

# REASONABLE ACCOMMODATION IN DISABILITY RIGHTS JURISPRUDENCE IN INDIA

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## I. INTRODUCTION

Reasonable accommodation or inclusion means that the special needs arising out of the physical impairments of the persons with disabilities needs to be taken care of by the society so that they can enjoy the rights on the equal basis with others. This will come under non-discrimination measures. Without reasonable accommodation the right to equality or non discrimination is meaningless.

Reasonable accommodation is an adjustment made in a system to “accommodate” or make fair the same system for individual base a proven need. It can be religious, linguistic, cultural, educational or employment related. It is considered to be an integral part of the principle of non-discrimination because without it the enjoyment of the rights on equal basis with the majority becomes difficult for certain sections of the society. It is necessary to main-stream these sections of society while formulating laws and policies.

Persons with disabilities are one of those sections of the society who require adjustment or modification in the system so that they can enjoy the various Human rights on in equal basis with others and live a productive life and contribute to the society.

For example if the study material is not available in formats accessible to the persons with visual or hearing impairments, they will not be able to receive education. Similarly, the school building should be design in such a manner that the persons with locomotor impairments can access it without much difficulty. This paper is an attempt to analyse the concept of reasonable accommodation in the area of education and employment in India.

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## II. DISABILITY CONVENTION

The United Nations Convention on the Rights of Persons with Disabilities<sup>1</sup> in para 4 of Article 2 define reasonable accommodation as under:-

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

In *Ranjit Kumar Rajak v. State Bank of India*, the Bombay High Court<sup>2</sup> observed that in the absence of a Municipal law on the matter, the Convention can be read into Article 21 as it did not in any way conflict with the Municipal law. It found that in the absence of a statutory definition of reasonable accommodation, the reasonable accommodation as set out in the convention in the first instance could be considered.

Various Articles of the Convention guarantee this right. Article 9 deals with the accessibility of physical environment as well as the accessibility of information and communication. Article 24 which deals with education provide *inter alia* that the study material and the medium of instruction needs to be in accessible form. Article 27 which deals with work and employment provides, *inter alia*, for suitable modification of the work environment so that the persons with disabilities can enjoy this right on an equal basis with others. Article 29 and Article 30 which deal with the right to participate in public and political life and cultural life, recreation, leisure and sport provide *inter alia* for the suitable modification so that persons with disabilities can enjoy these right on an equal basis with others.

The only limitation on reasonable accommodation principle is that the accommodation does not impose undue hardship. According to the Americans with Disabilities Act, 1990 [ADA] undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and nature and structure of its operation.

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<sup>1</sup> UNCRPD 2006.

<sup>2</sup> Writ Petition No. 576 of 2008 (Bom HC) (discussed later).

### III. INDIAN POSITION

In India, the most important legislation for this purpose is Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This Act deals with various issues concerning persons with disabilities such as education, employment and accessibility. The office of Chief Commissioner for Persons with Disabilities [hereinafter CCPD or commission] was established under this Act.

Indian jurisprudence on reasonable accommodation has not developed to that extent as is the case with the other developed legal systems such as UK and USA. There are mainly three reasons for this.

Firstly, the definition of disability in the act is not as wide as that in these countries. Indian law gives an exhaustive enumeration of the types of disabilities and defines them whereas the UK, USA and other developed countries set out the criteria and any person meeting such criteria is covered under the definition of disability.

Secondly, as compare to the abovementioned legal systems, Indian law deals with very few issues of reasonable accommodation. These issues are mainly related to providing scribe to the persons with visual and other disabilities in exams, accessible and barrier free environment, identification and reservation of seats in employment and educational institutions etc. On the other hand, the other developed legal systems define disability in extenso. For example, according to the Americans with Disabilities Act, 1990 [ADA], reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

Thirdly, researcher has found that the judicial as well as quasi judicial bodies who adjudicate on disability matters are not fully conversant with the disability rights jurisprudence as evolved in the developed system

of the world. Indian judiciary has placed reliance on foreign judgments on various issues such as human rights, business laws, IPR laws etc. but in disability matters very few foreign judgments have been relied upon.

