

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## EDITORIALTEAM

### EDITORS

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **CONSTITUTIONAL MORALITY AND DISABILITY RIGHTS: A CONTEMPORARY PERSPECTIVE**

AUTHORED BY - CHARU VED PARASHAR

MVN University, Palwal

## **Abstract:**

This research paper examines the critical nexus between constitutional morality and disability rights in contemporary India. Constitutional morality, grounded in values such as justice, equality, and human dignity, provides a transformative framework for interpreting and enforcing the rights of persons with disabilities. Despite progressive legislation like the Rights of Persons with Disabilities Act, 2016, and India's commitment to international norms, systemic challenges persist due to social stigma, inadequate infrastructure, and weak implementation. Through an analysis of key judicial pronouncements and constitutional provisions, this study argues that embracing constitutional morality is essential to dismantling structural ableism and advancing substantive equality. In doing so, it emphasizes the need for a rights-based, inclusive approach that aligns with the evolving moral and legal vision of the Indian Constitution in the present day.

**Keywords:** Constitutional Morality, Disability Rights, Structural Ableism, Substantive Equality.

## **Introduction**

The Constitution of India is more than a legal instrument—it is a moral and philosophical guide for building a society grounded in justice, liberty, equality, and dignity. Among the principles that uphold this democratic vision, constitutional morality plays a key role. It embodies the ethical standards and democratic values that go beyond the written text of the law, urging institutions and citizens to act in ways that reflect fairness, inclusiveness, and respect for all individuals.

In the context of disability rights, constitutional morality gains particular significance. Persons with disabilities have long experienced exclusion, social stigma, and discrimination, which have hindered their ability to participate fully in public life. Although legal frameworks such

as the Rights of Persons with Disabilities Act, 2016<sup>1</sup> exist to protect their rights, the practical realization of these protections remains limited. Barriers such as inaccessible infrastructure, limited opportunities in education and employment, and persistent negative attitudes continue to stand in the way of equality.

Constitutional morality offers a path to address these challenges by insisting on a deeper commitment to inclusion and social justice. It demands that the dignity and autonomy of every person regardless of their physical or mental abilities be respected not only in law but also in everyday interactions and institutional practices. This approach shifts the focus from token legal compliance to meaningful participation and empowerment of persons with disabilities.

Despite the presence of progressive laws, implementation often falls short due to weak enforcement mechanisms, lack of public awareness, and insufficient political will. Many public and private institutions fail to provide accessible environments or reasonable accommodations, thereby violating both the spirit and letter of the law. In such situations, constitutional morality becomes essential it calls upon all sectors of society to uphold the true values of the Constitution and to ensure that legal rights translate into lived realities.

Moreover, disability often intersects with other forms of marginalization, such as those based on caste, gender, religion, or economic status. For instance, a disabled woman from a marginalized community may face multiple layers of discrimination, which cannot be addressed by a one-size-fits-all policy. Here, constitutional morality provides the ethical basis for an intersectional approach that recognizes and responds to the diverse needs and identities within the disabled population.

This study explores how constitutional morality can serve as a foundational principle in advancing disability rights in India. It highlights the need for a value-driven approach that not only ensures legal equality but also promotes social inclusion, accountability, and structural change. True empowerment of persons with disabilities requires a shift in societal attitudes, active enforcement of laws, and a commitment to dignity and justice.

---

<sup>1</sup> *The Rights of Persons with Disabilities Act, No. 49 of 2016 (India).*

By embracing constitutional morality, India can transform its legal commitments into real-world progress, fostering an inclusive society where all individuals regardless of ability are recognized as equal participants in the nation's development.

### **Core Idea of Constitutional Morality**

Constitutional morality is a deep and evolving principle that goes beyond the mere wording of constitutional texts. It embodies the core values and ideals that give life and meaning to the Constitution, ensuring that its application remains just and relevant over time. Instead of being restricted to literal interpretation, constitutional morality captures the essence of the Constitution focusing on fairness, inclusivity, individual dignity, and reasonableness.

