

HUMAN RIGHTS OF PERSONS WITH DISABILITIES: INDIAN PERSPECTIVE

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ABSTRACT

The human rights of persons with disabilities (PWDs) are integral to the global agenda for equality and justice. The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) marked a transformative step towards acknowledging the rights of PWDs worldwide. However, despite international recognition, the realization of these rights remains inconsistent, particularly in developing countries like India, where socioeconomic challenges further hinder accessibility and inclusion. The objectives of the paper are to examine the national human rights frameworks concerning PWDs, to identify key barriers faced by PWDs in accessing their rights and propose solutions, to assess the challenges and opportunities for enforcing disability rights in India. The literature highlights that despite the CRPD's widespread ratification, the enforcement of disability rights varies significantly across regions. In higher-income countries, more comprehensive systems support PWDs through inclusive education, healthcare, and employment. In contrast, in developing countries like India, the implementation is constrained by socio-economic factors, inadequate infrastructure, and limited awareness. Indian literature, in particular, discusses the advancements made through the Rights of Persons with Disabilities Act (2016) but emphasizes the need for greater enforcement and societal change to address pervasive stigma. The current paper focuses on several studies on human rights of persons with disabilities. To examine the aforementioned objectives, the necessary secondary data is collected from both published and unpublished sources. To improve the study, books, journals, and seminar papers, content analysis, newspapers, publications, and websites are used. The findings reveal that globally, countries with robust social protection systems exhibit better outcomes in securing disability rights. In India, despite progressive legal frameworks, PWDs face significant barriers in education, employment, and healthcare due to insufficient infrastructure, stigma, and poverty. Enforcement of rights is hindered by bureaucratic inefficiencies and resource constraints. The study suggests that governments should strengthen the enforcement of disability rights through legal reforms, capacity-building for public institutions, and targeted advocacy campaigns. In India, the focus should be on improving infrastructure accessibility, increasing public awareness, and ensuring stricter enforcement of legal protections.

Keywords: Human Rights, Disabilities, Laws, Awareness, Enforcement.

Introduction

The human rights of persons with disabilities (PWDs) have gained increasing global recognition in recent decades, especially with the adoption of the United Nations Convention on the Rights of

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Persons with Disabilities (CRPD) in 2006. This marked a significant shift from a welfare-based to a rights-based approach, emphasizing that PWDs are entitled to enjoy the same rights and freedoms as everyone else. In response, many countries, including India, have introduced national legal frameworks to align with international standards. India's Rights of Persons with Disabilities (RPWD) Act, 2016 is a key example, which guarantees PWDs access to education, healthcare, employment, and an accessible environment. However, the practical realization of these rights remains inconsistent, especially in developing countries like India, where multiple challenges persist.

This research paper aims to examine the effectiveness of national human rights frameworks concerning PWDs, focusing particularly on the level of implementation and enforcement of disability rights in various countries, with a detailed assessment of India's progress. While high-income countries have more developed social protection systems and accessible infrastructure, lower-income countries often struggle with resource constraints, inadequate infrastructure, and limited public awareness. In India, despite the progressive provisions of the RPWD Act, the enforcement of these rights is hindered by structural and attitudinal barriers, including inaccessible public spaces, insufficient resources, and stigma surrounding disability.

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The paper also identifies key barriers faced by PWDs in accessing their rights. These include physical inaccessibility to public infrastructure, socio-economic factors such as poverty and unemployment, and deep-rooted societal stigma that perpetuates discrimination against PWDs. For many PWDs, these challenges result in exclusion from education, employment, healthcare, and social participation, despite the legal protections theoretically in place.

Finally, this research will propose practical solutions to enhance the enforcement of disability rights, particularly in India. These solutions focus on strengthening institutional capacity, improving infrastructure to ensure greater accessibility, and launching public awareness campaigns to combat stigma. By examining global best practices and successful models of disability inclusion, the paper aims to provide actionable recommendations to help bridge the gap between legal provisions and their implementation. Ultimately, advancing the human rights of PWDs requires a collective effort from governments, civil society, and communities to create an inclusive and equitable environment for all.

