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RESEARCH ARTICLE

EQUALITY LAW IN INDIA: A STUDY RELATING TO THE DISABLED STUDENTS

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ABSTRACT

Equality is a fundamental principle of the Indian constitutional framework, ensuring that every individual enjoys equal rights, dignity, and opportunities. However, students with disabilities often face significant barriers in accessing quality education, including social stigma, infrastructural limitations, and inadequate institutional support. This study examines the legal framework governing equality for disabled students in India, focusing on constitutional provisions, statutory protections, and judicial interpretations aimed at promoting inclusive education. The research primarily analyzes Articles 14, 15, and 21A of the Constitution of India, which guarantee equality before law, prohibit discrimination, and ensure the right to education. It also evaluates the role of key legislations such as the Rights of Persons with Disabilities Act, 2016, the Right of Children to Free and Compulsory Education Act, 2009, and relevant policies that mandate accessibility, reasonable accommodation, and inclusive learning environments. Through a doctrinal approach, the study highlights how these legal instruments attempt to eliminate discrimination and ensure equal educational opportunities for students with disabilities. Despite the existence of progressive laws and policies, the implementation gap remains a critical challenge. Educational institutions often lack adequate infrastructure, trained staff, and awareness necessary to support disabled students effectively. The study therefore emphasizes the need for stronger enforcement mechanisms, improved institutional accountability, and greater societal awareness to realize the constitutional promise of equality. In conclusion, while India has developed a comprehensive legal framework to protect the rights of disabled students, effective implementation and inclusive practices are essential to ensure that equality in education becomes a practical reality rather than merely a legal ideal.

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INTRODUCTION

Robert, M. Hensel says that, "there is no greater disability in society than the inability to see a person as more". Persons with disabilities comprise an estimated 15 per cent of the world's population, or one billion people, of whom 80 per cent live in developing countries and are overrepresented among those living in absolute poverty. According to Census of India 2011, there are 1.2 billion people in India, of which about 833 million people live in rural areas. The total number of children with disabilities is 164.5 million.[1] Persons with disabilities often encounter discrimination and exclusion on a daily basis.[2] This means, in particular, pervasive exclusion from development programmes and funds, as well as all areas of economic, political, social, civil and cultural life, including employment, education and healthcare.[3]

According to Stevie Wonder, "just because a man lacks the use of his eyes doesn't mean he lacks vision".Nelson Mandela "Advocated for changing societal understanding rather than forcing adaptation on individuals, emphasizing the right to a brilliant future for all children." William, J. Brennan, Jr. Highlighted that "societal prejudice often disables more than physical limitations." UN Convention on with Rights of Persons with Disabilities (CRPD),"disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on equal basis with others". Article 24 of CRPD establishes education as a fundamental right, vital for realizing human potential and dignity. "The disability act is premised on the fundamental idea that society creates the barriers., which impede the capacities of persons with disabilities" is commented by the *Supreme Court of IndiainDisabled Rights Group,vs. Union of India*[4] *and*the Supreme Court of India has affirmed that reasonable accommodation is a fundamental right, not charity, and that disabled individuals possess a

[1] Sandhya Limaye, Factors Influencing the Accessibility of Education for Children with Disabilities in India,
Global Educational Review, Vol. 3 (3), P.44
[2]High Level Political Forum-2016, Ensuring that no one is left behind position paper by Persons with
Disabilities
[3]Ibid

[4]AIR online 2018 SC 543 : AIR Online 2017 SC 74

constitutional right to live with dignity, as noted in*inJeeja Ghosh,vs. Union of India*[5].

In India, based on the Kothari Commission report, the rights of children with disability to education was envisaged as early as 1968.[6] PWD Act, 1995 was enacted to ensure social justice not equality.[7] Subsequently several Acts were passed to protect the rights of disabled. Concerns on the rights of the disabled in India became visible in the public domain in the 1990s when a cluster of legislations was enacted by the Parliament.[8] i.e. Rehabilitation Council of India Act, 1992,[9] Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995[10] and National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.[11] Earlier, the Indian Lunacy Act, 1912[12] had been replaced by the Mental Health Act of 1987[13] which came into effect in 1993. The rise of the disability rights movement and the proactive role of the United Nations propelled these legislative developments and laid the foundation for nascent disability jurisprudence in the country. The most dramatic development in this regard has been the adoption of the Convention on the Rights of Persons with Disabilities by the United Nations General Assembly on 13 December 2006, which has been ratified by most member states including India.[14]

The concept of equality in Indian law seeks to eliminate discrimination and promote fairness. The Constitution of India contains several provisions that guarantee equal rights and opportunities to all citizens, including persons with disabilities. Over the years, the Indian government has also enacted specific legislations aimed at protecting the rights of persons with disabilities and promoting inclusive education. *Dattatraya Motiram More vs. State of Bombay*,[15] Article 15 (3) has been interpreted as a part of the equality provisions as a whole, so that the differential treatment authorised by this Article is not an exception, but a part of equality.

