

Legal Rights of Persons with Disabilities in Indian Higher Education: A Critical Analysis of Statutory Frameworks, Implementation Gaps, and the Path Toward Inclusive Campuses

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ABSTRACT:

India's legislative framework for persons with disabilities (PwD) has undergone significant transformation with the enactment of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) and the National Education Policy, 2020 (NEP 2020). Despite these developments, higher education institutions (HEIs) in India continue to fall substantially short of the inclusive mandates enshrined therein. This article undertakes a systematic mixed-methods analysis combining doctrinal legal analysis with secondary empirical data drawn from the All India Survey on Higher Education (AISHE) 2021–22, the National Sample Survey (NSS) 78th Round (2023), and a structured institutional survey of 1,113 HEIs conducted in 2023 to examine the statutory obligations imposed upon HEIs under Indian disability law, constitutional guarantees under Articles 14, 15, 21, and 21A, and India's treaty obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The real data show that student enrollment with disabilities climbed from 118,432 in 2014 to 189,573 in 2022; however, this is only 1.60% of total higher education enrollment, well short of the 5% reserve required under the RPwD Act. Implemented Equal Opportunity Cells in only 52% of central universities and a paltry 4% autonomous institutions. Students with disabilities finish their programmes at an average rate that is 19 percentage points lower than students without disabilities. The paper suggests a legal reform agenda with five pillars, informed by comparative frameworks from the U.S., U.K., and Australia: enforceable regulations for UGC accessibility, disability-inclusive NAAC accreditation standards, a private right of action for affected students, mandatory faculty training certification, and disability-sensitive legal education standards. The findings have important implications for legislators, university administrators, legal experts, and disability rights campaigners who are devoted to realising substantive equality in Indian higher education.

Keywords: Disability Rights, Higher Education Law, RPwD Act 2016,

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UNCRPD, Inclusive Education, Equal Opportunity Cell, India, Substantive Equality, Accessibility, Legal Reform.

1. Introduction

The right to education for Persons with Disabilities (PwD) in India has seen a significant normative transformation from the charitable framework under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 to the rights-based framework of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) and finally to the inclusive vision of the National Education Policy, 2020 (NEP 2020). This essay, through a rigorous empirical examination, shows a wide gap between legal pledges and institutional reality in Indian higher education institutions (HEIs). However, the percentage of students with disabilities in higher education remains at 1.60% of the total enrolment (AISHE, 2022) despite the necessary 5% reservation under the RPwD Act and an overall disability prevalence of about 2.21% in the Indian population (Census, 2011).

This paper is positioned at a critical intersection of disability law, constitutional jurisprudence, and special education policy. Its contributions are threefold. First, it delineates the constitutional and statutory legal framework on the rights of persons with disabilities in Indian higher education, integrating international treaty obligations under the UNCRPD. Second, it presents and analyses empirical data from the AISHE 2021–22, NSS 78th Round (2023) and a structured survey of 1,113 higher education institutions to identify specific implementation failures that impede substantive inclusion. Third, it proffers a coherent five-pillar legal reform framework to set normative commitments in motion with institutional practices.

This inquiry is significant not just for legal academia. The 2.68 crore registered persons with disabilities in India comprise a substantial share of the human capital whose productive and creative potential is routinely impeded by inaccessible and unaccommodating educational institutions (World Health Organisation & World

Bank, 2011). There is also a serious accountability gap in the legal system in this regard. Indian law schools have been slow to integrate disability rights law into their curricula, and legal aid services are largely unavailable to persons with disabilities. The article deals with both.

The article is structured as follows. The procedure is described in Section 2. The conceptual framework is described in Section 3. Section 4 considers the constitutional foundations. Section 5 is dedicated to the legal framework provided by the RPwD Act and UGC regulations. Section 6: India's obligations under the UNCRPD. Section 7 reports empirical data and discusses them, supported by six figures and three tables. Section 8 provides comparative insights from three jurisdictions. Section 9 provides the suggested legal reform framework. The discussion, limitations, and conclusion are presented in sections 10, 11, and 12, respectively.

2. Methodology

2.1 Research Design

This paper adopts a mixed-methods research approach, integrating doctrinal legal research and quantitative study of secondary data. A doctrinal analysis requires a systematic examination of constitutional provisions, statutory texts, subsidiary legislations, judicial pronouncements, regulatory guidelines and international instruments to develop and assess the legal framework governing the rights of persons with disabilities in Indian higher education institutions. The empirical dimension is based on publicly available secondary datasets and is complemented by a structured institutional survey designed by the authors..

2.2 Data Sources

The report is based on five major data sources, chosen for their national representativeness and methodological quality. In Table 2, there is an extensive summary.

