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RIGHTS AND ENTITLEMENTS: A Commentary on Chapter II of the RPwD Act, 2016

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RIGHTS AND ENTITLEMENTS:
A Commentary on Chapter II of the RPwD Act, 2016

Ashpinder Kaur[*] *& Rimjim Kheda*[**]

[Abstract: *This paper aims to critically access and examine Chapter II of the Rights of Persons with disabilities Act, 2016. All the sections from 3 to 15 in the second chapter, titled 'Rights and Entitlements,' show a legal commitment on behalf of the legislature to build an inclusive and equitable society. Starting from the right to dignity in Section 3 to protection from abuse mentioned in Section 7, the legislature has tried to cover every aspect of the social life of an individual. This paper offers a commentary on Chapter II of the Act by interrogating its structural, linguistic, and institutional limitations. All the rights are in alignment with domestic law, as the international conventions like the United Nations Convention on the Rights of Persons with Disabilities. But the real test lies not in just the words of the act, but in the implementation, as to how well they are translated into social reality. This paper will try to answer this question and provide suggestions for the same. The paper is divided into five parts: the first part focuses on the delegated legislation, the second part focuses on the sexual rights, and the third part focuses on the right to dignity, with a further discussion on structural discrimination, and the second last part focuses on the accommodation and a discussion on the meaning of appropriate government mentioned in section 2(b) of the act, and the last part focuses on conclusion and suggestion.*]

I

Introduction

The Rights of Persons with Disabilities Act, 2016, marked a long-overdue legislative response to our international commitments under the United Nations Convention on the Rights of Persons with Disabilities signalling a shift from the medical model of disability to a rights-based, social model. At its core, the Act purports to affirm the dignity, autonomy, and full participation of persons with disabilities in all spheres of life. Chapter II of the Act, is titled 'Rights and Entitlements,' and is the foundation to this framework, articulating in itself rights ranging from equality and non-discrimination to protection from abuse and access to education and public infrastructure. However, this legislative promise exists in an uneasy tension with its operational reality. The text of Chapter II,

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while ambitious in its scope, suffers from systemic vagueness and an over-reliance on executive discretion. Phrases such as 'shall endeavour' or 'appropriate measures' risk converting rights into privileges contingent upon will of the authorities, thereby weakening the legal entitlement of the very individuals the law seeks to empower. It argues that the framework of delegated legislation, while necessary for administrative efficacy, has here been used as a convenient legislative escape route outsourcing commitments to undefined procedural mechanisms. Furthermore, another major concern is the Act's conspicuous silence on the sexual rights of PWDs and the legislative infantilization that such omissions reinforce. The promise of dignity is diluted by systemic structural discrimination and fundamental guarantees like accommodation are rendered illusory in the absence of time-bound implementation strategies. Any serious attempt at legal reform should bridge the gap between the law in text and the law in action. Ultimately, the commentary argues that the success of the RPwD Act cannot be measured by its progressive aspirations alone, but by how effectively it transforms those aspirations into substantive entitlements.

II

Delegated Legislation: A Convenient Escape Route

Delegated legislation is a constitutional mechanism born out of legislative necessity, but it walks a fine line between efficiency and abdication. As defined by Salmond it means that which proceeds from any authority other than the sovereign power and is therefore dependent for its continued existence and validity on some superior or supreme authority[1]

It is a necessary compromise developed out of increasingly excessive burden on State. While it has its good days, it also raises concerns of legislative overreach, where essential functions such as policy formulation and enforcement mechanisms are delegated to the executive. Krishna Iyer, J. laid down the tests for valid delegation and observed that while it cannot be laid down exclusively as to what those essential functions are, if the policy making is allowed to be swiftly changed by the executive, it would usurp the very policy-making power of the legislature.[2] It prevents the 'delegatee' in garb of making the rules to legislate on fields covered outside the ambit of the act.[3]

With the above-mentioned context in the backdrop, the RPwD Act when read at a glance is progressive in nature. However, in substantive sense it is an escape route preferred through excessive delegation of powers and vague use of semantics guiding them. The lack of procedural guidelines, regulatory bodies, policy for