Objectives

- To examine the national human rights frameworks concerning PWDs.
- To identify key barriers faced by PWDs in accessing their rights and propose solutions.
- To assess the challenges and opportunities for enforcing disability rights in India.

Review of Literature

The human rights of persons with disabilities in India have seen significant advancements, particularly following the ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008. This ratification marked a commitment to uphold the rights and dignity of individuals with disabilities, aligning national policies with international human rights standards Chaney (2021). The Indian government has enacted various legislative measures, including the Rights of Persons with Disabilities Act of 2016, which aims to enhance the social, economic, and educational rights of disabled individuals. This Act is a crucial step towards ensuring that persons with disabilities are recognized as rights-holders and provided with the necessary support to exercise these rights effectively (Pal, 2018).

The intersectionality of disability with other social categories, such as gender and socioeconomic status, further complicates the landscape of disability rights in India. Women with disabilities face unique challenges that require targeted advocacy and policy interventions. The CRPD recognizes the need for gender-sensitive approaches in addressing the rights of women and girls with disabilities, emphasizing the importance of inclusive policies that consider their specific needs (Chaturvedi, 2023).

Moreover, the economic empowerment of persons with disabilities remains a pressing issue, as employment rates for disabled individuals are significantly lower than those for their non-disabled counterparts. Initiatives aimed at enhancing vocational training and employment opportunities are essential for promoting economic independence and social inclusion (Mishra, 2024; Benshoff, L., Barrera, M., & Heymann, J. 2014).

The examination of international and national human rights frameworks concerning persons with disabilities (PWDs) in India reveals a complex interplay between legislative commitments and the practical realities faced by disabled individuals. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) serves as a foundational international instrument that mandates the recognition and protection of the rights of PWDs. Ratified by India in 2007, the CRPD emphasizes the importance of accessibility, inclusion, and the elimination of discrimination against individuals with disabilities Paré (2019) Rao, G., Ramya, V., & Bada, M. 2016). It advocates for a shift from a medical model of disability to a social model, which recognizes that societal barriers, rather than individual impairments, often hinder the full participation of PWDs in society (Kakoullis, 2023; Sugiura, K., Mahomed, F., Saxena, S., & Patel, V. 2019).

At the national level, the Rights of Persons with Disabilities Act, 2016, aligns with the CRPD by expanding the definition of disability and outlining specific rights for PWDs, including the right to education, employment, and accessibility (Ghosh, 2022). However, despite these legal frameworks, the implementation of these rights remains inconsistent and fraught with challenges. For instance, while the Act mandates reasonable accommodations in various sectors, including education and employment, the actual provision of such accommodations is often lacking due to inadequate infrastructure, societal stigma, and a lack of awareness among service providers (Wahyudi & Kasiyati, 2022). Furthermore, the intersectionality of disability with other social categories, such as gender and caste, exacerbates the barriers faced by marginalized groups within the disabled community (Thompson, 2023).

Barriers to accessing human rights for PWDs in India are multifaceted. Social attitudes and stigma surrounding disability continue to perpetuate discrimination and exclusion, impacting the ability of individuals to claim their rights effectively (Sarkar & Parween, 2021; Thompson, 2023). Additionally, the lack of awareness and training among public officials and service providers regarding the rights of PWDs contributes to the inadequate implementation of existing laws (Gupta & Priyadarshi, 2020; Ghosh, 2022).

Moreover, the judicial system in India presents additional challenges for PWDs seeking justice. The lack of accessible legal processes and the absence of specialized provisions for disabled individuals in the criminal justice system hinder their ability to navigate legal challenges effectively (Gooding, P., McSherry, B., & Arstein-Kerslake, A. 2021). The CRPD calls for accessible justice systems that do not create separate procedures for PWDs; however, the reality often reflects a lack of accommodations and support for individuals with disabilities in legal settings (Gooding, P., McSherry, B., & Arstein-Kerslake, A. 2021; Kremte, 2019). This situation underscores the need for comprehensive reforms to ensure that the rights of PWDs are not only recognized in law but also effectively implemented in practice.

