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# **AN INTERSECTIONAL INVISIBILITY: A CRITICAL STUDY OF DISABILITY WITH POVERTY, CASTE, AND GENDER.**

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## **ABSTRACT**

The discourse on disability in India has historically oscillated between a medical model requiring fixing and a charity model requiring sympathy, often obscuring the complex lived realities of Persons with Disabilities. This research paper challenges these viewpoints by adopting an intersectional framework to analyze how disability operates not in isolation, but in a dynamic interplay with other axes of marginalization, such as poverty, caste, gender, and religion. The paper critically examines the Rights of Persons with Disabilities Act 2016, which represents a normative shift towards a rights-based approach. However, the paper argues that it remains fundamentally limited by its failure to recognize intersectionality explicitly.

Through an analysis of the cyclical relationship between disability and poverty, the hidden minority of Dalits with disabilities, and the gendered violence faced by women with disabilities, the research highlights significant enforcement gaps. Specifically, it critiques the Act's ableist foundations, the vague implementation of reasonable accommodation, and the neglect of psychosocial disabilities.

The paper concludes that true inclusivity cannot be achieved through statutory tokenism. It suggests a radical restructuring of the legal framework to move beyond formal equality to substantive equality. The primary recommendation of the paper is the adoption of an intersectionality-informed policy approach that mandates the co-creation of laws with PwDs from diverse backgrounds, calling for specific affirmative actions ensuring a person with disability is not compelled to choose which part of the individual's identity will lead to pleading for justice.

**Keywords:** - RPWD Act 2016, Gender Justice, Rights, Poverty, Reasonable Accommodation

## 1. INTRODUCTION

Disability has traditionally been understood through limited frameworks as a medical condition requiring fixing or as a social circumstance eliciting charity and sympathy. Such approaches, while well-intentioned, tend to obscure the structural and systemic dimensions of exclusion faced by persons with disabilities (PwDs). By viewing disability through a singular lens, both scholars and policymakers overlook the complex ways in which disability intersects with the broader systems of social hierarchy and power, thereby constraining the pursuit of substantive equality and inclusive justice.

The concept of intersectionality, articulated by Kimberlé Crenshaw<sup>1</sup> Helps to provide a critical analytical framework to address this prevailing limitation. Originally developed to explain the overlapping forms of discrimination experienced by individuals at the intersection of race and gender, intersectionality highlights how multiple axes of identity and oppression operate simultaneously rather than independently. When applied to disability studies, this framework enables a more nuanced understanding of how disability interacts with other markers of marginalization, such as caste, gender, class, religion, and poverty. The other marginalised identities could lead to what is considered to be the “double” discrimination.

For instance, a person who is a Dalit woman with a disability would encounter discrimination because of her caste as well as her gender. Apart from discrimination, there would be access to resources which could be denied to a Dalit woman, and the available attempts to make things accessible by the government fail due to them having a disability. The failure to consider these intersections in policy-making and advocacy has resulted in significant gaps in disability rights frameworks, limiting their effectiveness in addressing the realities of those who are most marginalized.

Although legal frameworks such as the Rights of Persons with Disabilities Act, 2016, have made significant advancements in recognizing the rights of individuals with disabilities, they often neglect the compounded discrimination faced by those from multiple marginalized communities. The failure to adopt an intersectional approach in legal and social policies leads to ongoing exclusion and hinders meaningful progress toward inclusivity. Thus, this paper aims

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<sup>1</sup> Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, 1989 U. CHI LEGAL F, 139.

to explore why an intersectional approach to disability discourse is necessary. Accordingly, the specific objectives of the research are to analyse the concept of intersectionality within disability studies; examine how class, caste, religion, gender, and poverty shape the accessibility and inclusion of persons with disabilities; and assess the effectiveness of Indian disability laws and policies in addressing the intersectional discrimination and propose policy recommendations.

The scope of this study is confined to a critical examination of the intersection between disability and other forms of marginalization in the Indian Legal Context,, with a focus on restrictive judicial decisions. The study aims to contribute to the prevailing disability jurisprudence by foregrounding intersectionality as a necessary framework for inclusive legal reform.