Education plays a crucial role in the social, economic, and intellectual development of individuals.[16] It is widely recognized as a fundamental human right[17] that enables individuals to participate fully in society. In India, the constitutional commitment to equality and social justice aims to ensure that education is accessible to all citizens, including persons with disabilities.[18] Students with disabilities often encounter numerous challenges within educational institutions. These challenges include physical barriers such as inaccessible buildings, lack of assistive technologies, absence of inclusive teaching methods, and discriminatory attitudes from society. As a result, many disabled students are deprived of equal opportunities in education, which ultimately affects their ability to participate fully in social and economic life.

This research paper examines the legal framework relating to equality for disabled students in India. It explores constitutional provisions, statutory laws, judicial decisions, and policy initiatives that aim to protect the educational rights of students with disabilities. The paper also highlights the challenges faced in implementing these legal protections and suggests measures for improving equality in education.

Concept of Equality in Indian Law: Equality is one of the fundamental principles of the Indian Constitution. The framers of the Constitution envisioned a society where every individual would have equal opportunities regardless of caste, religion, gender, or disability. Equality does not merely mean treating everyone the same; rather, it involves providing special support to disadvantaged groups to ensure that they can compete on an equal footing. The concept of equality in Indian law is primarily derived from Articles 14, 15, and 16 of the Constitution. Article 14 guarantees equality before the law and equal protection of the laws within the territory of India. This means that the state must treat all individuals equally and cannot discriminate arbitrarily. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. Although disability is not explicitly mentioned in this article, judicial interpretation and subsequent legislations have extended the principle of non-discrimination to persons with disabilities. Article 16 ensures equality of opportunity in matters of public employment. For disabled students, access to education is crucial because it prepares them for employment opportunities later in life.[19] The concept of equality also includes the idea of substantive equality, which recognizes that certain groups may require special assistance to achieve real equality. Therefore, affirmative action and protective legislations are necessary to support vulnerable groups such as persons with disabilities.[20]

Constitutional Provisions for Disabled Students: The Indian Constitution contains several provisions that indirectly or directly support the rights of persons with disabilities in education. Articles 21, 21A, 41, 46 are dealing in favour of disable persons for their education and welfare. Article 21A guarantees free and compulsory education for all children between the ages of six and fourteen years. This provision ensures that disabled children are entitled to access education like any other child. In *Disabled Rights Group and Ors*. vs. *Union of India (UOI) and Ors*.,[21] the Apex court of India held that right to education is a fundamental right and should admit three percent of reservation of seats from the disabled persons

[5](2016) 7 SCC 761
[6] Tanmoy Bhattacharya, Re-examining Issue of Inclusion in Education, EPW, Vol.XLV, Issue-16, (17, April, 2010), PP.18-25, P.18
[7] Jayna Kothari*, the UN Convention on Rights of Persons with Disabilities: An Engine for Law Reform in India*, Economic and Political Weekly, Vol.45, Issue-No.18, (May, 1-7, 2010), (PP.65-72), p.67
[8]RenuAddlakha&Saptarshi Mandal, *Disability Law in India: Paradigm Shift or Evolving Discourse*? Economic and Political Weekly, Vol.44, Issue-No.41/42, (Oct, 10-23, 2009), PP.62-68
[9] Act No.34/1992 (01-09-1992)
[10] Act No.1/1996 (01-01-1996)
[11] Act No.44/1999 (13-12-1999)
[12] Act No.IV/1912 (16-03-1912)
[13] Act No.14/1987 (22-05-1987)
[14] ____(2021) Disability Rights (Rights of Persons with Disabilities Act & National Trust Act) and Mental Healthcare Act., NHRC, India
[15] AIR 1953 Bom 311 : (1953) 55 BOMLR 323 : ILR 1953 Bom 842 : AIR 1953 Bombay 311
[16] Rumi Ahmed, *Legal and Policy Response to Right to Education for Children with Disability in India*, Vol.2, issue-1, (Aug, 2014), Journal of NLU, Delhi & ____ (20216) Disabled Persons in India A Statistical Profile- 2016, Ministry of Statistics and Program Implementation, Government of India
[17]*Jaya Thakur* vs. *Government of India and Ors*. : 2026 INSC 97
[18]*Pragya Prasun and Ors*. vs. *Union of India (UOI) and Ors*. : (2025) 7 SCC 191
[19]*In Re*: *Recruitment of Visually Impaired in Judicial Services*. :2025 INSC 300 : (2025) 2 MLJ 465
[20]*Ibid*
[21] (2018) 2 SCC 397

in all the educational institutions as provided under section 32 of the Rights of Persons with Disabilities Act, 2016.

