, 2017, and rules governing accessibility in information and communication technology, elections, and transport further enrich the framework. Judicial decisions, particularly from the Supreme Court of India and the Telangana High Court, clarify the scope of reasonable accommodation, reservations, and accessibility obligations. Telangana's context is studied through its specific government orders and rules, including G.O.Ms. No. 10 of 2018 on 4% reservations in public employment, G.O.Ms. No. 14 of 2019 establishing the State Fund for Persons with Disabilities, and notifications concerning admissions, pensions, and roster management. To complement this, secondary sources such as commentaries on the RPwD Act, policy analyses, and reports from the Department for Empowerment of Persons with Disabilities at both state and national levels provide critical interpretive support.

Conceptual/Theoretical Lens

The conceptual foundation of disability rights in India has undergone a significant shift from the traditional medical and charity models toward frameworks that prioritize equality, dignity, and agency. The medical model treats disability as an individual defect or impairment requiring cure or rehabilitation, while the charity model positions disabled persons as passive recipients of benevolence. Both models reinforce dependency and marginalization. By contrast, the social model identifies disabling barriers in the environment—architectural, institutional, attitudinal—as the real source of exclusion. This perspective aligns with the constitutional vision of substantive equality under Article 14 and the guarantee of dignity and autonomy under Article 21. Equality in this sense is not about identical treatment but about removing structural disadvantages and ensuring meaningful participation. The Supreme Court's jurisprudence, especially in cases involving education and employment, has progressively interpreted equality to include reasonable accommodation, thereby embedding the social model into constitutional practice.

The rights-based approach is further consolidated by India's ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which moves decisively beyond welfare to a framework centered on autonomy, non-discrimination, accessibility, and participation. The Preamble and core principles of the Convention emphasize respect for inherent dignity, individual independence, and full and effective participation in society. Accessibility is recognized not merely as a technical requirement but as a gateway to exercising other fundamental rights—such as education, work, and political participation. In this way, the UNCRPD informs statutory interpretation, ensuring that the Rights of Persons with Disabilities Act, 2016, is read harmoniously with international obligations. The Convention also underscores the shift from paternalistic state benevolence to enforceable rights, casting persons with disabilities as rights-holders and governments as duty-bearers.

Complementing the rights-based framework, the capability approach, articulated by Amartya Sen and Martha Nussbaum, provides a normative lens for evaluating disability law. Capabilities refer to the real freedoms individuals have to pursue valued life activities. For persons with disabilities, the removal of barriers through reasonable accommodation and accessibility measures translates into expanded capabilities—accessing education, securing employment, moving freely, and engaging in political life. For instance, ensuring a scribe in competitive examinations, retrofitting public transport, or providing sign-language interpretation are not concessions but essential steps toward enlarging substantive freedoms. This approach reinforces the idea that justice is achieved when individuals are not only formally equal but also effectively enabled to participate in all dimensions of life.

Operationally, the Rights of Persons with Disabilities Act, 2016, codifies key concepts that embody these theoretical commitments. Reasonable accommodation is defined in Section 2(y) as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others,” and Section 3(5) mandates it as an enforceable obligation. The Act also enshrines the principle of universal design, requiring that products, services, and environments be accessible to the greatest extent possible without the need for adaptation. Equally

important is the category of benchmark disability, defined as a disability with at least 40 percent severity, which forms the eligibility threshold for reservations and other statutory benefits. Within the domain of affirmative action, the Act mandates a 4 percent horizontal reservation in education and employment, cutting across vertical categories such as caste and community. This distinction between horizontal and vertical reservations is critical: while vertical reservations are group-specific and mutually exclusive, horizontal reservations operate across categories to ensure inclusion of marginalized groups such as women, persons with disabilities, and ex-servicemen.