## 2. INTERSECTIONALITY OF DISABILITY WITH POVERTY

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### 2.1. Disability as a Cause of Poverty

Disability frequently results in economic marginalization.<sup>2</sup> People with disabilities have to face aggravated obstacles to access education, employment, and healthcare. This pushes them and their families deeper into poverty. There has been research that shows that in many developing countries, children with disabilities are comparatively less likely to attend school, which puts a limit on their future growth and career.<sup>3</sup> The education system fails to include and promote accessible education to people with disabilities. Thus, they remain unskilled and are unable to find work in the formal labour sector. Even those who do find jobs have to experience discrimination due to the lack of accessibility, acceptance, and expectations. They often experience exclusion in the workplace and wage discrimination.<sup>4</sup> This leads to them leaving their work, and thus, leading to an unending cycle of poverty.

There is an additional financial burden on persons with disability and their families. They have to take care of higher healthcare expenses, including the medical treatments, assistive devices, and other caregiving costs.<sup>5</sup> There could be instances when one of the family members have to

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<sup>2</sup> Peter Coleridge, *Disability, Liberation and Development* 64 (1993).

<sup>3</sup> Tania Burchardt, *The Dynamics of Being Disabled* (LONDON SCH. OF ECON., Case paper no.36,2000).

<sup>4</sup> Rebecca Yeo & Karen Moore, *Including Disabled People in Poverty Reduction Work: Nothing About Us, Without Us*, 31 *WORLD DEV.* 571(2003).

<sup>5</sup> Nora Groce, et al., *Disability and Poverty: the need for a more nuanced understanding of implications for development policy and practice*, 32 *THIRD WORLD QUARTERLY* 1493 (2011).

leave their job to provide full-time care to another family member with disability. This leads to increased economic pressure. Often, these families who do not have any other resources end up selling their assets or take out loans, further pulling them in poverty.

## **2.2 Poverty as a Cause of Disability**

As disability leads to poverty, poverty also leads to disability. Poverty creates circumstances that make a person more prone to developing disabilities. Issues such as malnutrition, insufficient maternal and child healthcare, poor sanitation, and exposure to unsafe working conditions significantly raise the risk of developing disabilities, both physical and cognitive.

For instance, families in poverty often have to live in unsanitary conditions. This makes them vulnerable to infections and diseases. Further, they do not have access to proper medical care, and thus, being untreated, it leads to their permanent disabilities. There are many other times that, due to poverty, people end up taking dangerous jobs. These unhealthy and unsupervised work conditions heighten the risk of injuries and chronic health issues that can result in disability.

Another reason why poverty leads to disability is because of lack of affordable and accessible healthcare services for those in poverty.<sup>6</sup> The cost of diagnosing, treating, and rehabilitating a disability is exorbitant, making it inaccessible for people living in poverty. Many people with preventable disabilities go untreated because of the expensive medical care, the absence of insurance, or in rural areas, the additional geographical barrier to access the health care services.

## **2.3 Breaking the Cycle: Need for Inclusive Development**

To break the cycle of poverty to disability and disability to poverty, a strategy that acknowledges and combines economic, social, and healthcare factors is necessary. The governments and other interested authorities need to focus on education, employment policies, and social security systems that are inclusive and promote financial independence for people with disabilities.

Policies that offer microfinance and skill development would be an important step to empower

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<sup>6</sup> *Id*

people with disability economically, and a universal healthcare would help to address the issues of expensive medical care. Such policies should also address and extend to households and communities of people with disabilities. Families of people with disability who face economic pressure should have support mechanisms addressing their finances.

Additionally, efforts should be made to integrate disability considerations into other poverty alleviation programmes such as rural employment programs, accessible public healthcare, and housing policies. This would create a supportive environment for people with disabilities to thrive.

The conversation around addressing issues of people with disability needs to shift from a charity-focused approach to a rights-based approach.<sup>7</sup> This rights-based approach recognises disability as an important element in making economic and social policies. Instead of ‘we need to give them support,’ the focus has to shift to ‘they are entitled to the support.’ When the systematic and economic barriers of this poverty-disability cycle are addressed, society will start working towards a future where disability is not equated to poverty. Only then will people with disability fully participate in and enjoy dignity in every aspect of life.