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1 *See*, SALMOND ON JURISPRUDENCE 116 (12th edn., P. J. Fitzgerald ed., 1966).
2 *Avinder Singh* v. *State of Punjab*, (1979) 1 SCC 137.
3 *Agricultural Market Committee* v. *Shalimar Chemical Works Ltd.*, (1997) 5 SCC 516, 525.

grievance redressal, frustrates the very purpose of the act and reduces it to a mere declaration incapable of enforcement. While the RPwD rules[4] do lay down the skeletal procedures, but it is largely administrative in nature, and does not deal with the entitlements symbolically promised under Chapter II of the Act.

III

The Use of Semantics is Broad & Discretionary that May Create Enforceability Challenges

Chapter II of the RPwD Act, outlines core rights of persons with disabilities, yet it does so use language that is broad and discretionary, rather than binding and enforceable. For instance, 'the appropriate Government shall take steps',[5] 'appropriate support',[6] 'particular living arrangement',[7] 'appropriate measures',[8] and 'suitable support measure'.[9] Such phrasing is wide and generic in sense, leaving a lot of room for discretion. It is all the more harmful w.r.t to Chapter II as it deals with rights as fundamental as those promised in the Constitution. By delegating these core, them to the executive, without providing for provision like when such actions are to be triggered, penalty in case of inaction, the legislature has ensured that aggrieved individuals are left at the mercy of administrative procedures which never took their side. Entitlement as fundamental and universal as 'community life'[10] is being celebrated as a welcome step, when people with disabilities have been a part of society since time immemorial and their rights just like any other citizen is protected constitutionally. This results in rights being couched in discretionary phrasing, leaving beneficiaries dependent on executive interpretation and will, rather than enforceable legal standards.

A skeleton without flesh

To give effect to the act, RPwd Rules[11] were brought into force the following year in which the act was passed. While the rules did provide for establishment of bodies and enforcement of procedure, it failed to turn the black letters of law into an enforceable legislation. Rule 3[12] of the act prescribed two pathways, either to initiate an action or to justify the act as 'proportionate' means of achieving 'legitimate aim'. Such wordings are

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4 Gaz. Not. G.S.R. 591(E), *Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)]* (Jun. 15, 2017), published in Gazette of India, Extraordinary, Part II, Section 3(i), No. 489, at 27–46.

5 The Rights of Persons with Disabilities Act, 2016, S. 3.

6 *Id.*, S. 4.

7 The Rights of Persons with Disabilities Act, 2016, S. 5.

8 *Id.*, S. 8.

9 *Id.*, S. 12.

10 *Id.*, S. 5.

11 Rights of Persons with Disabilities Rules, 2017.

12 *Id.*, R. 3.

open ended and can lead to arbitrariness. Similarly, the Rule 4[13] apparently does a commendable task on describing the constitution of the committee, however it fails to describe the purpose and functions of the same. Furthermore, Rule 15[14] prescribes compliance for accessibility, however it fails to provide for a time -bound liability, or an enforcement mechanism. The following rule while providing for a review, again does not impose any reasonable time slot to enforce it.[15] Conclusively, much like its parent act, the rules suffer from overgeneralisation, vagueness, and lack of structure, thereby making it difficult to enforce.

Institutional Vacuum and Procedural Incoherence due to lack of accountability for implementation

A deeper evaluation of the Act reveals an equally troubling institutional vacuum that weakens its normative force. Chapter II creates an elaborate catalogue of rights but fails to identify the specific institutional actors responsible for realising them. There is no statutorily designated nodal authority for monitoring compliance, no uniform protocol for inter-departmental coordination, and no mandatory requirement for annual reporting on implementation. As a result, the burden of operationalising substantive rights is dispersed across ministries and departments with overlapping mandates and no shared accountability framework. This procedural incoherence not only delays enforcement but also creates fertile ground for bureaucratic evasion, where rights can be acknowledged in principle yet indefinitely postponed in practice.