At its core, constitutional morality requires that all branches of government uphold the broad principles enshrined in the Constitution, such as liberty, equality, fraternity, and justice. These principles act as ethical guidelines for state institutions the judiciary, legislature, and executive alike calling on them to function with integrity and prioritize the welfare of all citizens while protecting individual freedoms. It stresses that government actions must align not just with the law, but with ethical standards that reflect the Constitution's spirit.

In Indian legal thought, constitutional morality has become a vital tool for interpreting laws to protect human dignity and promote social justice. For example, the Supreme Court's decision in *Navtej Singh Johar v. Union of India* (2018)<sup>2</sup>, which decriminalized consensual same-sex relationships, highlighted that constitutional morality should prevail when societal moral views clash with constitutional rights. Likewise, the landmark ruling in *Justice K.S. Puttaswamy v. Union of India* (2017)<sup>3</sup> recognized privacy as a fundamental right, reinforcing constitutional morality's role in safeguarding personal freedom.

A key attribute of constitutional morality is its adaptability. It evolves alongside society, allowing the Constitution to remain a living document that addresses contemporary issues. This flexibility is crucial in a diverse nation like India, where strict adherence to outdated norms might obstruct justice and equality. Constitutional morality thus empowers courts to interpret constitutional provisions with a purposive outlook, promoting social change and inclusion. Moreover, constitutional morality is closely tied to the concept of substantive equality. Unlike

---

<sup>2</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

<sup>3</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

formal equality which treats everyone identically regardless of context substantive equality acknowledges historical injustices and structural disadvantages. It supports affirmative actions and policies that help marginalized groups, including persons with disabilities, to enjoy equal opportunities. This approach aligns with constitutional guarantees found in Articles 14, 15, and 21, aiming to foster a fairer society.

The importance of constitutional morality is especially evident in the context of disability rights. Traditional legal approaches often focus on procedural compliance without tackling the systemic barriers faced by persons with disabilities. Constitutional morality calls for a more comprehensive approach One that removes these barriers and creates an environment where persons with disabilities can live with full dignity and independence. It urges lawmakers and officials to move beyond formal rules and design inclusive, accessible policies.

Philosophically, constitutional morality is founded on the belief that democracy is more than a system of governance—it is a way of life. It values pluralism, tolerance, dialogue, and the protection of minority rights. It recognizes that the strength of a democracy lies in safeguarding those who are vulnerable, rather than merely reflecting the majority's will. In this way, constitutional morality functions as both a guiding standard and a protective mechanism, ensuring that power is exercised responsibly and justice is substantive, not just procedural.

To summarize, constitutional morality forms the ethical backbone of democratic governance and constitutional interpretation in India. It mandates that laws and government actions be judged not only by their legality but also by how well they reflect the Constitution's moral vision. Through its focus on fairness, dignity, and inclusion, constitutional morality plays a critical role in advancing social justice, particularly for marginalized communities such as persons with disabilities. Its evolving nature ensures the Constitution continues to be a vibrant instrument promoting equality, liberty, and fraternity in a modern democratic society.

### **Statutory Framework for Disability Rights in India**

India's dedication to safeguarding the rights and dignity of individuals with disabilities is clearly reflected in its constitutional mandates, legal statutes, and commitments to international conventions. The Indian Constitution guarantees essential rights—Article 14 upholds equality before the law, Article 15 prohibits unfair treatment, and Article 21 ensures the right to life and personal liberty. Over time, these provisions have been interpreted by the judiciary to affirm

the entitlements of persons with disabilities to live with self-respect and enjoy equal opportunities.

The Indian legal system has played a crucial role in advancing the interpretation of these constitutional guarantees to foster inclusion. Courts have recognized that genuine equality for disabled individuals requires addressing both societal attitudes and physical obstacles. In this context, the principle of **constitutional morality** which emphasizes values such as justice, liberty, and human dignity guides legal interpretation beyond the literal meaning of the Constitution. This concept enables institutions to adapt laws to evolving social realities and ensure inclusive justice.

A significant step forward in this direction is the enactment of the **Rights of Persons with Disabilities Act, 2016**, which replaced the earlier 1995 law. Designed in alignment with the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**<sup>4</sup>, ratified by India in 2007, this Act adopts a rights-based approach rather than a charity-driven model. It emphasizes empowerment, equal treatment, and the active participation of persons with disabilities in all aspects of life.