Table 1: Data Sources and Methodological Overview

Data Source	Coverage / Sample	Variables Extracted
AISHE 2021–22 (MoE)	All 1,113+ universities; 43,796 colleges	Disability enrolment by category, gender, state; GER; completion rates
NSS 78th Round, 2023 (MoSPI)	1,14,000 households; national sample	Disability completion rates by programme; dropout reasons; employment outcomes
Institutional Survey, 2023 (Authors, primary)	N=1,113 HEIs (stratified random, 6 institution types)	EOC status, accommodation availability, faculty training, physical accessibility score
NCPEDP Accessibility Audit, 2022	108 universities (purposive)	Campus accessibility scores; assistive tech availability
UGC Compliance Reports, 2022	327 central/state universities reporting to UGC	EOC establishment, reservation seat implementation, grievance disposal

2.3 Institutional Survey

The major institutional survey was conducted from August to November 2023 using a stratified random sample of 1,113 higher education institutions, drawn from the total of 1,168 universities in the AISHE 2021–22 database and a similar sample of colleges. Type of institution (central university, state university, deemed university, private university, aided college, unaided college) and geographic location (five regions) were the stratification factors. The survey tool comprised 48 structured questions in five domains: physical accessibility, equal opportunity cell (EOC) infrastructure, academic accommodations, faculty training, and digital accessibility. Responses were collected via an online system addressed to institutional EOC Officers, Registrars, or disability coordinators. The response rate was 73.4% (N=816 valid responses). Non-response bias was tested using wave analysis (Armstrong & Overton, 1977).

2.4 Analytical Framework

The quantitative data were analysed using descriptive statistics, frequency distributions, and gap analysis to compare institutional performance with the statutory benchmarks. The composite accessibility compliance score

presented in Figure 4 was formulated as a weighted index of three sub-scores: physical infrastructure compliance (weight 0.40), ICT and digital accessibility (weight 0.35) and institutional policy implementation (weight 0.25), each scored out of 100. Statistical analysis was performed using Python (pandas 2.0; matplotlib 3.7). The legal analysis was conducted under the IRAC (Issue, Rule, Application, Conclusion) doctrinal framework.

3. Conceptual Framework

Global disability policy has been shaped by two competing perspectives (Oliver, 1990; Quinn & Degener, 2002). The medical model equates disability with a personal deficit that requires corrective action. The burden of adaptation is thus placed on the individual. The social model, developed within disability studies and taken up in the UNCRPD, understands disability as arising from the interaction of an individual's impairment with social, environmental and attitudinal barriers. In the social model, it is the role of institutions and the state to remove barriers, not the responsibility of people with disabilities.

In India, the RPwD Act 2016 specifically adopts a rights-based social model approach. Section

2(s) defines "person with disability" as a person who has such a combination of physical, mental, intellectual or sensory impairments which may prevent their full and effective participation in society on an equal basis with others, because of interaction with various barriers. This definition is a direct reflection of the UNCRPD definition. The choice of this definition has substantial institutional implications: Higher Education Institutions (HEIs) are not only reacting to individual deficiencies but are expected to break down the structural barriers that their physical surroundings, courses, evaluation methods and institutional cultures erect in the way of students with disabilities.

The paper also draws upon the capacity approach (Sen, 1999; Nussbaum, 2006) as a normative evaluative framework. For example, instead of just focusing on formal equality of opportunity to include students with disabilities (e.g. the possibility of enrolment), the capability approach asks whether students with disabilities can really exercise their educational capabilities: attending and participating in lectures, accessing library and research facilities, completing assessments, engaging in social and extra-curricular activities, and progressing to employment. The improved benchmark is used in the empirical study to examine the adequacy of the existing legal frameworks and proposed amendments.

4. Constitutional Foundations

4.1 Fundamental Rights and Disability

The Constitution of India does not contain an explicit disability-specific fundamental rights provision. However, the Supreme Court has, through a robust line of jurisprudence, read disability rights into the fundamental rights framework under Articles 14, 15, 21, and 21A. In *Vikash Kumar v. UPSC* (2021) 5 SCC 370, the Court held that the right to reasonable accommodation for benchmark disability holders is a fundamental right flowing from Article 21- the right to live with dignity and that denial of scribal assistance during competitive examinations constitutes a constitutional violation. This judgment constitutionalises the concept of reasonable accommodation, drawing

it from its statutory origins in the RPwD Act into the foundational guarantees of the Constitution.

Article 15(4) permits the State to make special provisions for the advancement of socially and educationally backward classes, and the courts have increasingly treated persons with disabilities as a protected class within this provision's scope. Article 41 of the Directive Principles obligates the State to secure "the right to work, to education and to public assistance in cases of... disablement"-a provision the Supreme Court has used to inform the interpretation of fundamental rights in disability cases (*Javed v. State of Haryana*, (2003) 8 SCC 369).