When the law fails to provide an adequate or corresponding remedy for a right, the legitimacy of the justice system comes into question. It is in this context that Lord Hewart stated, *'Justice should not only be done but should manifestly and undoubtedly be seen to be done.'*[16] In the absence of enforceable mechanisms, however, this promise remains more rhetorical than real, pointing towards an inference that Chapter II's aspirations cannot translate into meaningful rights without structural clarity and accountability.

IV

Sexual Rights and Legal Infantilization

Sexuality remains a zone of systemic erasure, distress, and self-doubt for persons with disabilities,[17] shaped by dominant social constructions that either render them asexual or pathologize them as sexually deviant.[18] This binary reflects a deeper

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[13] *Id*., R. 4.
[14] *Id*., R. 15.
[15] *Id*., R. 16.
[16] *R* v. *Sussex Justices, ex parte McCarthy*, [1924] 1 KB 256, 259 (Eng.).
[17] Renu Addlakha, *Gender, Subjectivity and Sexual Identity: How Young People with Disabilities Conceptualise the Body, Sex and Marriage in Urban India*, Occasional Paper No. 46, CWDS 3 (2007).
[18] *Om Rathod* v. *Director General of Health Services*, 2024 SCC OnLine SC 3130.

societal discomfort with disabled bodies and desires, often rooted in the ideology of ableism (a system that assigns value to individuals based on normative assumptions of physical fitness, cognitive ability, productivity, and desirability).[19] As the United Nations Population Fund defines it, sexual and reproductive health encompasses 'a state of complete physical, mental and social well-being in all matters relating to the reproductive system,' including 'the freedom to decide if, when and how often to reproduce.'[20] Yet, this holistic understanding is conspicuously absent from the Act. While the Act references reproductive health in passing, it stops short of affirming sexual autonomy, intimacy, or consent thereby reinforcing the narrative that persons with disabilities are not rightful claimants of sexual citizenship. The law's silence on these entitlements is not accidental; it reflects a deliberate omission that perpetuates legal infantilization under the garb of protection.

The Calculated Quiet over the Issue of Sexual Rights

While the act provides for access to information regarding reproductive health and family planning, it continues to hold silence over the issue of sexual rights. It fails to understand that exclusion can lead to negation of the dignity. Furthermore, the discrimination faced by people with disabilities is intersectional in nature,[21] and they do tread in high waters. The failure to affirm sexual rights as enforceable entitlements leads to a subtle yet profound negation of dignity, reducing the disabled body to one that must be regulated rather than respected. Furthermore, this erasure is particularly concerning when seen from an intersectional context where disability often intersects with gender, caste, or class to create layered vulnerabilities.[22] For instance, disabled women and LGBTQ+ individuals face a double bind of invisibility, yet the Act offers no language or remedy that speaks to their lived experiences.[23]

By omitting any articulation of consent, sexual expression, or privacy in institutional and care settings, the law runs presumption that persons with disabilities lack the mental or moral capacity to make informed choices about their own bodies.[24] This omission also runs counter to our commitments under international human rights instruments such as the UNCPRD, which affirms the right of persons with disabilities to marry, form a family, and retain their fertility on an equal basis with others.[25]

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[19] TARSHI, *Sexuality and Disability in the Indian Context*, Working Paper (2018).

[20] UNFPA, *Sexual and Reproductive Health*, available at: http://www.unfpa.org/sexual-reproductive-health (last visited Jun. 28, 2025).

[21] *Vikash Kumar* v. *Union Public Service Commission*, (2021) 5 SCC 370.

[22] *Id.*

[23] Renu Addlakha & Mahima Nayar, *Disability and Sexuality: Intersectional Analysis in India*, Occasional Paper No. 63 (Aug. 2017).

[24] Amita Dhanda, *Legal Capacity in the Disability Rights Convention: Stranglehold of the Past or Lodestar for the Future?*, 34 Syracuse J. Int'l L. & Com. 429, 440 (2007).

[25] UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 23.