### **3 INTERSECTIONALITY OF DISABILITY WITH CASTE**

The Intersection of disability and caste in the Indian context reveals a deeply entrenched structure of social exclusion that disproportionately affects individuals situated at the convergence of these two marginalized identities. While disability is often analysed through the medical or social frameworks, its interactions with caste-based discrimination expose a distinct and intensified form of structural disadvantage. Dalits with disabilities frequently experience what has been described as “double discrimination”, wherein both the caste hierarchy and ableist attitudes operate simultaneously to restrict access to education, employment, healthcare, and avenues of social mobility.<sup>8</sup>

#### **3.2 Caste and Disability: A Dual Axis of Marginalisation**

Caste has historically functioned as a powerful determinant of social status and access to resources in India. Rooted in the long-standing social and religious traditions, the caste system

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<sup>7</sup> Jerome Bickenbach et al., *Models of disablement, universalism and the international classification of impairments, disabilities and handicaps*, 48 SOC. SCI. & MED. 1173 (1999).

<sup>8</sup> Govind Chandra Pal, *Disability, Intersectionality and Deprivation: An Excluded Agenda: An Excluded Agenda*, 23 PSYCHOL. & DEVELOPING SOC'YS 159 (2011).

has systematically neglected Dalits to the lowest rungs of the social order, subjecting them to exclusion and exploitation. Disability, in parallel, continues to be accompanied by stigma, with persons with disabilities often perceived as dependent, unproductive, or morally tainted. When these two axes of discrimination intersect, the resulting marginalization is significantly magnified.

The social model of disability, which locates disability in social and environmental barriers rather than individual impairments, offers a particularly useful lens to understand the experiences of Dalit individuals with disabilities. They already face restricted access to education, employment, and social participation due to caste-based exclusion. The addition of disability further entrenches these disadvantages, intensifying economic precarity and social vulnerability. Inaccessible public infrastructure, schools, and workplaces disproportionately affect Dalits with disabilities, many of whom already live in conditions of poverty with limited access to healthcare and basic amenities.

### **3.3 Dalits with Disabilities: The Hidden Minority**

Dalits with disabilities remain a largely invisible and underrepresented group within both Dalit rights movements and disability rights advocacy in India. Dalit-focused activism has traditionally prioritized caste discrimination and economic justice, often overlooking the specific challenges faced by Dalits with disabilities. Conversely, disability rights discourse has tended to treat disability as a homogeneous experience, failing to account for caste-based inequalities. This dual neglect has resulted in minimal representation of Dalits with disabilities in policy formulation and advocacy processes.

Empirical data further underscores that the rate of disability is higher among Dalits compared to upper-caste populations.<sup>9</sup> In India, the overall prevalence rate of disability is 1.85 percent. However, this rate is notably higher among Dalits at 2.4 percent, compared to 1.8 percent in upper-caste communities. Interestingly, the prevalence of disability among scheduled tribes is below the national average. The types of disabilities also differ across social groups—Dalits tend to have higher rates of locomotor, speech, and hearing impairments. In contrast, mental disabilities are more frequently observed among upper-caste individuals. Furthermore, although disability rates are generally higher among males than females across all social

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<sup>9</sup> *Id.*

groups, the gender gap is less significant within the Dalit community. This suggests that both Dalit men and women experience similar levels of vulnerability to disability, unlike in upper-caste groups, where the disparity between male and female disability prevalence is more pronounced. Contributing factors include malnutrition, unsafe living and working conditions, limited access to healthcare, and exposure to poor sanitation practices, all of which lead to increased disability rates among Dalits. A considerable number of Dalits are employed in labor-intensive jobs, such as sanitation and sewage cleaning, which expose them to occupational hazards that can result in disabilities.<sup>10</sup> Furthermore, because Dalits often lack access to quality healthcare, disabilities that could have been prevented or treated early frequently become permanent.<sup>11</sup>

The situation is even more challenging for Dalit women with disabilities. As Crenshaw has pointed out, overlapping marginalized identities can lead to new and intensified forms of discrimination. Dalit women with disabilities occupy the lowest tier of India's social hierarchy, facing violence based on caste, discrimination due to gender, and social exclusion linked to their disabilities.<sup>12</sup> They are less likely to receive an education, more prone to abuse, and have fewer economic opportunities compared to both non-disabled Dalit women and disabled individuals from higher castes.