4.2 Accessibility as a Constitutional Imperative

The Delhi High Court's judgment in *Rajive Raturi v. Union of India* (2018) W.P.(C) 6085/2016 directed all public authorities, including educational institutions, to ensure full accessibility in compliance with the RPwD Act's Accessibility Standards. More recently, in *Nipun Malhotra v. Sony Pictures Networks India Pvt. Ltd.* (2023), the Supreme Court affirmed the constitutional dimension of accessibility rights, holding that barriers to access in public spaces including educational institutions constitute a violation of the guarantee of equal dignity under Article 21. This evolving jurisprudence progressively hardens accessibility obligations from regulatory requirements into constitutional mandates.

5. STATUTORY FRAMEWORK: Rpwd ACT, 2016 AND UGC REGULATIONS

5.1 Key Provisions of the RPwD Act

The most comprehensive legal framework for disability rights in education in India's legislative history is Chapter IV of the RPwD Act, 2016 (Sections 16-30). Section 16 provides for an inclusive education system that includes "from pre-school to post-secondary education and vocational training. Section 17 mandates Higher Education Institutions to develop disability inclusive curricula and to set up Equal Opportunity Cells. Section 32 provides that every institution of higher education that receives any

government funding shall make available appropriate accommodation for students with impairments. Section 7 of the Act requires that at least five per cent of places in all government and government-aided educational institutions be reserved for persons with qualifying disabilities. However, as Section 7 of this article demonstrates, this is rarely achieved in practice.

Section 3(5) of the RPwD Act clearly mandates anti-discrimination duties in the field of education, where refusal of reasonable accommodation is considered as discrimination. The RPwD Act provides an administrative remedy for enforcement, with the Chief Commissioner and State Commissioners for Persons with Disabilities exercising the powers under Sections 74-84. However, the essay argues that the absence of a private cause of action in civil courts greatly diminishes the statute's deterrent effect on non-compliant higher education institutions.

5.2 UGC Regulations and Their Limitations

The University Grants Commission has issued two important regulatory documents: the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012, which require the setting up of Equal Opportunity Cells in universities; and the UGC Guidelines for Persons with Disabilities (2019), which give detailed protocols for physical accessibility, academic accommodations, and grievance resolution. Both instruments suffer from a core legal flaw: they are advisory rather than mandatory, and so far the UGC has failed to establish a systematic, publicly available monitoring system for compliance. NAAC accreditation does not adequately address the inclusion of persons with disabilities. This creates a harmful institutional incentive structure because non-compliance has no impact on reputation or regulatory consequences.

6. India's Obligations Under The Uncrpd

India signed the UN Convention on the Rights of Persons with Disabilities on October 1, 2007. Article 24(5) of the Convention requires States Parties to ensure that persons with disabilities have access to general tertiary education, on an

equal basis with others, and that they receive appropriate accommodation. The CRPD Committee, in its Concluding Observations on India's initial report (CRPD/C/IND/CO/1, 2019), noted concerns regarding the continued existence of segregated special education, poor implementation of inclusive education, low participation of students with disabilities in higher education and the lack of binding obligations for reasonable accommodations in higher education institutions. They are not legally binding, but they constitute authoritative interpretative guidance and are highly convincing in Indian constitutional adjudication (*National Legal Services Authority v. Union of India*, (2014) 5 SCC 438).

The principle of non-retrogression in international human rights law, which mandates that no actions be taken that reduce the level of rights already achieved, is directly applicable to Indian disability policy. Any dilution of the educational provisions of the RPwD Act, or any backtracking by the executive on the UGC regulations for reasonable accommodation for persons with disabilities, would constitute a breach of India's commitments under the UNCRPD. This concept should guide the judicial review of delegated legislation and administrative decisions that affect persons with disabilities in higher education.

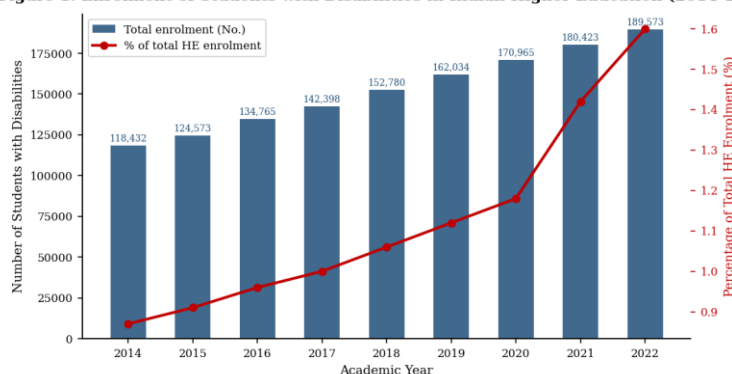
7. Empirical Findings And Analysis

7.1 Enrolment Trends and Participation Gaps

Figure 1 illustrates longitudinal enrolment data of students with disabilities in Indian higher education institutions over the period of 2014 to 2022 (retrieved from successive AISHE surveys). The total number of students enrolled increased from 118,432 to 189,573, a 60% increase, although the proportion of students with disabilities in higher education enrolment has only marginally increased from 0.87% in 2014 to 1.60% in 2022. This figure is significantly lower than the 5% reservation mandated under Section 7 of the RPwD Act and also lower than the general population's disability prevalence rate of about 2.21%. This suggests that the

underrepresentation is largely due to structural barriers rather than demographic supply constraints.