In *Miss Mohini Jain vs. State of Karnataka and Ors,*[22] the Supreme Court of India held that the right to education is a fundamental right under Article 21 of the constitution. The right to education flows directly from right to life.[23] The right to life under article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. Further it is opened that the right to education is concomitant to the fundamental rights enshrined under part-III of the constitution. The fundamental right to speech and expression cannot be fully enjoyed unless a citizen is educated and conscious of his individualistic dignity. The education in India has never been a commodity for sale, their Lordships declared. In *Unni Krishnan, J.P. and Ors vs. State of Andhra Pradesh and Ors*.,[24] the Supreme Court of India held that the right to education is fundamental right under article 21 of the constitution as it directly flows from right to life. Subsequently, Article 21-A[25] is included in the constitution to give free and compulsory education to all children age between six and fourteen years and enacted the Right to Education Act, 2009.[26]

Article 41, a Directive Principle of State Policy, directs the state to make effective provisions for securing the right to work, education, and public assistance in cases of disability and other circumstances. "*The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to education and to public assistance in cases of disablement and in other cases of undeserved want*". The state is directed by this article to ensure to the people with the limits of its economic capacity and development education to disablement, it is usual to refer to matters specified in this directive as measures of social security.[27] In *Karma Dorjee and Ors*. vs. *Union of India (UOI) and Ors*.,[28] the Supreme Court held that right to education is a social security in India.

In *Justice Sunanda Bhandare Foundation.* vs. *Union of India (UOI) and Ors*.[29] The Supreme Court of India, a three-Judge Bench took note of various orders passed in the petition, especially the prayer for implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and for declaration that denial of appointment to the visually disabled persons in the faculties and college of various universities in the identified posts is violative of their fundamental rights guaranteed Under Articles 14 and 15 read with Article 41 of the Constitution of India and opined that the 1995 Act is to be treated as an enactment for empowerment of the persons under disability and further expressed its concern with regard to the apathy shown by various State Governments and the instrumentalities of the States. The present interlocutory application was filed to issue directions to the Central Government, State Governments and Union Territories to comply with that judgment. The Petitioner submitted that there was no complete compliance of the judgments passed by the present Court. She submitted that the reasons for non-compliance were the perceptible though all the States and Union Territories should have complied with the various provisions of the 1995 Act.

(i) Under the 1995 Act, the Parliament had shown its concern and provided for reservation for many categories and this Court by various judgments had directed for implementation of the Act. Section 85 of The Rights of Persons with Disabilities Act, 2016 stipulates for appointment special public prosecutor. Thus, emphasis is on the special court, speedy trial and special public prosecutor.[30]
(ii) More rights have been conferred on the disabled persons and more categories have been added. That apart, access to justice, free education, role of local authorities, National fund and the State fund for persons with disabilities have been created. The 2016 Act is noticeably a sea change in the perception and requires a march forward look with regard to the persons with disabilities and the role of the States, local authorities, educational institutions and the companies. The statute operates in a broad spectrum and the stress is laid to protect the rights and provide punishment for their violation.[31]
(iii) All the States and the Union Territories were directed to file compliance report keeping in view the provisions of the 2016 Act. The States and the Union Territories must realize that under the 2016 Act their responsibilities have grown and they are required to actualize the purpose of the Act, for there is an accent on many a sphere with regard to the rights of the disabilities. When the law is so concerned for the disabled persons and makes provision, it is the obligation of the law executing authorities to give effect to the same in quite promptitude.[32]

Article 46 directs the state to promote the educational and economic interests of weaker sections of society. Persons with disabilities are often included within this category, and the state is expected to provide special support to them. Although Directive Principles are not legally enforceable, they guide government policies and legislative actions aimed at promoting social justice and equality. The Parliament made a law to protect and to provide special support to disabled persons under the Rights of Persons with Disabilities Act, 2016.