In conclusion, while India has made significant strides in establishing a legal framework for the rights of persons with disabilities through the ratification of the CRPD and the enactment of national legislation, the effectiveness of these rights remains hindered by systemic barriers, societal attitudes, and inadequate implementation mechanisms. Continuous efforts are needed to address these challenges, promote awareness, and ensure that the rights of PWDs are upheld in all aspects of life. The role of civil society organizations and advocacy groups is crucial in this process, as they work to amplify the voices of PWDs and hold the government accountable for its commitments.

| Barrier | Description | Proposed Solutions |
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| Lack of Awareness about Rights | Many disabled persons and their families are unaware of their legal rights, benefits, and resources. Lack of understanding makes it hard for them to seek justice for rights abuses. | <p>National Awareness Campaigns: To educate PWDs about their rights, governments and NGOs should run countrywide media, educational, and community campaigns.</p> <p>Rights Education in Schools: Introduce rights education early in schools and include it in curricula for children with and without disabilities.</p> <p>Community Outreach Programs: Partner with local leaders and groups to educate PWDs, particularly rural ones, about their rights.</p> |

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| Inadequate Legal Representation | PWDs struggle to get inexpensive or specialized legal aid. Legal institutions may not prioritize PWD claims, and lawyers may lack disability rights competence. | <p>Specialized Legal Aid for PWDs: PWDs should get free or discounted legal help from governments. Legal assistance should include sign language interpreters and accessible documents.</p> <p>Legal Training on Disability Rights: Educate attorneys and legal professionals about disability rights legislation to improve representation.</p> <p>Mobile Legal Clinics: Mobile legal clinics in rural and distant places may help PWDs get legal information and representation.</p> |
| Discriminatory Legislation and Policies | In education, employment, healthcare, and housing, certain rules inadvertently exclude or discriminate against PWDs. | <p>Comprehensive Legal Review: Review legislation regularly to find and change PWD-oppressive provisions.</p> <p>Inclusive Policymaking: PWDs should be involved in policymaking directly or via representative groups to prevent discriminatory laws.</p> <p>Advocacy for Law Reform: Promote legal reforms that require PWDs to be included in work, education, healthcare, and other areas and have equal opportunities.</p> |
| Non-Implementation of Disability Rights Laws | Even progressive regulations like the UN Convention on the Rights of Persons with Disabilities (CRPD) are violated due to weak local and national enforcement. | <p>Independent Monitoring Bodies: To enforce disability rights legislation, create local and national monitoring and enforcement authorities.</p> <p>Stronger Penalties for Non-Compliance: Impose severe sanctions and fines for disability inclusion violations, notably in employment and infrastructure.</p> <p>Periodic Compliance Audits: Audit public and private entities regularly to assess disability legislation compliance.</p> |
| Inaccessible Complaint Mechanisms | Publicly visible disabilities (PWDs) often can't get to existing law and protest systems, like human rights bodies or courts. Accessibility problems with buildings, a lack of speakers, and difficult law words are some examples. | <p>Accessible Complaint Platforms: Accessible complaint platforms should include braille, sign language interpretation, audio formats, and simplified language for intellectually disabled people.</p> <p>Online Grievance Redressal Mechanisms: Create accessible web portals and mobile applications for reporting rights violations for all impairments.</p> <p>Legal Literacy Programs: Conduct legal literacy programs to empower PWDs and their families to understand and navigate the legal system.</p> |
| Social and Institutional Discrimination | PWDs face discrimination in healthcare, education, and employment due to social and institutional prejudice. | <p>Disability Sensitization Programs: Make disability awareness training obligatory for public, healthcare, law enforcement, and judicial staff.</p> <p>Anti-Discrimination Policies: Establish and implement employment, education, healthcare, and government anti-discrimination rules to protect PWDs.</p> <p>Inclusive Institutional Practices: Encourage public and commercial institutions to hire PWDs, provide adjustments, and provide accessible spaces.</p> |