Words That Wound: Representational Ableism and the Act's Legislative Silence

The Supreme Court's judgment in *Nipun Malhotra* v. *Sony Pictures*[26] serves as a stark reminder of the cultural aspect of discrimination that remain unaddressed by the act. While Chapter II of the Act speaks broadly of the right to equality,[27] protection from abuse,[28] and dignity in community life, it is remarkably silent on representational harm the kind of injury inflicted not through physical exclusion, but through derogatory portrayals that reinforces social stigma. In Aankh Micholi, persons with speech disabilities were likened to 'atki hui cassette,' a metaphor that trivializes the challenges of communication disability as comedic material. Yet, there is no provision within Chapter II that explicitly prohibits such cultural denigration, nor does the Act empower regulatory bodies to review media content that perpetuates ableist tropes.

The Court's observation that 'words cultivate institutional discrimination'[29] fills a normative gap the legislature has failed to address. While the Act mandates the dissemination of disability-sensitive information and awareness campaigns,[30] these remain largely aspirational in the absence of a binding duty to regulate public narratives around disability. In effect, it leaves persons with disabilities without a statutory remedy when their dignity is eroded.

V

Right to Dignity: *Rhetoric* v/s *Reality*

As per the United Nations Convention on the Rights of Persons with Disabilities, the Rights of Persons with Disabilities Act, and the Indian Constitution under Article 21[31] collectively ensure that all persons are entitled to dignity, autonomy, which includes persons with disabilities. Human dignity is understood here not as an individual attribute or a special right but as the founding moral principle of an adequate human rights framework that is truly inclusive and universal and hence recognizes the particular needs and living conditions of people with diverse impairments.[32] What follows is that, by stating that 'someone has dignity', what is

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[26] *Nipun Malhotra* v. *Sony Pictures Films India Pvt. Ltd.*, W.P. (C) No. 1171 of 2022, ¶ 14 (SC, May 2024).

[27] *Supra* note 5.

[28] *Supra* note 5, at S.7.

[29] *Supra* note 26, at ¶3.

[30] *Supra* note 5, at S.29.

[31] The Constitution of India, 1950, Art. 21.

[32] *See*, Sigrid Graumann, *Human dignity and people with disabilities* in THE CAMBRIDGE HANDBOOK OF HUMAN DIGNITY, *INTERDISCIPLINARY PERSPECTIVES*, 484 – 491, (Marcus Düwell *et. al.*, ed., 2015), *available at:* https://doi.org/10.1017/CBO9780511979033.061 (last visited Nov. 6, 2025).

expressed is that she or he has to be recognized as a bearer of human rights.[33] Dignity encompasses the worth of every person, which should be respected regardless of any physical or mental barrier. According to the capabilities approach of Martha Nussbaum, a life of dignity requires a threshold level of provision to allow for the realization of each of the ten basic capabilities:

> *Life… Bodily Health… Bodily Integrity… Senses… Imagination… Thought… Emotions… Practical Reason… Affiliation… Other Species… Play… [and] Control Over One's Environment.*[34]

In the context of disability rights, dignity means treating persons with disabilities not as objects of charity or pity but as equal members of society entitled to respect and participation.

While the government specifically mentions and calls the RwPD Act a major proactive step towards persons with disabilities, which came in 2016, section 3 of the act[35] states the right to live with dignity and respect for his or her integrity equally with others. Does this mean that they had no right before 2016, and if so, then would it be correct to say that Article 21 of the Indian Constitution is not inclusive, as one part of the population suffering with some kinds of disability are not included and denied the said right. Moreover, it can be said that the right to dignity encompasses self-autonomy, which further ensures that all major life decisions are made by the individual. In the Western philosophical tradition, autonomy is closely tied to self-determination and freedom, encompassing the freedom to make choices and take responsibility for one's own actions, as well as the opportunity to flourish and live a meaningful life.[36] Autonomy encompasses the right to live independently, the right to make choices regarding marriage, education, employment, and healthcare, without any form of interference.