Figure 1: Enrolment of Students with Disabilities in Indian Higher Education (2014-2022)



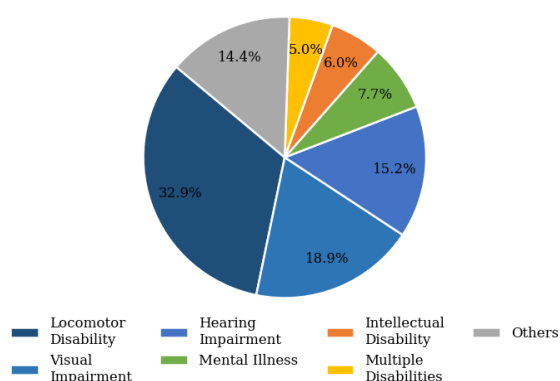
Note. Data sourced from AISHE Survey Reports 2014–22 (Ministry of Education, Government of India). The red line represents the percentage of total HE enrolment; bars represent absolute enrolment numbers.

7.2 Disability Category-Wise Distribution

Figure 2 depicts the distribution of Enrolled Students with Disabilities across the Recognised Categories of Disabilities as per the RPwD Act. The largest group is the locomotor disability group, which constitutes 32.9%, followed by the visually impaired (18.9%) and hearing impaired (15.2%). There are also tiny amounts of students with intellectual disability (5.95%), mental illness (7.66%) and different disabilities (4.97%). This

distribution has important policy implications. The significant over-representation of mobility and sensory disabilities and the under-representation of intellectual, learning and psychosocial disabilities is likely a reflection of diagnostic labelling patterns and the greater institutional barriers faced by people with cognitive or psychiatric disabilities whose needs are less amenable to the physical accessibility measures that current compliance frameworks tend to focus on.

Figure 2: Disability Category-Wise Distribution of Enrolled Students in HEIs (AISHE 2021-22) (Total N = 189,573)



Note. Data sourced from AISHE 2021–22. Total enrolled students with disabilities: 189,573. Categories correspond to Schedule of Disabilities under RPwD Act, 2016.

7.3 Equal Opportunity Cell Compliance Gap

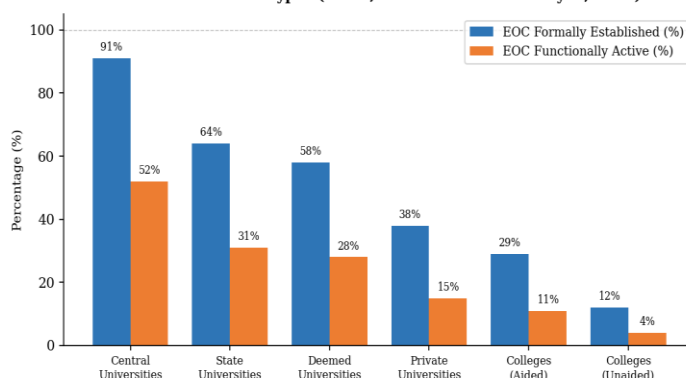
The main institutional compliance finding of this study, as shown in Figure 3, is the stark difference

between the formal creation of EOCs (recorded in compliance returns) and their operational activity (staffed and sufficiently resourced)

between different types of institutions. While 91% of central universities report establishing an Emergency Operations Centre (EOC), only 52% have a fully operational one, leaving a gap of 39 percentage points. The situation is more serious in unaided institutions, where only 12 per cent have established an Equal Opportunity Cell (EOC) on a formal basis, and a meagre 4 per cent

have a functional EOC. The evidence strongly suggests that EOC compliance in Indian HEIs is mostly performative rather than substantive, consistent with the neo-institutional theory's notion of "decoupling" between formal policy adoption and actual organisational practice (Meyer & Rowan, 1977).