One of the key advancements in the 2016 Act is the expansion of recognized disabilities—from seven categories under the previous law to twenty-one. These now include conditions like autism spectrum disorder, thalassemia, Parkinson's disease, muscular dystrophy, and multiple sclerosis, among others. The Act outlines a broad range of entitlements in areas such as education, employment, healthcare, and social protection. It mandates that public and private institutions provide **reasonable adjustments** and ensures protection from discrimination in every sphere.

Additionally, the legislation imposes a duty on both governmental and private sectors to remove physical and systemic barriers that obstruct accessibility. It mandates accessible infrastructure, inclusive education systems, and equal employment opportunities. Educational bodies must ensure inclusive learning environments, while employers are obligated to create equitable workplace conditions. These requirements aim to eliminate long-standing prejudices and structural limitations faced by individuals with disabilities.

---

<sup>4</sup> Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3.

To implement these safeguards effectively, the Act establishes various regulatory and complaint-resolution bodies across national, state, and local levels. Offices such as the Chief Commissioner and State Commissioners for Persons with Disabilities are responsible for ensuring compliance, addressing grievances, and recommending policy reforms. These institutions are critical in strengthening accountability and upholding the legal rights of individuals with disabilities.

This legislative framework reflects the application of **constitutional morality**, which ensures that constitutional ideals are not just aspirational but are actively enforced. It emphasizes not only formal equality but also **substantive justice** where systemic disadvantages are addressed through inclusive policies and proactive governance.

Despite these progressive measures, persons with disabilities continue to face real-world challenges such as social exclusion, inaccessible public spaces, limited employment opportunities, and inadequate enforcement of legal provisions. Many public buildings, schools, and transportation systems remain non-compliant with accessibility standards, and public awareness about disability rights is still limited.

Therefore, it becomes essential to integrate the values of constitutional morality into everyday policy and implementation strategies. True empowerment involves not just legal recognition but also the removal of structural and social barriers. The idea of disability should be viewed through a lens of respect and inclusion, not as a limitation but as a condition requiring dignity, support, and participation.

In summary, although India has established a robust legal and constitutional framework for upholding disability rights, its true potential will only be realized when these laws are applied with empathy, fairness, and social responsibility. By adhering to the principles of constitutional morality, India can foster a more just and inclusive society where persons with disabilities are treated as equal citizens and empowered to lead fulfilling lives.

### **Obstacles to the Effective Enforcement of Disability Rights**

Despite India's comprehensive constitutional guarantees and statutory provisions designed to protect the rights of persons with disabilities, the practical reality reflects a significantly different situation. Numerous social, structural, institutional, and administrative barriers

collectively impede the full realization and enforcement of these rights.

A major and persistent obstacle is institutional ableism a deeply embedded form of discrimination ingrained in societal attitudes and organizational frameworks. This bias frequently manifests through prevailing stereotypes that regard persons with disabilities as less capable or dependent, rather than as equal participants in society. Such discriminatory attitudes are evident in segregated educational systems, workplaces lacking reasonable accommodations, and public arenas that restrict their involvement. These exclusionary practices undermine constitutional principles of equality, dignity, and liberty.

Physical barriers add to the challenge. A substantial number of public and private infrastructures including government buildings, educational institutions, healthcare facilities, and transportation systems lack adequate accessibility features for persons with mobility, sensory, or cognitive impairments. Necessary accommodations such as ramps, elevators, tactile indicators, accessible restrooms, and assistive devices are often missing or insufficient. Public transport options such as buses, trains, and metro services frequently fail to comply with accessibility standards, lacking features like low-floor boarding, audible announcements, or clear visual signs. Moreover, many digital platforms do not meet accessibility guidelines, restricting digital inclusion. These infrastructural shortcomings severely limit persons with disabilities from fully participating in society, leading to social exclusion.

Alongside social and infrastructural challenges, weak enforcement and inadequate implementation of disability legislation significantly reduce its effectiveness. Although the Rights of Persons with Disabilities Act, 2016 provides a progressive legal framework, its application remains inconsistent. Several states have yet to establish the required supervisory authorities, advisory councils, and grievance redressal mechanisms as mandated by law. Funding for disability empowerment programs is often insufficient, and regulatory bodies frequently lack the expertise and capacity to enforce compliance effectively. The absence of strong oversight and accountability structures exacerbates these issues.