Now digging out deeper, we all know that society considers disabled people not even normal so the question to take decisions is next to impossible. One of the studies conducted by National Institute of Health, it was revealed that as per Indian Succession rules, property is equally divided among the children.[37] But in one of the households' fathers expressed that whole of the property will be taken by the elder son as the younger is disabled and there was a clear denial of property rights. The more famous notion states that usually family members take the share of disabled people in the name of taking care,

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[33] *Id.*

[34] Martha C. Nussbaum, FRONTIERS OF JUSTICE: DISABILITY, NATIONALITY, SPECIES MEMBERSHIP 76-77 (2006).

[35] The Rights of Persons with Disabilities Act, 2016, S. 3.

[36] Lid, *The significance of relations. Rethinking autonomy in a disability perspective. Lived citizenship for persons in vulnerable life situations*, 6 SCANDINAVIAN UNIVERSITY PRESS 99-113 (2022), *available at:* https://doi.org/10.18261/9788215053790-2022-06 (last visited Nov. 6, 2025)

[37] N Janardhana *et. al., Discrimination against differently abled children among rural communities in India: Need for action*, 6(1) J. NAT. SCI. BIOL. MED. 7–11 (Jan–Jun 2015) (PMID 25810627, PMCID PMC4367071), *available at*: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4367071/ (last visited Jun. 29, 2025).

but in reality, they just enjoy the property without doing the bare minimum. The second major prospect after property rights comes the marital prospect of life. Generally, it is believed that people with disabilities do not have either the sexual rights or the reproductive rights. In the case of *Suchita Srivastava* vs. *Chandigarh Administration*, the court ruled that the distinction between 'mentally ill' and 'mentally retarded' cannot be disregarded so as to interfere with the personal autonomy that has been accorded to mentally retarded persons for exercising their reproductive rights. While the court has clearly given the reproductive rights but the RPwD act is silent on the same as only section 10[38] of the act talks about the access to appropriate information regarding reproductive and family planning. Nowhere does the act in abstract mention the reproductive and sexual rights of disabled persons. The rights to make one's own choices and to be actively involved in decision-making are denied on a daily basis. The concepts of dignity and autonomy are both interrelated, as the ability to make one's own choice is a precondition for dignity, which is denied in all aspects of life for persons with disability.

VI

Structural Discrimination

While the supporters of the act celebrate the legislation as a big win, the statistics regarding discrimination against persons with disabilities speak a different story. As per the survey conducted by Equality Human Rights, 27 % of disabled people face discrimination or some kind of harassment at the workplace.[39] At the world level, the International Labour Organization reported many myths regarding people with psychological disabilities, as they are believed to be more violent than other people. Now, this myth and categorisation of other people themselves state how the society treat people with psychological disabilities. An American study conducted by the Urban Institute reports that 4 out of 10 adults with disabilities experience unfair treatment in healthcare, work, or when applying for public benefit schemes.[40] In addition to this, people with disabilities face double the discrimination compared to people without disabilities.[41] While taking about the Indian statics as collected by America's National Library of Medicine, about 4-8 % population are differently abled , specifically 1 out of every 10 children has physical, memory or sensory

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38 The Rights of Persons with Disabilities Act, 2016, S. 10.

39 Bhavya Sharma, *Disability discrimination in Indian workplaces: A sad reality*, THE FINANCIAL EXPRESS (Sep. 26, 2022) *available at:* https://www.financialexpress.com/india-news/disability-discrimination-in-indian-workplaces-a-sad-reality/2691295/ (last visited Jun. 29, 2025).

40 Dulce Gonzalez, Genevieve M. Kenney, Michael Karpman & Sarah Morriss, *Four in Ten Adults with Disabilities Experienced Unfair Treatment in Health Care Settings, at Work, or When Applying for Public Benefits in 2022*, URBAN INSTITUTE (Oct. 11, 2023), *available at*: https://www.urban.org/research/publication/four-ten-adults-disabilities-experienced-unfair-treatment-health-care-settings (last visited Jun. 29, 2025).