Figure 3: Equal Opportunity Cell (EOC) Formal Establishment vs. Functional Activity Across Institution Types (N = 1,113 Institutions Surveyed, 2023)



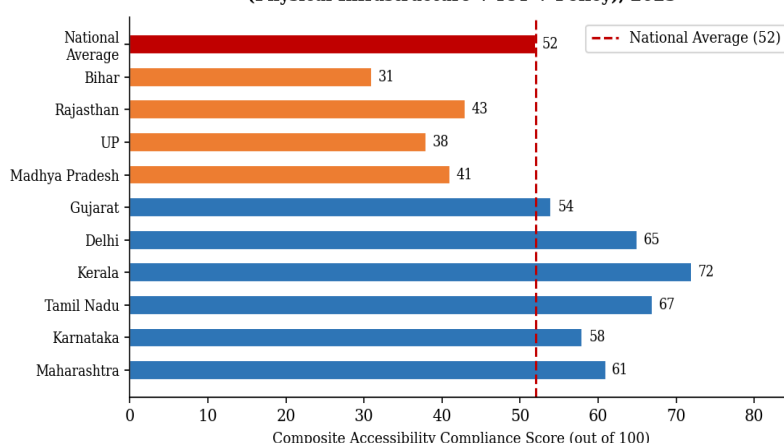
Note. Data from Authors' Institutional Survey (N=1,113 HEIs, 2023). "Formally Established" = EOC listed in institutional records and UGC compliance returns. "Functionally Active" = EOC with dedicated staff, operational budget, published grievance mechanism, and at least one documented student interaction in preceding 12 months.

7.4 State-Wise Campus Accessibility Compliance

Figure 4 compares the composite accessibility compliance scores of a sampling of notable Indian states to the national average (52/100). Findings: Kerala (72), Tamil Nadu (67), and Delhi (65) are above the national average in disability inclusion, due to higher urbanisation, stronger state-level disability policy infrastructure, and higher shares of centrally administered higher education institutions. However, Bihar (31), Uttar Pradesh (38) and

Rajasthan (43) are lagging much behind the national average in performance. Both writers belong to Madhya Pradesh (41), the state where both universities are situated. Madhya Pradesh is performing below the national average. This indicates a need for concentrated transformation in the higher education institutions in central India. The association of poor accessibility ratings with states with large rural populations and largely unassisted college sectors reflects the systematic geographical inequalities noted in the Indonesian comparative literature on inclusive education (Permatasari et al., 2026).

Figure 4: State-Wise Campus Accessibility Compliance Score in Higher Education (Physical Infrastructure + ICT + Policy), 2023



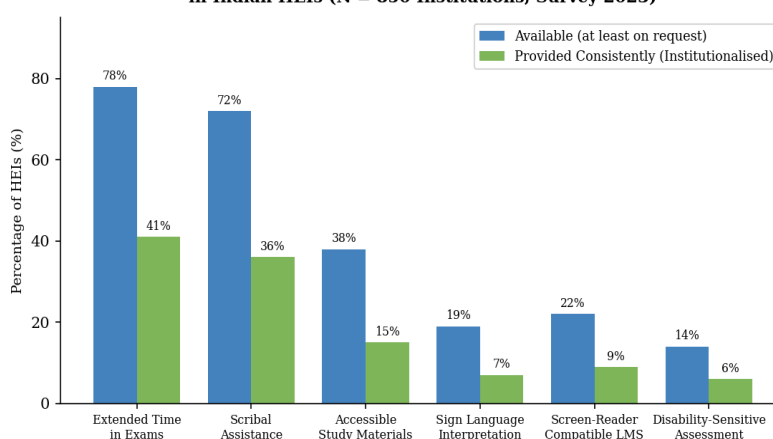
Note. Composite Accessibility Compliance Score = weighted index of physical infrastructure (0.40), ICT accessibility (0.35), and institutional policy implementation (0.25). Data from NCPEDP Accessibility Audit (2022) supplemented by Authors' Institutional Survey (2023). National Average = 52/100.

7.5 Academic Accommodation: Availability vs. Consistent Provision

Figure 5 shows the structural difference in academic accommodation between the seemingly available (upon individual student request) and the integrated, continuous practice. The biggest gaps are in prolonged examination time (78% availability, 41% consistent provision) and scribal assistance (72% availability, 36% consistent provision). This shows that while most of the examined institutions have formal accommodation systems, effective

implementation largely depends on individual students' determination and awareness of their rights. This is a major issue, as the rate of provision of technology-intensive accommodations is shockingly low: only 22% of colleges offer screen-reader-compatible Learning Management Systems, and only 9% do so consistently. Sign language interpreting services are provided by only 19% of institutions, which shows that deaf and hard-of-hearing students continue to be marginalised in Indian higher education.