Overall the convergence of caste and disability significantly exacerbates barriers to education, employment, personal safety and dignified living. The persistence of discriminatory attitudes, coupled with inadequate policy attention, infrastructural deficits, and a lack of awareness, continues to deepen the marginalization of Dalits with disabilities. Addressing these challenges requires an explicitly intersectional approach that recognises and responds to the layered realities of caste and disability in India.

#### 4 INTERSECTION OF GENDER WITH DISABILITY

The Convention on the Rights of Persons with Disabilities Article 6<sup>13</sup> acknowledges that women with disabilities experience multiple forms of discrimination and mandates that the

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<sup>10</sup> Nilika Mehrotra, *Disability, gender and caste intersections in Indian Economy*, 7 RSCH. SOC. SCI & DISABILITY 295 (2013).

<sup>11</sup> Neelaksh Pithauria & Susmita Singh, *Interactive Effect of Caste and Disability: An Analysis*, 7 INT'L J.ENG. LIT. & SOC. SCIS. 250 (2022).

<sup>12</sup> Raksha Thapa et al., *Caste Exclusion and Health Discrimination in South Asia: A Systematic Review*, 33 ASIA PAC. J. PUB. HEALTH. 828 (2021).

<sup>13</sup> Convention on the Rights of Persons with Disabilities 2006, art. 6.

state parties must adopt special measures to ensure their fundamental rights are upheld.

According to India's 2011 Census, there were 11,824,355 disabled women and 14,986,202 males, meaning that women made up 44.09% of the country's disability population.<sup>14</sup> These women need protection since they are more likely to be exploited and abused. To meet their specific needs, specialized programs that provide education, job opportunities, and rehabilitation services have been established. From 2.13% in 2001 to 2.21% in 2011, the proportion of people with disabilities in India's overall population increased somewhat. Over the same time period, this percentage rose from 2.21% to 2.24% in rural areas and from 1.93% to 2.17% in urban areas.<sup>15</sup> For both men and women, this pattern held. The recent COVID-19 pandemic has had a significant impact globally. In addition to its evident economic effects, the epidemic has highlighted long-standing social injustices that have been woven throughout society. The startling increase in domestic abuse cases against women worldwide is among the most glaring illustrations of these disparities from a gendered standpoint.

#### **4.2 The Impact of Gender and Disability Intersectionality**

When it comes to the question of whether women with disability face a set of dual disadvantages, there's a global consensus about it because of the still existing patriarchal structures, mindset, and norms in society, along with the disadvantages due to the disability conditions.

In South Asia, even today, a girl child is often regarded as a burden. The plight of women in the region is evident through disparities in access to education, employment, and healthcare.

#### **4.2 Marginalization**

There is a need for an intersectional strategy that specifically addresses the barriers faced by women with disabilities. Policies and crisis response programs need to be designed in a way that there's an understanding of the intersection of disability with gender norms and societal attitudes.

Women with disabilities face a "double burden" as they are discriminated against not just

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<sup>14</sup> National Handicapped Finance and Development Corporation, *Persons with Disabilities in India* (Mar. 31, 2021), [https://ndfdc.nic.in/upload/nhfdc/Persons\\_Disabilities\\_31mar21.pdf](https://ndfdc.nic.in/upload/nhfdc/Persons_Disabilities_31mar21.pdf) (last visited Nov. 12, 2025).

<sup>15</sup> *Id.*

because of their impairment but also because of their gender. The double marginalization severely limits their access to resources, opportunities, and social spaces, and they are usually relegated to the margins of society.<sup>16</sup> Widespread societal stereotypes portraying them as "unproductive" or a burden significantly affect their daily lives. Thus, they are severely restricted in their involvement in social, political, and economic activities, which further excludes them and results in institutional neglect.

### **4.3 Challenges Faced By Women With Disabilities In India**

#### **4.3.1. Education and infrastructural Barriers:**

Lack of accessible and inclusive infrastructure within schools and colleges is a major hindrance to people with disabilities in India. The majority of them lack the facilities necessary to meet the special requirements of disabled women, such as the non-availability of ramps, lifts, barrier-free toilets, and other such general facilities, thereby severely limiting their mobility and restricting them from access to academic pursuits.<sup>17</sup> Additionally, the majority of the above institutions do not include features of accessibility within basic facilities like classrooms, libraries, laboratories, and playgrounds. Without accessible infrastructure, disabled women become increasingly isolated and excluded from equal education.