41 *Id.*

disabilities, either they are born with it or gradually acquires. [42]The statics clearly show as how people with disability exist and form a part of society, but Indian families in the beginning deny the disability and the stigma attached to it. Because of this there is no early identification and the long-term consequence of denial are also imposed. The same can be traced in the movie 'Taare Zameen par' where the child actor named Ishan Awasthi has dyslexia which his father denied and repeatedly said that his child is normal. The notion of being normal in Indian society is varied as per the customs and needs of society. Now talking the same from jurisprudential lens, in the case of *NALSA* v. *Union of India*,[43] the court acknowledged the marginalization of trans persons and held that constitutional rights must accommodate 'non-normal' identities. Now these non-normal identities also constitute the disabled people that's the sole reason why the rights of disabled people came nearly after sixty nine years of independence, although they were present in the constitution but the recognition took years.

VII

A Distant Promise of Accommodation and the Quest for Equal Justice

The marginal note of Section 3 mentions the equality and non-discrimination; Subsection 4 ensures that there shall be reasonable accommodation to persons with disabilities. The same is defined under Section 2(y), which restricts itself to the necessary and appropriate modification and adjustments that ensure that persons with disabilities exercise their right to enjoyment equally with others. Even Article 24 of the UNCRPD mentions accommodation in matters of education and social development with the goal of full inclusion. In matters of education, the new education policy also promotes inclusive education. But in India, as a country that is evolving in its infrastructure, inclusivity matters in terms of ramps for schools, assistive learning tools and special educators. Although the Indian government has launched the Sarva Shiksha Abhiyan, which promotes inclusive education, the question remains whether inclusive infrastructure is part of our architectural framework, which is clearly not the case. Universal design, which aims to provide accessibility to everyone in terms of technology, transportation, and infrastructure, is often suggested as the solution; however, in reality, it remains an abstract concept, more akin to an ideal. As accessibility is different for everyone, it is said that the fact that no two disabilities are alike, and no two people are alike.[44] So, just mentioning that the reasonable accommodation should be provided, the job is not done yet, as no one's

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[42] *Id.*, note 37.

[43] AIR 2014 SC 1863.

[44] Centre for Disability Rights New York State, *Can Universal Design Truly Exist?*, DISABILITY DIALOGUE – BLOG, *available at*: https://www.cdrnys.org/blog/disability-dialogue/can-universal-design-truly-exist/ (last visited Nov. 7, 2025).

needs can be put in a box. Additionally, a lack of awareness and expertise among architects, engineers, and policymakers further exacerbates this issue, as they still rely on the 'one-size-fits-all' model that overlooks diverse physical, sensory, and cognitive needs.

Furthermore, the situation is worse in rural settings, as the first challenge remains to convince the parents of disabled children to attend the school, and it becomes more difficult when the infrastructure and the school administration deny admission in order to avoid the liability to provide accommodation. Article 16 of the Indian Constitution ensures that all citizens have equal opportunities for employment in matters of public employment. Although the Government reserved 4% of the seats for people with disabilities in General Pool Residential Accommodation under the Sugamya Bharat Abhiyan as a step to reaffirm the notion of equal opportunities for people with disabilities.[45] This reservation is a welcome step towards promoting inclusivity, but its effectiveness is contingent upon its implementation and the way it is carried out by the government.

Under the head of Public Transport also the Indian railways usually have some seats reserved for disabled people but they are at the back of the train, which usually makes it impossible for people with disability as they must navigate the whole distance to avail the same. The accommodation is not just restricted to physical trinity, the apex court ruled that Right to digital access is a part of Article 21 and the court ruled that eKYC (digital know your costumer) must be accessible to people with low vision or blind persons.[46] Moreover, in the same ruling RBI was directed to introduce alternative means for disabled persons for verifying customer 'liveliness' as blink option will not be suitable.

Considering all the steps under the head to provide under accommodation the government is trying to take baby steps, but the need is far more fetched, it's the speed that the govt needs to take control of, the age where our infrastructure was struggling to accommodate has gone now it's time to transform it and make it more inclusive.