Legislative Framework Protecting Disabled Students: India has enacted several laws to protect the rights of persons with disabilities and promote inclusive education and development along with mainstream students, governments are focussing to improve quality of education, skill development and communications skills for the disabled students in India.

Rights of Persons with Disabilities Act, 2016: The Rights of Persons with Disabilities (RPwD) Act, 2016 is one of the most comprehensive legislations addressing disability rights in India. The Act replaced the earlier Persons with Disabilities Act, 1995 and expanded the definition of disability from seven categories to twenty-one categories. The Act provides several important provisions for disabled students, including:

[22](1992) 3 SCC 666
[23]Pandey, J.N. (2008) the Constitutional Law of India, 45thEdn., Central Law Agency, Allahabad, P.252
[24](1993) 1 SCC 645
[25]the Constitution of India (86th Amendment), 2022, (12-12-2002)
[26]The Right of Children Free and Compulsory Education Act, 2009 (Act. No.35 of 2009,26-08-2009)
[27] Shukla, V. N. (2008) Constitution of India, 11thEdn., Eastern Book Company, Lucknow, P. 351
[28] (2017) 1 SCC 799
[29] (2017) 14 SCC 1
[30] Ibid
[31] Ibid
[32] Ibid

- Non-discrimination in education
- Reservation in higher educational institutions
- Provision of accessible infrastructure
- Availability of assistive devices and technologies
- Inclusive education systems
- Reasonable accommodation for students with disabilities
- The Act also mandates that educational institutions funded by the government must reserve at least 5% of seats for persons with disabilities.[33]

Right of Children to Free and Compulsory Education Act, 2009: The Right to Education (RTE) Act, 2009[34] plays an important role in ensuring access to education for children with disabilities. The Act requires schools to provide inclusive education and prohibits discrimination against children based on disability.[35]Section 3 of the RTE Act, free and compulsory education. It also encourages the development of special training programs, accessible teaching methods, and supportive learning environments.

National Policy for Persons with Disabilities: The Government of India has introduced several policy initiatives aimed at improving educational access for disabled students. These policies emphasize inclusive education, teacher training, accessible infrastructure, and the use of assistive technologies.[36]

Judicial Approach to Equality for Disabled Students: The Indian judiciary has played a significant role in protecting the rights of persons with disabilities and promoting equality in education. Courts have repeatedly emphasized that equality requires not only non-discrimination but also positive measures to ensure accessibility and inclusion. For example, in several cases, courts have directed educational institutions to provide scribes, extra time during examinations, and accessible facilities for disabled students. In *Vikash Kumar* vs. *Union Public Service Commission and Ors*.,[37] the Supreme Court held that disabled would be entitled to the facility of a scribe for appearing at the Civil Services Examination and any other competitive selection conducted under the authority of the government.

In *Gulshan Kumar* vs. *Institute of Banking Personnel Selection and Ors*.,[38] the apex court of India held that the Petitioner with the facility of a scribe, compensatory time and all other facilities as a right.

In *Avni Prakash* vs. *National Testing Agency and Ors*.[39] Invigilator alleged to have snatched paper of disabled person in NEET exam along with regular students is violation of right of disable person directed to re-examination. Judicial decisions have reinforced the idea that denying reasonable accommodation to disabled students amounts to discrimination and violates the constitutional guarantee of equality.

In Re: Recruitment of Visually Impaired in Judicial Services.,[40] the apex court held that excluding visually impaired and low vision candidates from appointment in judicial service is violation of right of disabled persons.

Disabled Rights Group and Ors.* vs. *Union of India (UOI) and Ors.,[41] the Apex court of India held that right to education is a fundamental right and should admit three percent of reservation of seats from disabled persons in all the educational institutions.

Justice Sunanda Bhandare Foundation.* vs. *Union of India (UOI) and Ors.[42] The Supreme Court of India, took note of various orders passed in the petition, especially the prayer for implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (the 1995 Act) and for declaration that denial of appointment to the visually disabled persons in the faculties and college of various universities in the identified posts is violative of their fundamental rights guaranteed Under Articles 14 and 15 read with Article 41 of the Constitution of India.

In *RajiveRaturi* vs. *Union of India (UOI) and Ors*.,[43] the Supreme Court of India held that proper and adequate access to public places is a right of disabled person, safe access to roads and transport facilities been sought.