| Category | Challenges | Opportunities |
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| Legal Awareness of Disability Rights | Many Persons with Disabilities (PWDs) are oblivious of their legal rights under the Rights of Persons with Disabilities Act, 2016 (RPWD) and other legal protections. Many individuals are unaware of the legal options available for redress, particularly in rural areas, due to the absence of pervasive public education on disability rights. | Awareness Campaigns: To educate PWDs about their rights, national and regional administrations, in conjunction with NGOs, can implement extensive public awareness campaigns. Rights Inclusion in Curriculums: By incorporating disability rights education into school curricula, it is possible to guarantee that future generations comprehend and honour the rights of persons with disabilities. |
| Enforcement of Disability Laws | Weak enforcement mechanisms at the national and state levels lead to limited impact of the RPWD Act. There are no strong penalties for non-compliance with laws mandating accessibility and inclusion, making enforcement difficult. | Strengthening Enforcement Bodies: Specific accountability mechanisms can be implemented by State Disability Commissioners to ensure that laws are enforced in a more proactive manner. Penalties for Non-Compliance: Institutions will be encouraged to adhere to the RPWD Act by imposing more stringent penalties for noncompliance with accessibility and inclusion laws. |
| Judicial Accessibility | Many courts and legal institutions are physically inaccessible to PWDs, which complicates their ability to pursue legal action when their rights are violated. Limited availability of sign language interpreters, accessible formats (e.g., braille or audio), and other assistance during legal proceedings. | Accessible Legal Infrastructure: There is an opportunity to implement accessibility measures in courthouses (e.g., ramps, accessible toilets) and to provide communication aids like sign language interpreters. Technology in Courts: Using technology like virtual hearings and accessible legal documentation can help make justice more accessible to PWDs. |
| Discriminatory Practices and Attitudes | Negative social attitudes toward persons with disabilities frequently lead to discriminatory practices in public services, institutions, and organizations. This obstructs their access to basic liberties, including healthcare, employment, and education. | Anti-Discrimination Training: Mandatory sensitization programs for public officials, employers, and service providers can mitigate discriminatory practices. Empowerment Through Advocacy: Disability advocacy organizations have the opportunity to exert pressure on institutions to strictly enforce and implement anti-discrimination policies. |
| Access to Legal Representation | PWDs frequently experience a dearth of affordable and specialized legal assistance. The training of legal professionals and attorneys in the management of disability rights cases may be inadequate. | Specialized Legal Aid Programs: In order to improve the capacity of PWDs to advocate for their rights in court, it is possible to establish legal assistance programs that are either free or subsidized. Training Lawyers: Providing legal professionals with training in disability rights can enhance the representation of PWDs in legal matters. |
| Policy Implementation Gaps | Significant disparities exist between the implementation of disability rights as outlined in legislation (e.g., the RPWD Act) and their actual practice. Frequently, policies are not | Monitoring and Accountability: The gap between policy and practice can be bridged by bolstering the role of independent monitoring bodies to evaluate the effectiveness of disability |

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| | implemented, particularly in rural and underdeveloped regions. | rights laws in their implementation. Grassroots-Level Initiatives: Engaging local administrations and community-based organizations to facilitate the implementation of disability rights laws at the grassroots level can guarantee a more extensive impact. |
| Access to Complaints Mechanisms | Ombudsman offices and grievance redressal platforms are inaccessible to disabled people. This limits their human rights reporting. | Accessible Grievance Mechanisms: Accessible online and offline grievance mechanisms, including complaint systems in braille, sign language, and simplified formats, can facilitate the reporting of rights violations by PWDs. |