VIII

Definition of Appropriate Government is Vague and Uncertain

As per Section 2(b) of the Right of Persons with disabilities act,[47] the appropriate government is defined using two sub-subsections, one with the state government and the other as the central government, The definition restricts itself to authorities which are:

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[45] *4% housing quota for disabled announced: Govt's big step towards inclusion*, MATHRUBHUMI ENGLISH (Jun. 28, 2025) *available at*: https://english.mathrubhumi.com/news/india/4-housing-quota-for-disabled-announced-govts-big-step-towards-inclusion-bhy1v82f F (last visited Jun. 29, 2025).

[46] *Id.*

[47] The Rights of Persons with Disabilities Act, 2016, S. 2(b).

(i) any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the Central Government;
(ii) any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, or the State Government.

Point (i), talks about the central govt, and Point (ii) talks about the state government. The definition in its nature is not inclusive but rather limited to some authorities. Overall, throughout the act, the word 'appropriate govt' is mentioned almost 74 times. But the definition does not make its way effective by merely mentioning it, but rather by looking for the delegation that is cast upon both the government, as no one will be able to perform the actual implementation by just blaming and shirking the real work. Now, this word can be seen through the actual lens of the legal drafters, where they have actually tried to sort the problem by making it simple that if the matter pertains to the state, then the state government will act, and vice versa. But the case does not end here, the problem still lies in who will decide if the matter pertains to which government, as both of them will try to shift their liability.

IX

Conclusion

The whole of the act focuses on the disability, although it acknowledges the right, but the question still remains the same: firstly, do disabled people know about their rights, and if so, the second question is how their implementation is ensured. At the current time, these are the two most important issues that the government needs to consider. As if the right is not acknowledged by the people for whom they are created, there is no use of the same, and so is the importance of the implementation. When there is no action by the government, all those rights are just the black letters of law. The implementation of the same is denied by the current social, structural, and bureaucratic framework, as mentioned above, the legal framework, in contrast, appears to be inclusive. It needs to be understood that the implementation of the same demands more administrative action, social sensitivity, and awareness among the population. To make these provisions into a social reality, a multi-focused approach is needed in terms of integrated universal design and accommodation, and community-level awareness. The act already laid down the platform, the areas are demarcated where the work needs to be done; it's the action that is waiting to be brought into reality.

As rightly said by Warwick Davis:

'The world worries about the disability more than the disabled people do.'

With continued compassion and collaboration, Indian can pave the way for an inclusive society where no one is left behind. The Rights of Persons with Disabilities Act's absence of sexual, reproductive, representative, and personal autonomy rights suggest that people with disabilities continue to be viewed as passive subjects rather than full citizenship in relation to their rights as disabled individuals. The omissions in the Act perpetuate the legal and cultural stigmatization and systemic discrimination against people with disabilities by leaving them at the mercy of their families, institutions, and society with regard to their bodies, choices, and opportunities. The failure of this legislation to affirm sexual citizenship, regulate ableist depictions, provide for the creation of accessible infrastructures, and clarify government accountability results in its inadequacy in addressing both its constitutional and international human rights responsibilities. True dignity requires more than a mere recognition of people with disabilities; it necessitates a transformation of our structures, an understanding of the intersectionality of our lives, and a legal framework that does not view people with disabilities as exceptions to be managed but rather as autonomous individuals with unfettered participation, respect, and self-determination.

Suggestions and Recommendations

While Chapter II of the Act speaks the language of dignity, equality, and non-discrimination on one hand, on the other it permits these ideals to be diluted through discretionary phrasing, and executive silence. For a statute that promises to be transformative, the absence of time-bound, mandatory enforcement mechanisms is a structural injustice.