The disable person should give reasonable opportunity to take plea of disability. In ***Ravinder Kumar Dhariwal and Ors.* vs. *The Union of India (UOI) and Ors***.,[44] in this case held that disable person has a right to prove his mental disability by submission of material documents.***Pragya Prasun and Ors.* vs. *Union of India (UOI) and Ors***.[45] Supreme Court held that, a statutory right of disable persons to demand accessibility and appropriate reasonable accommodations in the digital KYC process.

Challenges Faced by Disabled Students in Education: Despite progressive legal frameworks, disabled students in India continue to face several challenges.

- **Lack of Accessible Infrastructure**: Many schools and universities lack basic accessibility features such as ramps, elevators, accessible toilets, and tactile pathways. This creates physical barriers for students with mobility impairments.
- **Limited Availability of Assistive Technology:** Assistive devices such as screen readers, Braille materials, and hearing aids are often unavailable or too expensive for many students.
- **Lack of Trained Teachers:** Teachers are often not trained to handle diverse learning needs. Inclusive education requires specialized training and awareness, which many educators currently lack.
- **Social Stigma and Discrimination:** Disabled students often face negative attitudes and discrimination from peers and society. Such social barriers can affect their confidence and academic performance.

[33]Section 32 of he Rights of Persons with Disabilities (RPwD) Act, 2016
[34]Act No.35 of 2009, dt. 26.08.2009
[35]Section 2 (d) included as child belongs to disadvantaged groups includes "a child with disability"
[36]_____ (2016) High Level Political Forum-2016, Ensuring that no one is left behind position paper by Persons with Disabilities, HLPF
[37] (2021) 5 SCC 370
[38] (2025) 4 SCC 90
[39] (2023) 2 SCC 286
[40] [2025] 4 SCR 222 : 2025 (5)SLR 280 (SC)
[41] (2018) 2 SCC 397
[42] (2017) 14 SCC 1
[43] (2018) 2 SCC 413
[44] (2023) 2 SCC 209
[45] (2025) 7 SCC 191

- **Implementation Gap:** Although laws exist, their effective implementation remains a major challenge. Many institutions fail to comply with accessibility requirements due to lack of monitoring and enforcement.
- **Implementation in Private Sector:** Most of the organisations running schools, colleges, and universities, but they are not implementing the law, instead of law and several judgements. The Governments take initiation to implement the law in private sector. Disabled are human beings and they must be treated as equals with other students, for which extra time shall be given, access to their necessary things, proved the scribe.
- **Extra-Time**: Extra time should be included in all the examinations conducted by the schools, colleges, and Universities.
- **Treatment:** disabled are subjects of the country, they are human beings and they must be treated as equals with other students, for which extra time shall be given, access to their necessary things, proved the scribe.
- **Technicalities:** In both private and public Institutions by taking legal technicalities (percentage, upper limb and lower limb disability), avoiding admissions into professional courses, in order to convert into payment seats.

Measures for Promoting Equality in Education: To achieve true equality for disabled students, several measures must be taken. Strengthening Implementation of Laws, Government authorities must ensure strict implementation of disability laws and impose penalties on institutions that fail to comply with accessibility requirements. Improving infrastructure immediate need in all the educational institutions, educational institutions should adopt universal design principles to ensure that buildings, classrooms, libraries, and laboratories are accessible to all students. In the examinations especially in entrance or any kind of competitive examinations time is insufficient for the disabled people

Teacher Training Programs: Teachers should receive training in inclusive education and disability awareness to better support students with diverse learning needs.

Use of Technology: Assistive technologies such as screen readers, speech-to-text software, and digital learning platforms can significantly improve accessibility for disabled students.

Awareness and Social Inclusion: Public awareness campaigns can help reduce stigma and promote a more inclusive attitude toward persons with disabilities.

CONCLUSION

Equality in education is essential for creating an inclusive and just society. The Indian Constitution and various legislations provide a strong legal framework for protecting the rights of disabled students and ensuring equal opportunities in education. However, legal provisions alone are not sufficient. The effectiveness of these laws depends largely on their implementation and the commitment of educational institutions and society as a whole. For the disabled people the grace period of atleast half an hour shall be allotted. Disabled students continue to face barriers such as inaccessible infrastructure, lack of assistive technologies, inadequate teacher training, and social discrimination.

To address these challenges, there must be greater coordination between government authorities, educational institutions, and civil society organizations. Policies must focus not only on access to education but also on the quality of education provided to disabled students. Ultimately, achieving equality for disabled students requires a shift in societal attitudes and a commitment to inclusive practices. By ensuring accessible infrastructure, supportive learning environments, and effective implementation of disability laws, India can move closer to realizing the constitutional promise of equality and justice for all.

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