The CCPD is more conversant with the disability issues as compare to the judiciary. The reason of this may be that the Chief Commissioners and Deputy Commissioners appointed in the office are either from the disability sector or have developed a reasonably good understanding in disability issues during their tenure in the office. Infact the CCPD has broadly interpreted the provisions of the Act under which it is established.

#### IV. EDUCATION

##### *A. Right of overage student to get admission*

In *Umesh Kumar v. The Secretary, Department of Elementary Education & Literacy, Ministry of Human Resource Development, New Delhi*<sup>3</sup>, the complainant, the father of a hearing impaired child filed a complaint regarding denial of admission to his son in class first due to overage. He submitted that his son was attending aural rehabilitation programme and has started communicating verbally in short sentences and writing in complete sentences which would qualify him to enter mainstream education.

CCPD in a letter to the Secretary, Department of Elementary Education & literacy, Ministry of Human Resource Development stated that the stand taken by Kendriya Vidyalaya Sangathan was not in line with the principle of Sarv Shiksha Abhiyan which encourages grade appropriate mainstreaming and it was also not in line with the disabilities Act and national education policy which mandate appropriate government and local authorities to provide appropriate intervention for education and mainstreaming of children with disabilities.

During hearing, the respondent submitted *inter alia* that the issue of overage with respect to the children with disabilities might be examined in the light of the letter of CCPD and the policy and inclusive education and the provisions of the Right to Education Act 2009 and a decision might be taken by the ministry within three months.

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<sup>3</sup> CCPD Case NO. 10315560 dt 15.09.2010.

***B. Alternative question with equal weightage be provided in place of the question based on diagrams and figures***

The case of *Ashwani Agarwal v. Secretary, Department of Education*<sup>4</sup> highlights the various difficulties faced by the blind students with regard to attempting questions based on diagrams and figures. The complainant alleged that the blind students while appearing for their class X examination faced certain limitation in the paper of mathematics which allows them to attempt only 60 percent of the paper as rest 40 percent was based on visual.

The complainant sought relief from the Chief Commissioner for Persons with Disabilities to advise the Ministry of Human Resource Development to issue instructions to various examination boards and agencies conducting class X and class XII examination, directing them to issue instructions to the paper setters to offer alternative questions in lieu of questions with diagrams and figures. The alternative questions should be of equal value to the question containing diagrams and figures. This will allow them to attain marks which they failed otherwise, as the questions were exclusively visual based.

The complainant also alleged that the blind students be provided with extra time @ 20 minutes per hour i.e. he/she should be provided with 60 minutes of extra time to attend a three hour paper in order to provide equal opportunity. The complaint was withdrawn because the relief sought was already given by the respondent.

***C. Right of persons with visual disabilities to descriptive explanation of graphs etc.***

In *Mohammed Asif Iqbal v. Indian Institute of Management, Calcutta*<sup>5</sup>, complainant, a visually handicapped and a graduate in commerce, submitted that he appeared in Common Admission Test. He did not do well on data interpretation portions. He informed the Chairman, Admissions that orthopedic or hearing impaired can see the graphs but visually impaired had to rely on the scribe.

During the personal hearing, it was unanimously agreed that the guidelines/ instructions on the following lines should be framed and issued by Ministry of HRD.

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<sup>4</sup> 2001 CCD 244 Case no. 667 of 2001 – Decided on 20.09.2001.

<sup>5</sup> (2004) CCDJ 347 Case no. 2559 of 2003 – Decided on 15.10.2004.

- i. Wherever possible, the visual graphs should be supplemented by descriptive explanation of the graphs for visually impaired candidates;
- ii. The font size of the question paper should not be less than 20 for the benefit of low vision candidates. They should also be allowed to use optical/ electronic low vision aids such as magnifying glass;
- iii. Since one of the important factors to do the question paper is stated to be the speed for which adequate practice is necessary, persons with blindness should be allowed to use the services of a scribe of their choice who should meet the conditions that may be prescribed by the examining authorities. If the scribe is provided by the examining authorities, it should be ensured that the scribe is adequately qualified to understand the questions and to explain them to the candidate. Scribe should be allowed to such other candidates also who cannot write themselves due to disability;
- iv. Extra time of 20 minutes per hour of examination should be allowed by all the examining agencies.
- v. The application form should have a column for the applicant to indicate whether he/she will use the services of own scribe or would require the examining authority to arrange for it. The qualifications/eligibility conditions of the scribe should also be clearly indicated.
- vi. The application form should have a provision asking low vision persons to indicate the requirement of question paper in large print.
- vii. All the IIMs and other management institutes/Universities should ensure that their placement cells counsel/guide the candidates with disabilities for choosing the streams/area of specialization keeping in view their employability after completion of the course. While doing so, the jobs identified for different disabilities should also be kept in view.