#### **4.3.2. Attitudinal Barriers:**

All the prevailing and persistent social biases and prejudices daily create an additional challenge for women with impairments. Women with disabilities are restricted from becoming independent women because of the cultural views that stop them from growing as individuals, restricting their opportunities for social interaction, work, and education. The prejudices, such as discriminatory actions, disparaging remarks, detrimental societal conventions, and unfavourable preconceptions, marginalise people with disabilities.

#### **4.3.3. Family and Societal Barriers:**

The life of a person with disability is entirely interconnected with how the family of those individual acts and behaves. Their lives are basically shaped by their families' perspectives. Nearby relatives and other family members are all impacted when a person with disability is

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<sup>16</sup> H. Lalrinhlui, *Challenges Faced by Women with Disabilities in India*, 11 (7) INT'L J. CREATIVE RSCH. THOUGHTS (2023) available at <https://ijcrt.org/papers/IJCRT2307633.pdf> (last visited Nov. 16, 2025).

<sup>17</sup> *Id.*

their near and dear ones and it causes logistical, emotional, and financial difficulties as well as disruptions to everyday routines. Later while growing up entering into their adult life women with disabilities who face overt and covert rejections from their family are mostly the ones who face difficulty with societal relationships. The difficulties faced by individuals with disabilities are shaped by several factors, including the severity of their impairment, the family's economic condition, and the availability of necessary support systems.

#### **4.3.4. Physical and surrounding environment Barriers:**

Physical obstacles can be classified as two categories: mobility-related and environmental. The intensity and type of disability condition determine the type of schooling is required for women and girls with disabilities while people those who have moderate to severe impairments have less options to enrol in regular school. Furthermore, compared to those with intellectual disabilities such as loco-motor, hearing, or visual impairments have even less possibilities for specialised education.

Environmental issues limit the access to education for women with impairments because many institutions are located in isolated situations with poor transit options, making it difficult to access for women with impairments. The challenges are worse when there's inadequate infrastructure, budgetary limitations, and cultural perceptions, which restrict their access to high-quality education.

#### **4.3.5. Poverty-Related Barriers:**

Disability and low economic family status are deeply interconnected with each reinforcing the other. On the one hand, economic hardship increases the likelihood of disability due to the poor living conditions, malnutrition, lack of healthcare, exposure to unsanitary environments and hazardous workplaces. On the other hand, having a disability can lead to lifelong financial struggles particularly for women from disadvantaged backgrounds. Some women with disabilities from low-income households spend their entire life in poverty due to a lack of educational opportunities, no scope for exclusion from vocational training programs, and challenges to independent living and work. The lack of financial independence further exacerbates their social exclusion.

#### **4.3.6. Barriers Related to Awareness of Rights:**

The lack of widespread awareness about their legal rights is a major setback for the inclusivity

of women with disabilities. Parents, educators, and community members remain uninformed about the updates on the rights and the right to claim certain things. This lack of knowledge prevents the effective implementation of policies designed to support and empower people with disabilities.

## **5. CRITICISM OF THE LEGISLATIVE FRAMEWORK FOR DISABILITY IN LAWS**

India's legal framework on disability has undoubtedly evolved from a welfare and charity-oriented approach to one that formally acknowledges the rights, autonomy, and dignity of persons with disabilities (PwDs). This shift is constitutionally significant and normatively progressive. However, engaging with disability jurisprudence, it becomes evident that the existing legislative regime continues to suffer from the conceptual, structural and implementation-related shortcomings that impede the realization of substantive equality and meaningful inclusion. The Rights of Persons with Disabilities Act, 2016 (RPWD Act), though a landmark statute, is not immune from criticism or flaws. Its drafting reflects ableist assumptions, vague statutory language, and weak enforcement mechanisms, all of which dilute its transformative potential.

### **5.1 An Ableist Foundation: The Core Flaw**

A fundamental concern lies in the ableist foundations upon which disability law in India continues to rest. Despite its rights-based framing, the RPWD Act largely reflects a medicalised and paternalistic understanding of disability. The focus remains on individual impairment and “fixing” rather than on dismantling social, institutional, and environmental barriers that exclude PwDs. This approach reveals how disability legislation is often conceptualized by policymakers and administrators who operate from able-bodied norms and assumptions, thereby reproducing power imbalances rather than challenging them.