Another significant barrier is the lack of widespread legal awareness among stakeholders. Policymakers, educators, employers, and healthcare providers often remain uninformed or inadequately informed about the rights of persons with disabilities and their legal duties. This knowledge gap perpetuates discriminatory attitudes and obstructs systemic reforms.

Comprehensive awareness campaigns and public outreach are essential to change perceptions and promote inclusivity.

The concept of Intersectionality further complicates matters. Persons with disabilities who also belong to other marginalized groups such as women, Scheduled Castes, Scheduled Tribes, religious minorities, or economically disadvantaged populations—face multiple, overlapping forms of discrimination. For example, a woman with a disability from a Scheduled Caste may experience exclusion on the grounds of disability, caste, and gender simultaneously. Addressing these compounded vulnerabilities requires policies that are inclusive and sensitive to diverse social contexts. Uniform approaches are inadequate; customized interventions that recognize intersecting identities are necessary.

Attitudinal barriers within institutional frameworks also hinder the realization of rights. Many government officials, educators, healthcare professionals, and legal practitioners lack sufficient training or sensitivity concerning disability-related issues. Consequently, persons with disabilities are often excluded from decision-making and denied essential services. Without targeted capacity-building and accountability measures to foster empathy and compliance, legal protections risk remaining ineffective.

Overcoming these obstacles demands more than legislative amendments or policy initiatives. It requires integrating constitutional morality a normative principle grounded in justice, equity, human dignity, and social inclusion into administrative governance and judicial interpretation. Constitutional morality obligates both state authorities and society to adopt a compassionate, rights-based approach when addressing disability issues. This involves moving beyond formal legal compliance toward substantive empowerment and meaningful participation.

Achieving this transformation calls for a comprehensive strategy: strengthening enforcement and monitoring mechanisms, improving physical and digital accessibility, raising legal consciousness, reforming institutional mindsets, and addressing intersectional disadvantages. Educational curricula should incorporate disability rights to nurture inclusive attitudes from an early age. Media representations must evolve to portray persons with disabilities as capable and autonomous, rather than as objects of pity or charity.

In summary, although India has established a strong constitutional and legal framework for disability rights, many structural and societal challenges continue to obstruct their full

realization. Bridging this gap requires a sustained commitment to institutional reform, cultural change, and embedding constitutional morality in governance. Only through such dedicated efforts can the vision of an inclusive and equitable society for persons with disabilities be fulfilled.

## **Empowering Disability Rights Through the Lens of Indian Constitutional Morality**

India's legal and constitutional framework reflects a growing commitment to protecting the rights of persons with disabilities. The Indian Constitution provides a foundational guarantee of equality, non-discrimination, and personal liberty, applicable to all individuals, including those with physical or cognitive impairments. These protections are rooted in Articles 14, 15, and 21, which together form the basis for interpreting inclusive governance under Indian common law.

Despite these provisions, the actual conditions faced by persons with disabilities reveal a persistent gap between legal assurances and lived experience. Social and institutional barriers continue to hinder full participation in public life. Discriminatory attitudes—often subtle yet systemic—create exclusion in education, employment, public transport, and digital access. These challenges persist even with the enactment of the Rights of Persons with Disabilities Act, 2016, a progressive statute that broadened the legal recognition of disabilities and adopted a rights-based approach consistent with the UN Convention on the Rights of Persons with "disabilities (UNCRPD).

### **Constitutional Morality: A Transformative Principle**

In recent years, the Indian judiciary has emphasized the principle of constitutional morality, which refers to the adherence to the ethical foundations and spirit of the Constitution. It requires institutions to uphold values such as justice, equality, liberty, and human dignity—not merely through formal compliance, but through substantive action. When applied to disability rights, constitutional morality mandates that authorities actively work toward dismantling social and physical barriers, ensuring genuine inclusion.