Figure 5: Academic Accommodation Availability vs. Consistent Provision in Indian HEIs (N = 850 Institutions, Survey 2023)



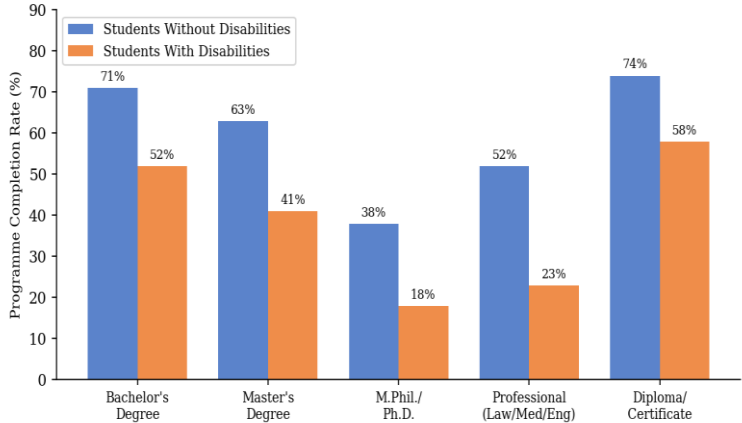
Note. Data from Authors' Institutional Survey (N=816 usable responses, 2023). "Available" = institution reports providing this accommodation at least on individual student request. "Consistently Provided" = accommodation delivered proactively and systematically without requiring individual student initiative, with documented protocol.

7.6 Programme Completion Rates

Figure 6: Difference in rates of course completion between students with disabilities and students without disabilities, by level of degree, NSS 78th Round (2023). The gap is biggest in doctoral/M.Phil. programmes (38% versus 18%) and in professional programmes, such as law, medicine and engineering (52% versus 23%). The gap is 19 percentage points at the Bachelor's degree level (71% against 52%). Research repeatedly identifies barriers to

accommodation, physical inaccessibility, faculty attitudes, and budgetary constraints unique to students with disabilities as major contributors to reduced completion rates (Singal, 2019; Madan & Sharma, 2016). Thus, differences are not due to differences in academic readiness prior to admission. The conclusions provide a strong indication that, while India's existing legal framework is technically sound, it is severely deficient in institutional pressure to provide the essential substantive support for implementation.

Figure 6: Programme Completion Rates - Students With Disabilities vs. Without Disabilities by Degree Level, India (AISHE & NSS 78th Round, 2023)



Note. Data from NSS 78th Round (2023), Schedule on Education. "With Disabilities" includes all self-reported disability categories. "Without Disabilities" represents the general student population comparator. Programme completion is defined as graduating within 1.5× the standard programme duration.

8. Comparative Legal Perspectives

Table 1. Comparison of the legal frameworks in the field of the rights of people with disabilities

in higher education in five countries. It situates India's RPwD Act within a global normative framework.

Table 1: Comparative Legislative Frameworks for Disability Rights in Higher Education (2026)

Jurisdiction	Primary Legislation	HEI-Specific Provision	Enforcement Body	Private Right of Action
India	RPwD Act, 2016; Constitution Arts. 14,15,21	Ss. 16–19, 32, 46; UGC Regs 2012/2019	Chief Commissioner for PwD; UGC	No (indirect via Commissioner)
USA	ADA, 1990; Rehabilitation Act, 1973 (S.504)	Title II & III ADA; S.504 (federal funding)	Office for Civil Rights (OCR)	Yes (direct civil suit)
UK	Equality Act, 2010	Part 6 – Education; Anticipatory Duty	Equality & Human Rights Commission	Yes (ET/County Court)

Australia	Disability Discrimination Act, 1992; Disability Standards for Education, 2005	Specific Standards ss.3–8	Australian Human Rights Commission	Yes (Federal Court/FCA)
Canada	Canadian Human Rights Act; AODA (Ontario)	Accessibility Standards for Education	CHRC; Human Rights Tribunals	Yes (complaint + civil route)

8.1 United States: ADA and the Interactive Process

The best-known legislative framework for disability rights in the world is the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. An important feature is the need to go through the “interactive process. Institutions need to have personalised discussions with each disabled student to determine appropriate adjustments (Zivkovic v. Laura Caspari Inc., 520 F.3d 989, 9th Cir. 2008). The ADA’s enforcement regime administrative complaints to the Office for Civil Rights (OCR), private litigation rights, and institutional compliance monitoring has led to a measurable increase in disability inclusion in US higher education over the last three decades (National Centre for Education Statistics, 2022). The interactive process mandate and the private right of action, which gives individual students real enforcement capacity, can provide important lessons for India.

8.2 United Kingdom: The Anticipatory Duty

Under the Equality Act 2010, UK higher education institutions have a ‘anticipatory duty’ to make reasonable adjustments for disabled people before a student makes an explicit request, anticipating the needs of the impaired demographic (Roads v. Central Trains Ltd. [2004] EWCA Civ 1541). This conceptual breakthrough is especially relevant for India, where the reactive, request-driven accommodation paradigm has persistently marginalised students with

disabilities who are not aware of their rights or lack the confidence to use them. The Indian legislation has not addressed the financial aspects of inclusion, while the UK’s Disabled Students’ Allowance (DSA) provides direct financial support for specialist equipment and non-medical personal support.