Section 34 of the RPWD Act mandates a four percent reserve for PwDs in public sector jobs , which illustrates this structural flaw. This reservation applies only to those posts that are deemed suitable by the government- a decision that is mostly made by physically fit bureaucrats. This gives authorities unfettered power to deny opportunities based on practicality, in addition to suggesting that PwDs' abilities should be assessed in relation to those of the able-bodied. In the case of Ira Singhal, who passed the Civil Services Examination but was first

rejected for a job due to her scoliosis.<sup>18</sup>

It is strange to know that Discrimination against PWD is also permitted under Section 3(3) of the Act, provided that it has a "legitimate aim."<sup>19</sup> By allowing institutions to justify exclusions under the guise of budget limitations or pragmatism, this vaguely worded terminology fosters dangerous objectivity and clearly goes against the constitution's principles of equal opportunity and non-discrimination. Judicial interpretations have also reflected ableist sentiments. In *Surendra Mohan v. State of Tamil Nadu*,<sup>20</sup> the Supreme Court upheld a rule that forbids judges to have a disability of more than 40–50%, citing "practical complications." This decision reinforces harmful presumptions that individuals with impairments are inherently less capable by ignoring developments in assistive technology and the reasonable accommodation concept.

## **5.2. Mental Illness: A Recognized Yet Neglected Reality**

Although it is remarkable that the RPWD Act acknowledges mental illness as a type of disability, on the other hand, it does not provide adequate assistance for those with psychosocial disabilities. According to the Act, a "substantial disorder of thinking, mood, perception, orientation, or memory."<sup>21</sup> that affects behaviour or judgement is considered mental illness. However, it overlooks intellectual issues, resulting in a complex and inaccurate distinction between various types of cognitive impairments.

According to Section 7(2)<sup>22</sup> Individuals or organisations may report cases of PWD exploitation or abuse to the local Executive Magistrate, who is then required to take appropriate action. However, due to its vague wording, the clause may unintentionally discourage caretakers for individuals with mental disorders (PMI) from providing care because they are worried about potential legal consequences.<sup>23</sup> This ambiguity must be resolved right away in order to offer safety without discouraging assistance. Additionally, systematic neglect of the mental health infrastructure exacerbates the issue.

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<sup>18</sup> TNN, *UPSC Topper Gets Trolled Online for Her Disability; Highlights the Need for Inclusivity*, *THE TIMES OF INDIA* (July 15, 2019), <https://timesofindia.indiatimes.com/life-style/health-fitness/de-stress/upsc-topper-gets-trolled-online-for-her-disability-highlights-the-need-for-inclusivity/articleshow/70226518.cms> (last visited Nov. 20, 2025).

<sup>19</sup> Rights of Persons with Disabilities Act, § 3.

<sup>20</sup> *V. Surendra Mohan v. State of T.N.*, (2019) 4 SCC 237.

<sup>21</sup> The Mental Healthcare Act, 2017, § 2(s).

<sup>22</sup> The Rights of Persons with Disabilities Act, 2016, § 7(2).

<sup>23</sup> Baiju Thomas & Saumya Chandra, *The Challenges Faced by Women with Disabilities in Education*, 6 J. EMERGING TECHNOLOGIES & INNOVATIVE RSCH. 145 (2019), available at <https://www.jetir.org/papers/JETIR1904P22.pdf> (last visited Nov. 16, 2025).

According to a Public Interest Litigation (PIL) filed in Madurai by KR Raja, there are just 47 government-run mental health institutions in India, a country of 1.3 billion people. <sup>24</sup>This reveals a shocking disparity between the objectives of laws and the resources at hand. Until mental healthcare resources are increased, the Act's recognition of mental illness is largely symbolic.

### **5.3. Reasonable Accommodation: A Missed Opportunity**

The RPWD Act adopts the concept of "reasonable accommodation" from the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) <sup>25</sup>to guarantee that PWDs receive the necessary adjustments to engage equally in society. However, this phrase has no value if there are no detailed implementation instructions. As stated in the Act, a reasonable accommodation is "necessary and appropriate modifications and adjustments, without imposing a disproportionate or undue burden." However, it doesn't specify prerequisites for crucial domains like employment and education.