| Framework/ Act | Key Provisions | Scope and Coverage | Strengths | Challenges and Gaps | Enforcement Mechanisms | Impact on PWDs |
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| Constitution of India (1950) | Article 14: Right to Equality Article 21: Right to Life and Personal Liberty Article 41: Right to Work, Education, and Public Assistance for PWDs | Constitutional protection ensuring equality, non-discrimination, and access to basic rights | Provides a broad framework for equality and protection for PWDs | No specific provisions for PWDs beyond broad constitutional guarantees; does not address detailed rights of PWDs | Legal recourse through courts; the judiciary has interpreted these rights in landmark judgments related to disability | Significant for safeguarding fundamental rights, but general in nature and limited enforcement for specific needs of PWDs |
| UN Convention on the Rights of Persons with Disabilities (UNCRPD) | Right to Full Participation in Society Right to Equality and Non-discrimination Right to Accessibility Right to Education, Employment, and Healthcare Right to Independent Living and Social Inclusion | India is a signatory; the convention provides global standards for disability rights | Aligns India's disability laws with international standards; comprehensive framework for inclusion | Implementation challenges at the national level; lack of adequate resources, infrastructure, and societal attitudes towards disability | India submits periodic reports to the UN Committee on the Rights of Persons with Disabilities; domestic policies must align with UNCRPD obligations | Strengthens India's disability rights framework and provides a global standard for policy formulation, but practical implementation is often limited |

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| <p style="text-align: center;">Mental Healthcare Act, 2017</p> | <p>Right to Access Mental Healthcare Right to Dignity and Non-discrimination Right to Informed Consent and Autonomy in Treatment Decisions Right to Confidentiality and Protection from Abuse</p> | <p>Focused on mental health rights, ensuring dignity, autonomy, and access to services for persons with mental disabilities</p> | <p>Rights-based approach to mental health; strengthens PWDs' autonomy and protection</p> | <p>Lack of mental health infrastructure; stigma and discrimination persist; inadequate resources in rural areas</p> | <p>Mental Health Review Boards ensure compliance; District and State health authorities are responsible for implementation</p> | <p>Provides legal safeguards for persons with mental disabilities, but significant stigma and inadequate service infrastructure hinder full realization</p> |
| <p style="text-align: center;">Rights of Persons with Disabilities (RPWD) Act, 2016</p> | <p>Right to Equality and Non-discrimination Right to Education (free and compulsory for children with disabilities) Right to Employment (4% reservation in government jobs) Right to Accessibility (public buildings, transport, ICT) Right to Healthcare without discrimination Right to Political Participation (voting and standing for elections) Right to Social Security and Rehabilitation</p> | <p>Applies across all sectors; covers 21 categories of disabilities</p> | <p>Comprehensive rights-based law; aligns with UNCRPD; mandates inclusion in education, employment, and accessibility</p> | <p>Gaps in awareness, infrastructure, and institutional capacity; weak implementation in rural areas; lack of accessibility in most public spaces</p> | <p>National and State Disability Commissioners monitor compliance; Special Courts handle grievances; Central Advisory Board coordinates policy implementation</p> | <p>Recognizes wide range of rights, improving legal protections for PWDs, but practical challenges in rural enforcement and public infrastructure limitations</p> |

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| Sugamya Bharat Abhiyan (Accessible India Campaign), 2015 | Right to Accessibility in Public Buildings, Transport, and ICT Systems Right to Equal Access to Public Spaces and Services | Nationwide; focuses on making public infrastructure accessible to PWDs | Aims to create an inclusive and accessible environment for PWDs | Slow progress in implementation; many public spaces and services remain inaccessible, especially in rural areas | Ministry of Social Justice and Empowerment monitors implementation; state-level authorities are tasked with on-ground execution | Significant progress in urban areas, but rural regions still lag behind in making public spaces and services accessible for PWDs |
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Major Observations

Inconsistent Implementation: Despite progressive legislative frameworks like the RPWD Act and many national programs, there remains a disconnect between law and reality. Many of the rights mentioned in these statutes are not fully fulfilled owing to inadequate enforcement and bureaucratic difficulties.

Social Exclusion: PWDs in India continue to be marginalized in many areas of life, including education, work, and healthcare. Social stigma and a lack of public understanding about disability rights aggravate these problems.

Need for Structural Reform: To guarantee that people with disabilities have equal access to their rights, capacity building, infrastructural development, and social change are required. This involves educating government officials, raising public awareness, and enhancing accessibility in physical and digital infrastructures.

Rural-Urban Disparity: PWDs in rural locations have more problems than their urban counterparts owing to restricted resources, a lack of accessible infrastructure, and less prospects for education and work.

Opportunities for Advocacy and Legal Reform: Strengthening enforcement procedures, raising disability awareness via media campaigns, and strengthening public-private sector partnership are critical to advancing PWDs' rights and participation in India.