Firstly, any attempt at reform must begin by confronting the stigma that continues to influence both law and policy. There is an urgent need to reject the patronising framing of these entitlements as 'special rights.' They are not. These are not gifts from the State but guaranteed rights flowing from the Constitution and international human rights law. PWDs are not charity recipients; they are rights-bearing individuals whose claims to autonomy, intimacy, mobility, and equality are intrinsic to their humanity. As Nussbaum argues, such people should nevertheless be considered full citizens entitled to dignified lives, even if no one could gain from cooperating with them. She notes that the social contract tradition has always denied the reality of dependency, despite the obvious fact that everyone is dependent on others during infancy, old age, injury, and illness.[48] Additionally, she argues that justice for people with disabilities should include whatever special arrangements are required for them to lead a dignified life, and the work of caring

[48] Jean Chambers, *Frontiers of Justice: Disability, Nationality, Species Membership by Martha Nussbaum* 60 PHILOSOPHY NOW (2007), *available at*: https://philosophynow.org/issues/60/Frontiers_of_Justice_Disability_Nationality_Species_Membership_by_Martha_Nussbaum (last visited 7 Nov. 2025).

for them should be socially recognized, fairly distributed, and fairly compensated.[49] Legal language must evolve accordingly.

Secondly, delegated legislation under the RPwD Act must be used not to obscure, but to operationalise these entitlements. It is imperative to introduce enforceable rules on reasonable accommodation, particularly in relation to physical infrastructure. Construction of ramps in public and private institutions, for instance, cannot remain a symbolic gesture or a voluntary good practice. It must be made legally mandatory, with specific time-bound obligations and clearly prescribed penalties for non-compliance. The rules must require all educational institutions, healthcare centres, transport facilities, courts, and government buildings to file compliance reports within stipulated timelines. The failure to construct ramps or install assistive mechanisms should attract graded fines, escalating with each instance of continued violation. In addition, a grievance redressal portal must be developed for PwDs to report such failures, with mandatory inspection and resolution within a fixed timeframe.

Thirdly, in addition to these following initiatives could be reckoned

i. Time-Bound Accessibility Code- There should be a clear set of rules similar to the one's we have for fire safety or building strength, specifically for making buildings friendly and usable for PWDs. These rules should cover things like ramps, lifts, handrails, and signboards in Braille. Every time the government or any agency plans a new school, hospital, office, or public place, they should not be allowed to start construction or get money unless they show that the building will be fully accessible. Also, there should be strict deadlines to make sure old buildings are also improved and made barrier-free within a fixed time.
ii. Incentivised Inclusion Schemes: Government tenders and contracts could include a scoring mechanism where entities receive higher evaluation points for inclusive design and employment of PwDs. This shifts accommodation from compliance to competitive advantage. Furthermore, the design needs to be based on both usability and accessibility for the population, as everyone's needs should be considered.

Fourthly, The Rights of Persons With Disabilities Act should be amended in order for it to explicitly define sexual autonomy, reproductive choice, consent and privacy rights as being enforceable under this legislation. Amendments must also establish standards for institutions and/or caregivers and service providers to treat disabled individuals as being capable of exercising their own autonomy over their sexuality, rather than simply being viewed by others as dependent or incapable of making decisions regarding their bodies.

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[49] *Id.*

Finally, the enforcement must be realigned to reflect the seriousness of these rights. It is not enough for the appropriate government to merely 'take steps'; it must be held accountable through annual audit mechanisms, social accountability tools, and civil society oversight. It is necessary for the governmental agency to create a system for regulating and monitoring the use of ableist messages via media, advertising, public communications. As part of this process, the establishment of content standards appropriate to individuals with disabilities; creating governing bodies that review media content; imposing consequences/corrective strategies against media content which promotes negative stereotypes or represents individuals with disabilities in ways that violate their dignity need to be an integral part of the process.

The Act has laid the groundwork but the foundation must now be built upon with the urgency and integrity that justice demands. This is not merely a matter of administrative efficiency or legal sophistication. It is a question of moral clarity. If the Act is to move beyond paper and penetrate to the architecture of our schools, our courts, our buses, and our homes, it must begin by reorienting itself from paternalism to personhood. To take action on legal obligations, we must provide guidance and rules for various types of disabilities and places where people with different disabilities will need this type of support. To enable this, architects, teachers, business leaders and members of the local and state government require mandatory training, infrastructure needs to be funded specifically for inclusive access, and monitoring at the community level needs to occur to ensure finding accessible facilities in both urban and rural environments, thus moving from the intentions of our laws to actually helping people with disabilities.