Taken together, these conceptual lenses—the social model, rights-based approach under the UNCRPD, the capability perspective, and the statutory operational concepts—provide the normative scaffolding for this study. They demonstrate that disability rights in India, and particularly in Telangana, are not merely about compliance with quotas or procedural norms but about reimagining equality and justice in substantive, participatory, and capability-enhancing terms. The effectiveness of the legal framework, therefore, must be judged against these standards: whether it dismantles disabling barriers, expands real freedoms, and transforms the constitutional promise of equality and dignity into lived realities for persons with disabilities.

Indian Constitutional & International Foundations

The constitutional foundations of disability rights in India are anchored in a cluster of provisions that collectively advance equality, dignity, and access to justice. Article 14 guarantees equality before the law and equal protection of the laws, which courts have interpreted to extend beyond formal equality to include substantive equality—removing systemic barriers that exclude persons with disabilities. Articles 15(1) and 15(3) prohibit discrimination on grounds including disability by implication, while also permitting special measures in favor of disadvantaged groups. Article 16(1) ensures equality of opportunity in public employment, forming the basis for reservations under statutory law. The right to life under Article 21 has been expansively read to include dignity, autonomy, and meaningful participation, and Article 21-A secures the right to free and compulsory education for children between six and fourteen years, a guarantee especially relevant for children with disabilities. Article 39-A provides for equal access to justice through free legal aid, while Directive Principles such as Article 41 place a duty on the state to make effective provision for public assistance in cases of disablement. Together, these provisions establish the constitutional bedrock for a rights-based disability regime.

The United Nations Convention on the Rights of Persons with Disabilities, ratified by India in 2007, significantly shaped the domestic legal order. The Rights of Persons with Disabilities Act, 2016, was expressly framed to give effect to the UNCRPD and therefore requires interpretive alignment with its principles. The Convention's emphasis on autonomy, non-discrimination, accessibility, and participation informs both statutory interpretation and judicial reasoning. Indian courts have increasingly invoked the UNCRPD to expand the meaning of equality and accommodation, thereby reinforcing the binding nature of international commitments within domestic law.

Within this statutory framework, electoral inclusion and legal capacity are treated as essential guarantees. Section 11 of the RPwD Act mandates the Election Commission and state authorities to ensure accessible polling stations, voter education materials, and electronic voting systems, while Section 12 affirms equal recognition before the law and access to justice. This is reinforced by the duty of legal services authorities to provide assistance to persons with disabilities so that procedural fairness and substantive equality are realized in judicial and quasi-judicial settings.

The broader normative field is further enriched by allied statutes. The Right to Education Act, 2009, defines children with disabilities as part of its guarantee of free and compulsory education, requiring inclusive schooling practices. The Mental Healthcare Act, 2017, adopts a rights-based approach by recognizing legal capacity, community care, and informed consent for persons with psychosocial disabilities. The Rehabilitation Council of India Act sets professional standards for training and certification of rehabilitation and special education personnel, ensuring quality in service delivery. The National Trust Act, 1999, addresses guardianship and high support needs for specific disabilities such as autism, cerebral palsy, and multiple disabilities, thereby filling critical gaps in support mechanisms.

Read together, these constitutional provisions, international obligations, and statutory enactments create a multilayered framework that not only prohibits discrimination but also imposes affirmative duties on the state to enable participation and inclusion. They provide the doctrinal foundation upon which state-level measures, such as those adopted by Telangana, must be assessed in terms of both compliance and innovation.

Statutory Analysis: RPwD Act & Allied Laws

The Rights of Persons with Disabilities Act, 2016, establishes a comprehensive rights-based framework to replace the earlier 1995 Act and align Indian law with the UNCRPD. At its core, the Act prohibits discrimination and affirms the duty to provide reasonable accommodation. Section 3 lays down the principle of equality and non-discrimination, while Section 2(y) defines reasonable accommodation as the necessary and

appropriate modifications and adjustments that do not impose a disproportionate or undue burden, enabling persons with disabilities to exercise rights on an equal basis with others.

The Act devotes significant attention to education. Sections 16 to 18 impose duties on educational institutions to provide inclusive education, ensure reasonable accommodation, and supply necessary support to facilitate learning. Section 31 guarantees free education for children with benchmark disabilities up to the age of eighteen, while Section 32 prescribes a 5 percent reservation in higher educational institutions. These provisions aim to bridge the access gap and transform schools and universities into inclusive spaces.