### **Key Challenges in Realizing Disability Rights**

Several barriers continue to prevent the effective implementation of disability laws:

1. **Inaccessible Infrastructure:** Many public and private spaces do not conform to universal design principles, excluding persons with disabilities from mobility and participation.
2. **Limited Public Awareness:** A widespread lack of knowledge about disability rights among the public and government functionaries weakens enforcement and undermines social inclusion.
3. **Insufficient Institutional Capacity:** The bodies established under the 2016 Act often lack adequate resources and independence, hampering the fulfillment of their mandates.
4. **Intersectional Disadvantage:** Disabilities intersect with other marginal identities such as caste, gender, and economic status, compounding the marginalization and requiring intersectional policy solutions.

### **Path Forward: Towards an Inclusive Society**

To effectively uphold the rights of persons with disabilities, a multi-pronged approach is necessary:

- **Implementing Universal Accessibility:** Ensuring all public services and infrastructure are accessible by design.
- **Enhancing Legal Literacy:** Conducting nationwide awareness campaigns to sensitize citizens and officials.
- **Empowering Disabled Voices:** Promoting participatory policymaking by including persons with disabilities in governance processes.
- **Ensuring Accountability:** Strengthening enforcement mechanisms and providing adequate funding for regulatory authorities.

### **Judicial Pronouncements Upholding Constitutional Morality and**

#### **Advancing Rights of Persons with Disabilities in India**

The judiciary in India has assumed a pivotal role in embedding constitutional morality within the framework of disability rights, consistently reinforcing principles of dignity, equality, and inclusivity for persons with disabilities. Through landmark rulings, the courts have addressed systemic discrimination and underscored the State's constitutional obligation to safeguard the fundamental rights of disabled individuals, thereby fostering an inclusive society in accordance with both constitutional mandates and international human rights instruments.

A landmark judgment in this context is the Supreme Court's ruling in *Jeeja Ghosh & Anr. v.*

Union of India<sup>5</sup>. The petitioner, an activist living with cerebral palsy, was unlawfully removed from an aircraft on account of her disability. The Court held that such discriminatory conduct infringed her fundamental right to life and personal liberty under Article 21 of the Constitution. The judgment emphasized the intrinsic dignity and worth of persons with disabilities, affirming the necessity of facilitating their participation in social, economic, and public spheres. Moreover, the Court acknowledged India's obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), observing that domestic constitutional guarantees and international commitments must operate synergistically to eradicate discrimination and promote equality.

Another seminal decision is *Vikash Kumar v. Union Public Service Commission*<sup>6</sup>, which dealt with the provision of reasonable accommodations for a candidate with a specific learning disability during a competitive examination. The Supreme Court recognized that the failure to provide appropriate adjustments constituted a denial of equal opportunity, violating the right to equality under Article 14 as well as the right to personal liberty under Article 21. This ruling reaffirmed that equality must be substantive and not merely formal, requiring positive measures to dismantle barriers faced by persons with disabilities. By directing the provision of reasonable accommodations, the Court established that public authorities are duty-bound to ensure accessibility and fairness, consistent with the constitutional principle of non-discrimination.

While the judgment in *Indian Young Lawyers Association v. State of Kerala*<sup>7</sup> commonly referred to as the Sabarimala case primarily addressed gender-based discrimination, it significantly advanced the doctrine of constitutional morality, a principle integral to the protection of marginalized groups including persons with disabilities. The Court invalidated exclusionary religious customs that barred women from entering the Sabarimala temple, holding that such customs cannot supersede fundamental rights and constitutional values. This affirmation of constitutional morality transcends the particular context of gender, providing a judicial framework to challenge exclusionary practices rooted in disability or other forms of discrimination. Thus, the ruling consolidates the judiciary's role in ensuring that constitutional tenets such as equality, dignity, and non-discrimination prevail over regressive societal norms. In *Rajive Raturi v. Union of India*<sup>8</sup>, the Court addressed the critical issue of physical

---

<sup>5</sup> *Jeeja Ghosh & Anr. v. Union of India*, (2016) 7 S.C.C. 761 (India).

<sup>6</sup> *Vikash Kumar v. Union Pub. Serv. Comm'n*, (2021) 5 S.C.C. 370 (India).

<sup>7</sup> *Indian Young Lawyers Ass'n v. State of Kerala*, (2019) 11 S.C.C. 1 (India).