***D. Right of Person with Cerebral Palsy to Extra time in Exam***

In *Dhawal S. Chotai v. Union of India*<sup>6</sup>, the petition was filed by a person who suffered from a disorder of movement and posture

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<sup>6</sup> AIR 2003 Bom 316.

which is known as “Cerebral Palsy.” In view of this difficulty, it affects the normal functioning of bones, muscles and joints and also the communication skills. The petitioner had completed his education up to graduation in commerce. After passing the examination for Foundation Course for the Chartered Accountant Examination, the petitioner wanted to appear for the Intermediate Examination known as “Professional Education-II.”

While giving the examinations on earlier occasions, he had requested the authorities to give him extra time and when he wrote his B. Com. examination, the University of Mumbai had granted him three hours extra. He made a similar representation to respondent Institution, and the respondent has granted him relaxation only for half an hour. Petitioner prayed that the respondents be directed to permit the petitioner to write the papers for three extra hours.

The CCPD observed that in the facts of the present case, the petitioner has undoubtedly established that on earlier occasions he did require three hours. The petitioner would like to write the papers himself. This was because particularly the subject like Accounts would be better written if he writes himself instead of availing the facility of scribe. The CCPD agreed with the contention of the petitioner and directed respondent to permit the petitioner to write his examination and the future examinations for the Chartered Accountants Course for three hours any time a written examination is held. These three hours would be subsequent to the scheduled time in continuity on the same day.

### ***E. Pool of scribes in different discipline and languages***

In *Renu Gupta v. University Grants Commission*<sup>7</sup>, the complainant who was a visually impaired person appeared in NET examination held by UGC. She alleged that the exam coordinator provided a scribe who was not competent to read and write. She prayed to ensure provision of a competent scribe to visually impaired candidates in future. The respondent submitted *inter alia* that the scribe provided was chosen from discipline other than that of the candidate. The scribe provided to the candidate was graduate in English. The complainant in her rejoinder submitted that the scribe was slow and therefore could not complete the paper. Study of English as one of the subject in graduation is not an

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<sup>7</sup>(2003) CCDJ 7 Case no. 2312 of 2002 – decided on 31.03.2003.

appropriate criterion for appointment of a person as writer. The exam coordinator should check the efficiency of a person before appointing him/her as scribe. She suggested that a junior student of the same discipline who is in practice of writing examination should be appointed as scribe because he/she would be familiar with the terms used in that discipline.

The CCPD held that in the light of the facts and circumstances of the case and considering that a larger issue of providing appropriate and competent scribes to the blind/disabled persons is involved, it is necessary that a pool of scribes in different disciplines, languages be created so that the blind/disabled persons needing the help of scribes do not suffer on account of the lack of knowledge or competence of the scribe. Alternatively, the examinees should be allowed to bring their own scribes of their choice.

***F. Right of Persons whose disability is such that they can not or have difficulty in writing to get the services of scribe***

In *Sunita Dogra v. Secretary, Department of Personnel and Training*<sup>8</sup>, the complainant who had bilateral congenital hyperplasia in both her upper limbs with 90% disability, filed a complaint submitting that she requested the respondent UPSC for services of scribe to write Civil Services Examination. However the respondent informed her that as per the existing rules of Civil Services Examination all candidates other than those who were blind were to write the papers in their own hands. During personal hearing the complainant clarified that she could try but her speed was not enough to complete the paper within the prescribed time limit. She also had problem in continuously sitting for long duration in one posture.