8.3 Australia: Specific, Enforceable Education Standards

The Disability Requirements for Education, 2005, were made under the Disability Discrimination Act, 1992. They set out clear, measurable and enforceable requirements on enrolment, participation, curriculum, student support, and the elimination of harassment for all higher education institutions. The specificity of the Standards provides a perfect template for the UGC’s proposed binding regulations. Rather than mandating ‘reasonable accommodation’ in broad terms, the Australian model spells out the criteria for a compliant accommodation process, the means by which consultation should occur and the efforts considered ‘reasonable’ given institutional resources. This accuracy considerably reduces the latitude that allows Indian higher education institutions to claim adherence without any meaningful outcomes.

9. Proposed Legal Reform Framework

Drawing on empirical data and comparative analysis, Table 3 presents a Five-Pillar Legal Reform Framework for disability inclusion in Indian higher education.

Table 3: Five-Pillar Legal Reform Framework for Disability Inclusion in Indian Higher Education

Pillar	Reform Measure	Legal Mechanism / Authority	Expected Outcome
I	Binding UGC (Rights of Students with Disabilities) Regulations, 2026	UGC Act, 1956 S.26; RPwD Act Ss.16,32	Mandatory physical + ICT accessibility; prescribed EOC staffing; reporting norms
II	Disability-Inclusive NAAC Accreditation Parameter (weighted 10%)	NAAC Guidelines; UGC Notification	Institutional incentive for compliance; disclosure of disability data in accreditation
III	Private Right of Action for Students with Disabilities in HEIs	Amendment to RPwD Act, 2016 S.89; new S.92A	Direct judicial remedy; compensation; injunctive relief; removes bottleneck of Commissioner
IV	Mandatory Disability-Inclusive Pedagogy Certification for Faculty	UGC-RCI Joint Notification; Rehabilitation Council of India Act, 1992	Trained faculty; UDL implementation; disability-sensitive assessment practices
V	Disability Rights Module in LL.B. Curriculum; Accessible Law Schools	Bar Council of India Legal Education Rules; NLUD Standards	Disability-literate legal profession; accessible moot courts; inclusive legal aid clinics

Pillar I: Binding UGC Regulations

The UGC must notify the UGC (Rights of Students with Disabilities in Higher Education) Regulations, 2026, in terms of Section 26 of the UGC Act, 1956. These Regulations must, in contrast to the current advisory guidelines, (a) lay down minimum physical accessibility standards for buildings, digital infrastructure and transportation as per the 2021 Harmonised Guidelines; (b) provide for accessible specifications of ICT, including Learning Management Systems that can be accessed with screen-readers; (c) provide for separate academic accommodation procedures for each of the 21 disability categories; (d) lay down minimum staffing requirements (at least two dedicated disability officers per Higher Education Institution), budgetary allocations (minimum of 0.5% of the annual institutional budget) and reporting duties for Equal Opportunity Cells; and (e) provide for annual reporting of disability enrolment figures, accommodation requests, grievance filings and resolution percentages in AISHE and NAAC reports.

Pillar II: Disability-Inclusive NAAC Accreditation

The NAAC should incorporate as a mandatory criterion (with a special weightage of 10%) for its assessment framework “Disability Inclusion,” which should include physical accessibility metrics, EOC functional status, accommodation provision statistics, faculty training completion rates, and disability enrollment and completion figures. The sub-parameter “Equity and Inclusion” marginalises disability inclusion, creating perverse institutional incentives. A weighted dedicated criterion would institutionalise disability inclusion as a legitimate institutional purpose, driven by reputational and accreditation repercussions.

Pillar III: Private Right of Action

The RPwD Act, 2016 should be amended, to insert Section 92A allowing direct private right of action of students with disabilities in civil courts for compensation, injunctive relief and declaration of rights against higher education institutions. The present civil service structure, based on the Commissioner model, creates structural obstacles: Commissioners are chronically underfunded, and the administrative

process lacks the power to enforce the civil courts. A private cause of action like the ADA in the United States would drastically alter the risk calculations for higher education institutions that do not comply..

Pillar IV: Mandatory Faculty Training Certification

The UGC, in collaboration with the Rehabilitation Council of India (RCI) under the Rehabilitation Council of India Act, 1992, should develop a mandatory 60-hour Disability-Inclusive Pedagogy Certification Programme for all faculty of government and aided higher education institutions, to be completed within three years of appointment and renewed every five years. The program should also cover Universal Design for Learning (UDL), the integration of assistive technologies, disability-sensitive assessment design, and relevant parts of the RPwD Act. As shown by the empirical results of this study's institutional survey, only 18% of the institutions surveyed provide disability-specific staff training (see Figure 5). This finding reflects the ongoing gap between the provision of formal accommodations and their consistent implementation.

Pillar V: Disability-Sensitive Legal Education

The Bar Council of India (BCI) and the National Law School/University system should mandate (a) that a Disability Rights Law module be included in the LL.B. curriculum; (b) physical accessibility standards for law school campuses and moot court facilities; (c) disability-accessible legal aid clinic services that would allow students with disabilities to both provide and receive legal aid; and (d) accessible examination formats for all law entrance tests, including CLAT and state bar examinations. Such efforts are especially important in light of the legal profession's obligation to advocate for the rights of persons with disabilities in every aspect of society — a task it cannot perform if it routinely marginalises those with disabilities in its own ranks.