Social and Structural Gaps: Despite robust legal frameworks, PWDs continue to face societal stigma and infrastructural restrictions that prevent them from fully achieving their rights.

Gender Disparities: Women with disabilities are especially disenfranchised, needing a gender-responsive approach to disability policy and campaigning.

Technology and Digital Inclusion: While assistive technologies can empower PWDs, a significant digital divide prevents many from accessing these technologies, especially in underdeveloped regions.

Employment Barriers: Employment quotas and opportunities, especially in the private sector, are still underused, and a lack of workplace amenities is a significant barrier.

Public-Private Partnerships: Collaboration between the government, NGOs, and the corporate sector has the potential to improve disability rights enforcement, particularly in healthcare, education, and employment.

Suggestions

1. Strengthen the Enforcement of Disability Rights: Ensure that the Rights of Persons with Disabilities (RPWD) Act, 2016, is rigorously implemented by developing strong systems for monitoring infractions, resolving complaints, and providing speedy justice to PWDs.

2. Increase Awareness of Legal Rights: Conduct widespread awareness efforts to educate PWDs and their families on their legal rights and entitlements under national and international frameworks such as the RPWD Act and the United Nations Convention on the Rights of Persons with Disabilities (CRDP).

3. Enhance Legal Support Systems: Establish accessible legal aid services for PWDs to help them understand and enforce their rights. Special legal clinics and advice services might be established to offer PWDs with free legal representation.

4. Improve Accessibility to Justice: Ensure that the whole judicial system is accessible to people with disabilities, including courts, legal processes, and communication. This may include making courtrooms physically accessible, providing assistive equipment, and providing sign language interpreters and other support services.

5. Combat Discrimination and Rights Violations: Implement effective anti-discrimination legislation to protect people with disabilities from job discrimination, healthcare discrimination, and service refusal. Ensure that these transgressions are dealt with severe legal penalties in order to discourage future rights abuses.

6. Promote the Right to Participation in Public Life: Encourage and encourage people with disabilities to participate in politics and public life by providing voting accessibility, running for office, and participating in community decision-making processes.

7. Ensure the Right to Education and Employment: Ensure that the right to inclusive education is upheld by holding educational institutions responsible for providing accessible and excellent education to students with disabilities. Similarly, enforce employment rights to ensure that people with disabilities are equally represented in both the public and commercial sectors, and that they have legal safeguards against exploitation.

8. Focus on Intersectionality in Rights Enforcement: Address the intersectional issues encountered by women, children, and marginalized groups with disabilities by ensuring that their rights are protected under both disability-specific and wider human rights legislation. Customized rights-based interventions should be designed to safeguard these vulnerable communities.

9. Strengthen Data Collection and Reporting Mechanisms: Improve data collection on human rights breaches impacting people with disabilities in order to better influence policy, increase enforcement, and assess progress toward meeting legal obligations. This information should be made accessible to the public and updated on a regular basis.

Conclusion

The protection and promotion of human rights for Persons with Disabilities (PWDs) are essential for the establishment of a society that is both inclusive and equitable. The full manifestation of these rights in India is impeded by persistent barriers, including social stigma, inadequate infrastructure, limited awareness, and bureaucratic inefficiencies, despite the fact that the Rights of Persons with Disabilities (RPWD) Act, 2016 represents a significant milestone. Numerous persons with disabilities continue to be denied access to their fundamental rights to education, employment, healthcare, and participation in public life due to the disparity between legal frameworks and on-the-ground implementation. In spite of these obstacles, there are prospects for advancement. India can make significant progress in ensuring that disability rights are not only recognized but thoroughly enforced by strengthening institutional capacity, improving public awareness, and enhancing infrastructure accessibility. Additionally, the promotion of change will necessitate collaboration with private sectors, civil society, and international organizations. India must prioritize the effective enforcement of legal protections, empower PWDs to advocate for their rights, and establish a society that embraces diversity and inclusion at all levels in order to achieve true equality. The vision of human rights for all can only be truly realized at that point.

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