The representative of respondent stated that an Expert Committee, of which Director, National Institute of Orthopaedically Handicapped and other experts from the disability sector were members, had recommended that Orthopaedically handicapped persons do not need the services of a scribe as they will be appointed in the posts that require them to read and write. In the advertisement for Civil Services Examination, the Commission had indicated reading and writing as the physical requirement for the services identified for both arms affected persons. As there was no provision to allow use of scribe and extra time to orthopaedically handicapped candidates

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<sup>8</sup> (2006) CCDJ 202 Case no. 3221 of 2006- decided on 08.05.2006.

in the rules framed by Department of Personnel and Training, UPSC could not allow on its own.

The CCPD observed:

That since the services have been identified for both arms affected persons without specifying the extent of impairment, such persons who can not write or whose speed of writing is inadequate, cannot be denied the help of a scribe to write the examination and extra time, if they request for it. The complainant also cannot be denied the benefit of a scribe due to impairment, which is a justified request, on the ground that many other similarly placed candidates have not been allowed the services of a scribe.

The CCPD advised the respondent to allow the complainant to use the services of the scribe and extra time as available to visually impaired persons and also advised the department of personnel and training to amend the relevant rules before the next advertisement and make provision to allow scribe to persons with locomotor disability, whose arms are affected and could not write by themselves or had inadequate speed and provide them the extra time also.

## V. EMPLOYMENT

### ***A. Employment cannot be denied on the ground of the medical history of the person***

In *Ranjit Kumar Rajak v. State Bank of India*<sup>9</sup>, the petitioner had applied for and was selected for the post of Probationary Officer. Subsequently, he was called for a medical examination and was informed that he was not eligible for the post of Probationary Officer in the bank due to a renal transplant he had undergone in 2004. He approached the court against the said action of the Bank and relied on medical reports to confirm his fitness and good health to work in the said post and contended that it was clear that denial of employment was on account of his medical history of renal transplant although his present medical profile did not interfere with his job responsibilities. He challenged the action of the respondent in refusing employment as irrational and discriminatory.

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<sup>9</sup> Writ Petition No. 576 of 2008 (Bom HC).

The Bank submitted, *inter alia*, that the petitioner would require continuous medication and periodical check-up throughout his life, the cost of which would have to be borne by the bank. An officer of the bank may be posted anywhere in India including rural branches and that the petitioner, if appointed would request for posting at places where medical and check-up facilities were available and that such a request cannot be acceded to as a probationary officer was required to work anywhere in India including at rural branches.

The Court, after a detailed consideration of the provisions of the UN Convention on the Rights of Persons with Disabilities that India had ratified and the meaning of the term "reasonable accommodation" therein, concluded that in the absence of a Municipal law on the matter, the Convention can be read into Article 21 as it did not in any way conflict with the municipal law. It found that in the absence of a statutory definition of reasonable accommodation, the reasonable accommodation as set out in the protocol in the first instance could be considered. However, it would have to have a nexus with the financial burden on the institution and/or undertaking which will have to bear the burden and further the extent to which reasonable accommodation can be provided for. The court held that it would, therefore, no longer be open to the state merely on account of past or present medical problems if otherwise, a person is fit to work and can be reasonably accommodated without undue hardship, to deprive a person otherwise qualified and successful, the right to employment.

Reliance was placed on an order of the High Court in the case of a person with HIV who was denied employment on account of his condition, where the Court concluded that in every such case, the test of medical fitness prior to employment or even during employment has necessarily to be correlated with the person's ability to perform the normal job requirements and any risk of health hazard he may pose to others at the work place.

The court concluded that there is no material to show that the burden cast on the respondent for the medical expenses which were likely to be about Rs. 13,000 per month would result in an undue hardship to the respondents. Hence the petition was allowed and it was directed that the petitioner be offered employment within sixty days.

***B. Rights of persons with hearing impairment during interview***

In *Chandra Kishore Joshi v. Secretary, Union Public Service Commission*,<sup>10</sup> the respondent Union Public Service Commission issued an employment notice for recruitment of extra Assistant Director, Directorate of Coordination (Police wireless) in Ministry of Home Affairs in the category of physically handicapped ( hearing impaired). Complainant alleged that during the interview, members of interview board neither provided questions in writing nor an interpreter and therefore he could not understand questions properly.