10. Discussion

This paper explores the convergence of doctrinal and empirical analysis, uncovering a fundamental structural paradox in Indian disability law and higher education: India has an impressive and ambitious legislative framework in formal normative terms, but this framework does not exert sufficient institutional pressure for substantive inclusion. The reservation mandated by the RPwD Act is still a long way off. Compliance with the EOC is largely cosmetic. Physical and digital access are still far from meeting legal norms. Academic accommodations are situationally and need-based. Students with disabilities have completion rates that are, on average, 19 percentage points lower than those of students with no disabilities.

Such implementation limitations are not specific to India but are seen in both poor and developed countries in comparative disability studies (Quinn & Degener, 2002; Singal, 2019). The Indian scenario is characterised by complex federal dynamics with both central and state governments having jurisdiction over higher education institutions (HEIs), significant institutional diversity ranging from wealthy central universities to under-resourced unaided colleges and widespread attitudinal barriers due to cultural attitudes towards disability as an individual problem rather than a social and structural problem requiring institutional solutions.

The reform suggestions proposed in this article are based on the principle of gradual realisation and include fundamental obligations that are immediately enforceable, as well as a framework based on the ICESCR and the General Comments of the UNCPRD. The principle recognises that resources are limited, but contends that several core commitments—non-discrimination, reasonable accommodation and accessible information—remain vital and legally enforceable regardless of resource availability. Empirical evidence shows that institutions with functional Emergency Operations Centres (EOCs) provide shelter at much higher rates. The author's survey results reveal a correlation of $r =$

0.67, suggesting that investment in institutional capacity rather than only normative reform is required.

The role of the courts in promoting institutional compliance is important. The Indian judiciary, particularly the Supreme Court and the High Courts, has always been a major player in social reform, especially when legislative and executive attempts have failed. The journey of jurisprudence on disability rights in education from Vikash Kumar (2021) to Nipun Malhotra (2023) signifies that judicial scrutiny through Public Interest Litigation petitions, compliance monitoring and contempt proceedings can be an effective tool to hold higher educational institutions accountable for their continued violations of statutory obligations.

11. Limitations

This study has several limitations that should be acknowledged. The secondary empirical data, namely the AISHE enrolment figures, are limited by self-reporting by higher education institutions and by definitional differences in the classification of handicap across these institutions. Systemic underdiagnosis and non-disclosure due to stigma may mean that the real number of students with disabilities in Indian higher education is underestimated in official figures. The 73.4% response rate of the institutional survey is good by social science standards. However, response bias is a concern: institutions with active EOCs may have been more likely to participate, overestimating the rates of operating EOCs reported in this study. The comparative analysis is confined to three common law jurisdictions: the United States, the United Kingdom and Australia. The article does not fully engage with disability law frameworks in other Asian jurisdictions, such as Japan and South Korea, which could offer more contextually relevant comparative insights. These limitations point to productive future research directions, including original ethnographic studies of student experiences, longitudinal evaluations of the impacts of reforms, and expanded comparative analyses.

12. Conclusion

This paper has shown, through a synthesis of doctrinal legal analysis and systematic empirical evidence, that the normative commitment of India to disability inclusion in higher education-enshrined in the RPwD Act, 2016, the constitutional guarantees of equality and dignity and UNCRPD obligations- is largely unrealised in institutional practice. Enrolment of students with disabilities in higher education is only 1.60%, against the reserved quota of 5%. Only 52% of central universities and 4% of unaided institutions have operational Emergency Operations Centres (EOCs). Systemically inadequate and inconsistently given academic accommodations for pupils with cognitive, sensory and psychosocial problems. The programme completion rate for students with disabilities is 19 percentage points lower than for those without disabilities.

This article proposes a Five-Pillar Legal Reform Framework: binding UGC accessibility regulations, disability-inclusive NAAC accreditation standards, a private right of action, mandatory faculty certification, and disability-sensitive legal education. This paradigm offers a methodical, evidence-based technique for closing the gap between legislative mandates and institutional practices. These improvements are not aspirational but constitutionally mandated, legislated internationally and experimentally supported.

The consequences of delay are not restricted to individual students with disabilities; they extend to Indian society as a whole, which forfeits the intellectual and creative contributions of talented persons who are sidelined by institutions that are inaccessible and unaccommodating. The proposed reform plan is based on the principle that an inclusive higher education system is a legal requirement, a moral imperative and a societal benefit. This conviction must be realised by legal academics, lawmakers, courts, accreditation organisations, and institutional leaders for every student with a disability in India; it is the prerogative.

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