In the field of employment, Section 20 prohibits discrimination in recruitment and service conditions, requiring both public and private establishments to provide equal opportunities. Section 21 mandates the adoption of equal opportunity policies, while Sections 22 and 23 require the maintenance of records and the appointment of a grievance redress officer to monitor compliance and address complaints. These provisions emphasize institutional accountability in workplace inclusion.

Reservations form a cornerstone of affirmative action under the Act. Section 34 provides for at least 4 percent horizontal reservation in government jobs for persons with benchmark disabilities, with a category-wise split to ensure equitable representation. Section 33 mandates the identification of suitable posts, and mechanisms for carry-forward and interchangeability prevent the loss of reserved positions. This statutory design embeds inclusivity across employment structures rather than confining it to a narrow set of occupations.

Accessibility is another central pillar. Sections 40 to 46 empower the central government to frame rules and set standards for the built environment, transportation systems, and information and communication technologies. These standards are not aspirational but carry mandatory force, with timelines prescribed for retrofitting existing infrastructure. The integration of accessibility requirements into public procurement and regulatory frameworks marks a significant step toward universal design.

Finally, the Act establishes institutions and funding mechanisms to ensure implementation. Sections 79 to 83 provide for State Commissioners for Persons with Disabilities to monitor compliance and handle complaints, while Section 84 envisages the designation of Special Courts for speedy trial of offences under the Act. Section 88 creates a State Fund for Persons with Disabilities to finance support measures and initiatives. These institutional structures are designed to transform legal commitments into enforceable rights through administrative and judicial channels.

Read together, these entitlements and obligations make the RPwD Act, 2016, a transformative statute that operationalizes constitutional principles of equality and dignity, while embedding India's international commitments into enforceable domestic law. Its provisions on non-discrimination, education, employment, reservation, accessibility, institutions, and funding establish a holistic framework within which states like Telangana must formulate rules, issue government orders, and allocate resources.

Jurisprudence Synthesis: Supreme Court & Telangana High Court Themes

The jurisprudence on disability rights in India has been shaped significantly by Supreme Court and High Court interventions, which have clarified the contours of reasonable accommodation, reservations, and the obligations of employers and service providers. These decisions illustrate how constitutional guarantees of equality and dignity are operationalized in practice, often expanding the scope of statutory protections under the Rights of Persons with Disabilities Act, 2016.

In *Vikash Kumar v. Union Public Service Commission* (2021), the Supreme Court confronted the issue of whether reasonable accommodation should extend to candidates who do not meet the threshold of "benchmark disability" as defined under the RPwD Act. The petitioner, who suffered from dysgraphia, sought the assistance of a scribe during a competitive examination. The Court recognized that restricting accommodations to only those with benchmark disabilities would defeat the constitutional promise of substantive equality. It held that reasonable accommodation is an essential component of the right to equality under Article 14 and dignity under Article 21, and that it must be extended to all persons with disabilities, irrespective of statutory thresholds. The judgment explicitly critiqued the earlier restrictive stance in *Surendra Mohan v. State of Tamil Nadu*, where the Court had upheld limitations on certain categories of disability, and instead affirmed that accommodations like scribes or extra time are not privileges but instruments to level the playing field. This decision marked a crucial step in broadening the legal understanding of equality in the context of examinations and services.

A more recent development is the Supreme Court's ruling in *Gulshan Kumar v. Institute of Banking Personnel Selection* (2025), which directly addressed discriminatory practices in competitive examinations for banking posts. The case involved disparities in the treatment of candidates with different categories of disabilities, leading to unequal access to exam accommodations such as scribes and compensatory time. The Court held that such differentiation violates the principle of non-discrimination under the RPwD Act and the Constitution. It emphasized that all persons with disabilities, whether categorized as Persons with Benchmark Disabilities (PwBD) or otherwise, are entitled to uniform, rights-based accommodations. The ruling not only

reaffirmed the mandate of equality but also directed implementing authorities to adopt standardized, transparent procedures to prevent arbitrary denial of assistance. This case builds on *Vikash Kumar* by ensuring consistency in the application of reasonable accommodation across different examinations, thereby reinforcing educational and employment opportunities.