For example, there are no explicit laws controlling the provision of scribes, extra time during examinations, or the use of assistive technology; instead, institutions are allowed to make their own choices. This disparity prevents a large number of PWDs from having equitable access to opportunities.

The Ministry of Social Justice and Empowerment (MoSJ) has taken a long time to codify guidelines on special accommodations for examinations and job accessibility. The lack of a legally binding framework undermines the Act's promise of inclusivity by allowing companies and educational institutions to avoid responsibility.

### **5.4. Failure to Recognize Intersectionality**

The interaction of disability with other social identities, including as caste, gender, and economic position, is also not acknowledged by the statutory framework. Policies that treat people with disabilities as a monolith ignore the particular difficulties that marginalised subgroups experience. The meagre ₹300 monthly disability compensation<sup>26</sup>, for instance,

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<sup>24</sup> *KR Raja v The State Of Tamil Nadu*, W.P. (MD) No. 16484 of 2020 (Madras H.C., Aug. 19, 2021).

<sup>25</sup> Convention on the Rights of Persons with Disabilities art.2, Dec 13, 2006, 2515 UNTS.3.

<sup>26</sup> C Ratna Kiruba & K Gupta, *Beyond survival to dignity: Examining disability inclusion in the Union Budget 2025*, *THE HINDU*, (Feb. 3, 2025), <https://www.thehindu.com/sci-tech/health/beyond-survival-to-dignity-examining-disability-inclusion-in-the-union-budget-2025/article69175296.ece> (last visited Nov. 15, 2025).

ignores the many demands and financial realities of people with various impairments. A woman with a handicap from a caste that is marginalised has additional obstacles, but the law says nothing about this kind of multi-layered discrimination.

### **5.5. Enforcement Gaps: A Law on Paper**

Laws that appear progressive but are poorly implemented are ineffectual. Due to a lack of political will and bureaucratic lethargy, several states have yet to announce the rules required to uphold the RPWD Act. The Office of the Commissioner for Persons with Disabilities, which is responsible for monitoring implementation, is plagued by persistent underfunding, a lack of personnel, and limited authority. Under the pretence of budgetary limitations, clauses such as "barrier-free to the extent that it is economically feasible" enable authorities to avoid accountability. Even if significant rulings like *Vikash Kumar v. Union Public Service Commission*<sup>27</sup>, in which the Supreme Court held that refusing a reasonable accommodation is discriminatory, have advanced the cause, they are still anomalies rather than the rule.

### **5.6. The Way Forward: Re-Centering the Voices of PWDs**

For India's parliamentary and legal framework to meaningfully empower Persons with Disabilities (PwDs), it must move decisively away from its historically paternalistic and ableist foundations and embrace a genuinely rights-based and participatory approach. Disability law should not be crafted for PwDs but with them, drawing directly from their lived experiences and grounded in principles of autonomy, dignity, and equal citizenship. From a legal perspective, this shift is essential to transform formal recognition of rights into substantive equality.

Future reforms must prioritise the co-creation of laws and policies with PwDs as active stakeholders rather than passive beneficiaries. Central to this process is the development of clear, enforceable and uniformly applicable standards on reasonable accommodation across education, and public infrastructure. Without binding guidelines and accountability mechanisms, reasonable accommodation risks remaining an abstract ideal rather than a legal entitlement.

Institutional reform is another critical requirement. Enforcement bodies must be adequately

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<sup>27</sup> *Vikash Kumar v. Union Public Service Commission*, (2021) 5 SCC 370.

empowered with financial resources, statutory authority, and effective oversight mechanisms to ensure compliance with disability rights legislation. In addition, there is an urgent need to strengthen access to affordable and quality support services, particularly in the area of mental health, where psychological disabilities remain under-recognised and underserved.

Ultimately, bridging the persistent gap between legislative intent and lived experience demands a legal approach that is transparent, responsive, and empathetic – one that places the voices of PwDs at its core. Until such structural and attitudinal shifts are realised, India’s disability law regime will remain an aspirational construct, falling short of the substantive equality it seeks to guarantee.