The CCPD observed that since the interview did not materialise as the interviewee could not comprehend the speech of interviewers hence the interview conducted could be termed as null and void. It was directed that the respondent should conduct a fresh interview, in which complainant should be provided with the necessary arrangement for example sign language interpreter, overhead projection to show written version or oral version. Since the complainant had the ability to speak in Hindi therefore he should be allowed to give answer in Hindi or mixture of Hindi and English orally.

***C. Right of persons with visual impairment to write Civil Services exams either in braille or with the help of a scribe***

In *National Federation of Blind v. Union Public Service Commission*,<sup>11</sup> a representative body of visually handicapped persons in India filed the petition under Article 32 of the Constitution of India seeking a writ in the nature of mandamus directing the Union of India and the Union Public Service Commission to permit the blind candidates to compete for the Indian Administrative Service and the Allied Services and further to provide them the facility of writing the civil services examination either in Braille-script or with the help of a scribe.

The court directed the respondent to provide such facility. The court said:

If some of the posts in the Indian Administrative Service and other Allied Services, as identified, can be filled from amongst the visually

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<sup>10</sup> 2001 CCDJ 323 Case no. 630 of 2000 – Decided on 03.05.2001.

<sup>11</sup> (1993) 2 SCC 411.

handicapped persons then there should be no reason why they should not be permitted to sit and write the civil services examination.

***D. Right of low vision candidate to get the question paper in bold print***

In *Parminder Pal Singh v. Union of India*,<sup>12</sup> petitioner was a visually handicapped person with some degree of sight or vision. He could, with the aid of lenses, etc., read bold print. He and other similarly circumstanced persons were deprived from appearing in exams held by the respondent for the posts reserved for the visually disabled candidates as the respondent had decided to withdraw question papers printed in bold print. As a result, these candidates were compelled to take the paper in braille. Thus, the candidates who were visually handicapped but not totally blind and eligible to appear were deprived of taking examinations as they do not know Braille. The petitioner argued that the candidates who do not know Braille will not be eligible to take the examination. Besides, it also puts to disadvantage those visually handicapped persons who are not proficient in braille while taking the examination.

The court agreed with the contention of the petitioner and held that he and others like him should be provided with the question papers in bold print. Merely because the respondents suspect that certain persons obtain dubious and false certificates of being visually handicapped and may take advantage by taking the examination if the question paper is in bold print, is not sufficient reason to deprive those visually handicapped persons not knowing braille from taking the examination and, thus, depriving them of an opportunity to compete in an examination, where reservation has been made for them. It is for the respondents to devise ways and means to obviate or eliminate malpractices or to have further safeguards in that regard. Even at a post qualifying stage, if there are any doubts about certain candidates being visually handicapped or not, who have been successful on the basis of false medical certificates, the same can be eliminated as a result of a subsequent medical examination.

The court directed the respondents to re-consider their decision and examine the feasibility of holding a separate examination in respect of these vacancies, for those who fall within these categories of visually

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<sup>12</sup>(2005) 1 PDD(CC) 284.

handicapped persons but do not possess the knowledge of braille, by providing them an opportunity of taking the examination with the question paper in bold print. The holding of such an examination would also provide an opportunity to those entire visually handicapped person who might not have applied in response to the advertisement in question since it required taking up the examination in braille only.

***E. Right of persons with colour blindness to appointment to the post where perfect vision is not required***

In *Nand Kumar Narayanrao Ghodmare v. State of Maharashtra*,<sup>13</sup> the appellant was a person with colour blindness. He was selected by the Public Service Commission but appointment could not be made. The appellant filed an affidavit detailing that as per the information he has secured, there were 35 posts in the Department and only five posts required perfect vision without colour blindness.

The court observed that government should consider the case of appellant to be appointed to any of the post of Agriculture officer of class II service other than the 5 posts mentioned by him in his affidavit.

***F. Right of person suffering disability of such a nature that the handling of equipments is risky to be posted to a clerical post and the condition of passing typing test can be relaxed***

In *Narendra Kumar Chandla v. State of Haryana*,<sup>14</sup> the petitioner who was working as a sub-station attendant had to be operated for Chonrosarcoma and was treated in the hospital. During treatment, his right arm was completely amputated. Respondent absorbed him as carrier attendant in the pay scale lower then that which he was placed before the accident.