In the context of employment, the case of *Ch. Joseph v. Telangana State Road Transport Corporation* (2025) illustrates how courts have extended the duty of reasonable accommodation into the workplace. The petitioner, an employee of the state-run transport corporation, acquired a disability during the course of service and was subsequently disadvantaged by the employer's refusal to provide adjustments or alternative placement. The Supreme Court held that employers, especially state instrumentalities, have a positive duty to provide reasonable accommodation to employees who acquire disabilities, rather than forcing premature retirement or sidelining them. This obligation, rooted in Section 20 of the RPwD Act, was read in light of constitutional equality provisions and the state's role as a model employer. Importantly, the case has particular resonance in Telangana, as the respondent was a state entity, highlighting the responsibilities of local institutions to align with national statutory mandates and judicial interpretations.

Taken together, these rulings underscore the judiciary's evolving role in fleshing out the meaning of reasonable accommodation and non-discrimination. *Vikash Kumar* established that accommodation extends beyond benchmark disabilities, *Gulshan Kumar* ensured uniformity and fairness in exam-related accommodations, and *Ch. Joseph* extended the duty of accommodation into the domain of employment and workplace adjustments. Each decision builds on the social model of disability and the rights-based framework of the UNCRPD, embedding them into constitutional interpretation and statutory enforcement. For Telangana, where state rules and government orders already address reservations and accessibility, these judgments provide doctrinal clarity and a judicial mandate to strengthen compliance in both examinations and employment. They collectively demonstrate that reasonable accommodation is not merely a statutory entitlement but a constitutional imperative that reshapes how institutions must engage with disability rights.

II. Conclusion

The legal journey of disability rights in India demonstrates a layered doctrinal arc in which constitutional guarantees of equality and dignity, reinforced by India's ratification of the UNCRPD, culminate in the Rights of Persons with Disabilities Act, 2016. This statute embeds core entitlements of reasonable accommodation, accessibility, and reservations, while the judiciary has supplied operational clarity by expanding their scope and enforceability. Telangana has added an important state-level dimension through its rules, government orders, institutional mechanisms, and the creation of a State Fund, providing the administrative scaffolding for implementation. Yet, the effectiveness of this architecture depends not merely on the existence of entitlements but on consistent enforcement. Standards adoption, uniform accommodations, transparent roster governance, and accountable budgeting are the bridges that transform formal guarantees into substantive social justice, ensuring that persons with disabilities in Telangana can fully exercise their constitutional and statutory rights.