## 6. CONCLUSION

The disability rights framework in India, despite its progressive and rights-oriented appearance, remains inadequately equipped to address the intersectional and layered forms of marginalisation experienced by diverse social groups. It's largely a uniform and categorical approach to disability that fails to account for the ways in which disability interacts with other axes of disadvantage, such as gender, caste, and religion, thereby producing distinct and compounded vulnerabilities. A singular understanding of disability, divorced from these social realities, risks obscuring the lived experiences of those who exist at the intersections of multiple forms of exclusion.<sup>28</sup>

While the Rights of Persons with Disabilities Act, 2016, represents a significant normative advancement in affirming the rights and dignity of persons with disabilities, it remains limited in its engagement with intersectionality. The statutory framework, though progressive in intent, does not sufficiently acknowledge how overlapping identities shape vulnerability and disadvantage. By overlooking the correlated matters of women with disabilities, Dalits with disabilities, and any other religious minorities, the Act risks offering only formal equality without addressing the substantive inequalities embedded in social structures. It is crucial that the law move to actually capture the reality that disabled women, disabled Dalits, and disabled religious minorities face much more socio-economic obstacles than their upper-caste, male, or

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<sup>28</sup> *Women with disabilities seen as 'Easy Targets': CJI, THE HINDU*, (Sept. 29,2024), <https://www.thehindu.com/news/national/justice-system-must-respond-to-vulnerabilities-of-children-with-disabilities-cji-chandrachud/article68694126.ece> (last visited Nov. 20, 2025).

able-bodied counterparts.<sup>29</sup>

To make true inclusion happen, the law needs to break free from the charity and medicalized models of disability and transition towards a rights-based, intersectional social model of disability. It needs to break free from deep-seated ableism to make sure the law and policy are not drafted by abled legislators but with lively consultation involving disabled people of all backgrounds. Representation is the mandate — diverse, inclusive involvement of PWDs from marginal groups in decision-making will establish a legal and social space that caters to their diverse experiences and needs.<sup>30</sup>

Moreover, disability rights need to be included in various policy areas, including education, employment, health, social security, and access to information and communication technologies, specifically focusing on how religion, gender, and caste affect these.<sup>31</sup> Affirmative action needs to be targeted, accessible infrastructure constructed, assistive technology made available, and reasonable accommodation guaranteed, with an intersectional perspective. Accountability and fair enforcement of disability rights must be ensured through social audits, robust grievance redressal systems, and severe penalties for breaches.

In short, disability justice in India simply cannot be achieved without acknowledging that a Dalit woman with a disability encounters essentially different and often more entrenched obstacles than an upper-caste man with the same disability. The future of disability law must be informed by this truth. Providing accessibility and non-discrimination is not sufficient; the law must empower and enfranchise PWDs across the board, paying attention to and acting upon the compounding disadvantages they experience. Only then can we imagine a truly inclusive, equitable society - one that regards PWDs as people first, deserving of dignity, autonomy, and an equal chance, regardless of gender, caste, or religious affiliation.

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<sup>29</sup> Amrapali Mahadev Jogdand & H.J Narke, *Inclusion of Women with Disability in India*, 10 INT'L J. INDIAN PSYCHOL. 1071(2022), available at <https://ijip.in/wp-content/uploads/2022/03/18.01.107.20221001.pdf> (last visited Nov 15, 2025).

<sup>30</sup> Swagata Raha and Shampa Sengupta, *Rights Of Women With Disabilities Under Indian Legislations*, 14 SOCIO-LEGAL REV. 190 (2018) available at <https://docs.manupatra.in/newslines/articles/Upload/7102F404-0902-4EEC-BA55-F8EFC25DA6D4.pdf> (last visited Nov. 12, 2025).

<sup>31</sup> Sitaram Pal and Bhola Vishwakarma, *Status of Women with Disabilities in India*, 6 INT' L J. INDIAN PSYCHOL. 139 (2018) available at [https://ijip.in/wpcontent/uploads/ArticlesPDF/article\\_66db21a39569bb9f63324aae6b0d8dca.pdf](https://ijip.in/wpcontent/uploads/ArticlesPDF/article_66db21a39569bb9f63324aae6b0d8dca.pdf) (last visited Nov. 20,2025).