The Supreme Court directed the State Electricity Board to constitute a board of three doctors to examine the appellant whether he could discharged the duties of the sub-station attendant or any other equivalent post carrying the same pay scale. The medical board reported that the appellant was not able to discharge his duties as sub-station attendant. The medical board also felt that handling of equipment necessary for

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<sup>13</sup> (1995) 6 SCC 720.

<sup>14</sup> (1994) 4 SCC 460.

discharging his duties could be risky to the installation as well as to the person him self.

The medical board also attempted to find whether he could be posted to some other positions such as Sub-Station A.F.M., Foreman, Grade III, Chargeman, Rigger, Crane Driver, Welder, etc and found him unfit for those jobs also. The Board however found that he had been able to write English and Hindi with his left hand and he could be considered for clerical or non-technical post subject to meeting educational /administrative requirements. Considering his qualification etc the court directed to place him as LDC for a clerk where typing generally is not a necessary condition. In view of the facts and circumstances of the case, the court directed the respondent board to relax his passing of typing test and to appoint him as LDC. The court further directed to protect his last drawn pay i.e. when he had that unfortunate operation.

***G. Right of persons with disabilities to be posted near their native places***

In *Ved Prakash v. Kendriya Vidyalaya Sangathan*<sup>15</sup>, the complainant submitted that his daughter, a person with 70% locomotor disability was posted as PGT "Commerce" at the respondent Kendriya Vidyalaya. He requested that she be posted near her native place. The complainant stated *inter alia*, that she was directed not to write the state of domicile as the choice and therefore she did not fill Delhi (her native place) one of her choices. Subsequently, she received the memorandum withdrawing the offer of appointment as she failed to report for duty within the stipulated date. She submitted that in view of her disability, it would be difficult for her to manage affairs without the support of family members and requested to be posted at Delhi (her native place). The request of her was forwarded to the Commissioner, KVS, New Delhi by this Court for consideration.

The respondent forwarded a copy of Memorandum informing that her request for change of place of posting from Chandigarh Region to Delhi on provisional appointment on contract to the post had been considered sympathetically by the Competent Authority but could not be acceded to. Her offer of provisional appointment on contract basis to the post stood automatically withdrawn since she failed to join her duty by the stipulated date.

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<sup>15</sup> (2006) CCDJ 420 Case no. 3056 of 2005 – decided on 23.05.2006.

The CCPD observed that while deciding about the choices for posting no consideration appears to have been given to the needs of persons with disabilities in policy of Department of Personnel and Training, Govt, of India that persons with disabilities should be posted near their native places within the region and requests from them for transfer to or near their native places should also be given preference. It may not be practical for a person with disability who requires the assistance of other person for day-to-day needs, to accept a contractual job for a limited period far away from their native place.

In view of the above observations, the respondent was advised to change the policy to enable and facilitate persons with disabilities to opt for their state of domicile in consonance with the instructions of Department of Personnel and Training and consider them for posting to their home town accordingly. The CCPD further advised that those persons with disabilities, who were appointed but could not opt for posting in their state of domicile due to policy of KVS, be allowed to give fresh option for posting. Based on their options, the respondent should consider them against the available vacancies and transfer them accordingly.

## VI. CONCLUSION

From the above analysis it can be concluded that the principle of reasonable accommodation is an evolving concept. New type of situations is coming for adjudication before the courts and CCPD. Considering the limitation discussed in the starting paras of this paper, the development of this concept in Indian disability rights jurisprudence can be treated as satisfactory however much needs to be done.

The Right of Persons with Disabilities Bill, 2011<sup>16</sup> for the first time defines the term, "Reasonable Accommodation" in specific terms. In the bill chapters dealing with education, employment etc. is drafted in broader terms as compared to the Disabilities Act of 1995. If this Bill is translated into the Act, it will definitely improve the situation and provide scope for further development of this principle.

Recently, a trend is visible in judicial pronouncements in which courts have started reading the Convention on the Rights of Persons with Disabilities into the fundamental rights enshrined in the Constitution of India. This is a welcome development and if the trend continues, will broaden the scope of fundamental right viz a viz persons with disabilities.

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<sup>16</sup> Submitted by the committee on 30<sup>th</sup> June 2011, available on MSJE website .