References

- [1]. Accessible Elections Framework." *Election Commission of India*, 2018, ceobihar.nic.in/accessible-elections.
- [2]. Articles 14, 15, 16, 21, 21A, and 41 of the Constitution of India." *India Code*, Ministry of Law and Justice, 1950.
- [3]. Bihar Chief Electoral Office: Accessible Elections." *Chief Electoral Office, Bihar*, 2019.
- [4]. Code of Guidelines for Indian Government Websites (GIGW 3.0)." *National Informatics Centre and DARPG*, 2022, guidelines.india.gov.in.
- [5]. Constitution of India." *Government of India, Ministry of Law and Justice*, 1950, indiacode.nic.in.
- [6]. Directive Principles of State Policy, Article 39A." *Constitution of India*, Ministry of Law and Justice, 1950.
- [7]. G.O.Ms. No. 10 (30 August 2018): Reservation for Persons with Disabilities." *Government of Telangana, WDSC Department*, wdsc.telangana.gov.in.
- [8]. G.O.Ms. No. 14 (29 November 2019): Establishment of the State Fund for Persons with Disabilities." *Government of Telangana, WDSC Department*, wdsc.telangana.gov.in.
- [9]. G.O.Ms. No. 42 (19 October 2011): Reservation in Promotions." *Government of Andhra Pradesh/Telangana*, wdsc.telangana.gov.in.
- [10]. Guidelines and Standards for Universal Accessibility in India, 2021." *Ministry of Housing and Urban Affairs*, 2021.
- [11]. Jeeja Ghosh v. Union of India." *Supreme Court of India*, 2016, indiankanoon.org/doc/82544112.
- [12]. Judgments on Disability Rights." *All India Confederation of the Blind (AICB)*, 2023.
- [13]. Karnataka Rights of Persons with Disabilities Rules, 2019." *Government of Karnataka*, 2019.
- [14]. Latest Laws on RPwD Rules 2018 (Telangana)." *LatestLaws.com*, 2018.
- [15]. Mental Healthcare Act, 2017." *India Code*, Ministry of Law and Justice, 2017.
- [16]. National Federation of the Blind v. Union of India." *Supreme Court of India*, 2013, indiankanoon.org/doc/42035145.
- [17]. National Trust Act, 1999." *India Code*, Ministry of Law and Justice, 1999.
- [18]. NIC Guidelines for Web Accessibility: GIGW 3.0." *National Informatics Centre*, 2022.
- [19]. Rajeev Kumar Gupta v. Union of India." *Supreme Court of India*, 2016, indiankanoon.org/doc/174696162.
- [20]. Rehabilitation Council of India Act, 1992." *India Code*, Ministry of Law and Justice, 1992.
- [21]. Right of Children to Free and Compulsory Education Act, 2009." *India Code*, Ministry of Law and Justice, 2009.
- [22]. Rights of Persons with Disabilities Act, 2016." *India Code*, Ministry of Law and Justice, 2016, indiacode.nic.in.

- [23]. Rights of Persons with Disabilities (Amendment) Rules, 2023.” *Department of Empowerment of Persons with Disabilities*, 2023.
- [24]. SADAREM (Software for Assessment of Disabled for Access Rehabilitation and Empowerment).” *Government of Telangana*, wdsc.telangana.gov.in.
- [25]. Siddaraju v. State of Karnataka.” *Supreme Court of India*, 2020, indiankanoon.org/doc/184274401.
- [26]. State Commissioner for Persons with Disabilities Portal (Telangana).” *Department for Empowerment of Persons with Disabilities, Telangana*, wdsc.telangana.gov.in.
- [27]. Supreme Court Observer: Ch. Joseph v. TSRTC.” *Supreme Court Observer*, 2025.
- [28]. Supreme Court Observer: Vikash Kumar v. UPSC.” *Supreme Court Observer*, 2021.
- [29]. Telangana Department for Welfare of Disabled and Senior Citizens Portal.” *Government of Telangana*, wdsc.telangana.gov.in.
- [30]. Telangana RPwD Rules, 2018.” *Government of Telangana, WDSC Department*, 2018.
- [31]. UN Convention on the Rights of Persons with Disabilities (UNCRPD).” *United Nations*, 2006, un.org/disabilities.
- [32]. United Nations Treaty Collection: CRPD.” *United Nations*, 2007.
- [33]. Verdictum Report on Gulshan Kumar v. IBPS.” *Verdictum*, 2025.
- [34]. Vikash Kumar v. Union Public Service Commission.” *Supreme Court of India*, 2021, indiankanoon.org/doc/201968303.
- [35]. All India Confederation of the Blind (AICB): Disability Case Updates.” *AICB*, 2024.
- [36]. Annual Report 2022–23.” *Department of Empowerment of Persons with Disabilities, Government of India*, 2023.
- [37]. Census of India, 2011: Data on Disability.” *Registrar General of India*, 2011.
- [38]. Global Report on Disability.” *World Health Organization and World Bank*, 2011.
- [39]. Telangana Budget Demands for Grants: Welfare of Disabled Persons.” *Finance Department, Government of Telangana*, 2023.
- [40]. World Health Organization: International Classification of Functioning, Disability and Health (ICF).” *WHO*, 2001.