<sup>8</sup> *Rajive Raturi v. Union of India*, (2018) 2 S.C.C. 413 (India).

accessibility in public infrastructure. The petition concerned the absence of adequate facilities for visually impaired individuals in public spaces. The Supreme Court directed the government to institute accessible infrastructure, stressing that accessibility is a fundamental prerequisite for the exercise of constitutional rights by persons with disabilities. By linking accessibility with Articles 14 and 21, the Court emphasized that physical and infrastructural impediments infringe upon equality and personal liberty. This ruling underscores the State's positive obligation to take affirmative action to create an enabling environment that respects the dignity of all citizens, including those with disabilities.

Collectively, these judicial decisions reflect a dynamic and progressive jurisprudence that integrates constitutional morality with the protection of disability rights. The courts have transitioned from viewing disability issues through a charity or welfare paradigm towards a robust rights-based approach demanding substantive equality and inclusion. This evolving jurisprudence addresses both direct discrimination and structural barriers, such as the necessity for reasonable accommodations and accessible infrastructure, to enable persons with disabilities to engage fully and equally in society.

Furthermore, these rulings highlight the interconnection between constitutional doctrines and international human rights treaties, particularly the UNCRPD, ratified by India in 2007. By harmonizing domestic constitutional guarantees with international legal standards, the judiciary has contributed to constructing a comprehensive legal framework that situates disability rights within the broader ambit of human rights and constitutional governance. This synthesis strengthens the legitimacy and efficacy of protections afforded to persons with disabilities, ensuring these rights are embedded in constitutional morality, justice, and respect for human dignity.

In summary, the Indian judiciary's steadfast commitment to enforcing constitutional morality within the domain of disability rights has yielded substantive advancements in safeguarding the fundamental rights of persons with disabilities. The courts have consistently affirmed principles of fairness, dignity, and inclusiveness, mandating state accountability and fostering a more equitable society. This jurisprudential trajectory lays a robust foundation for continued legal and policy reforms aimed at actualizing the constitutional promise of equality and liberty for all persons with disabilities.

## Conclusion

In summation, constitutional morality plays a transformative role in shaping an inclusive and just legal framework in India. It goes beyond rigid textual interpretation to embrace the ethical foundation and democratic spirit of the Constitution. Its significance is especially pronounced in safeguarding the rights and dignity of marginalized communities, including persons with disabilities.

The following key conclusions emerged from this research:

1. **Beyond Textual Interpretation:** Constitutional morality urges a purposive reading of the Constitution, focusing on its core values—justice, liberty, equality, and human dignity—rather than mere literalism. This ensures that the Constitution remains a living, evolving document responsive to societal change.
2. **Substantive Equality:** It emphasizes the shift from formal to substantive equality. Recognizing that historical disadvantages require more than equal treatment, constitutional morality supports proactive state measures to ensure real empowerment and participation of disabled individuals.
3. **Judicial Leadership:** The Indian judiciary has played a vital role in advancing constitutional morality through landmark judgments. It has invoked the principle to strike down discriminatory laws and practices, thereby reinforcing the rights of the vulnerable and promoting inclusive jurisprudence.
4. **Moral Compass for Governance:** Constitutional morality acts as a guiding force for legislative and executive bodies, requiring that policies and laws are not only legally valid but also morally sound and socially just.
5. **Promotion of Social Inclusion:** By rooting governance in moral and ethical standards, it promotes a culture of respect, empathy, and inclusion—critical for dismantling societal prejudices and barriers faced by persons with disabilities.
6. **Dynamic Constitutionalism:** It fosters a flexible, evolving approach that allows constitutional principles to grow with time, adapting to new social realities and reinforcing the progressive realization of rights.

Ultimately, constitutional morality is essential for achieving the vision of the Constitution as a tool for social transformation. It ensures that democratic governance is not limited to legal formalities but is deeply embedded in the values of human dignity and equality. For persons with disabilities, this principle is a beacon of hope—demanding not charity, but justice and equal recognition. Moving forward, embedding constitutional morality in all aspects of

governance and social conduct is crucial for building a truly inclusive and rights-respecting society.

