

The Implementation Gap: Studying the Real-World Accessibility of Jobs, Banking Services, and Electoral Rights for Persons with Disabilities in India

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ABSTRACT

Real world accessibility for the differently abled is an important aspect for any economy whether developed or developing. In developing countries like India the problem is accentuated not because of lack of laws or statutes but because of the inability of officials to implement various schemes. Rural and urban poor are particularly at a disadvantage in India as they have no idea on the availability of these schemes and neither are their parents aware that these can be availed free of cost. As far as banking services and electoral rights are concerned India has made great progress in both instituting methods as well as implementing them. The problem arises in the case of other areas like education, jobs and medical where there seems to be a huge gap in the services available and those that are actually aided. This paper has studied Kerala and UP to understand the manner in which these policies are being availed in the state. The conclusion that was arrived was that there were better facilities in the hundred percent literate state of Kerala where both the centre and the state implemented various schemes for the differently abled which were implemented and availed. This was not the case to the same extent in UP.

Keywords: Rights of persons with disability act, disability prevalence, sociological perspective, human rights, neurodivergent, reservation, legal adjudication, locomotor disability, visual impairment, and speech disability, disability census.

1. Introduction

Disability is defined as individuals having at least one severe or extremely difficult bodily function and activities. In research carried out amongst 54 countries it was observed that 14% of adults seemed to suffer from some type of disability. It was also observed that higher disability was observed in low and middle income countries as against high income economies. There was a greater prevalence amongst the elderly as compared to the young adults, and also a greater number amongst women than men. [1]

Given the large extent of the disability population especially for women and low income countries it is important to look at the disability data report in evaluating disability questions which can be internationally compared. The 2021 disability act of India/un/world data report looks in particular into the systematic analysis of the disability questions, national censuses and household surveys globally from 2008-2019. This was carried out for 41 countries through a common representative estimate of disability prevalence as well as these indicators being disaggregated across disability status. The indicators used cover education, work, health, standard of living, multidimensional poverty as well as country briefs. [2]

In contrast, however, the issue of disability has not been adequately addressed in India. Its absence from the focus of Indian sociology has created a gap in the discipline's understanding, leading to a tendency to exercise sympathy and charity rather than adopting a sociological perspective that views disability as a human rights issue to be addressed at the levels of rehabilitation and social work. Researchers have rejected the charity perspective with respect to disability and work towards a formal definitive definition. In India as in other developing economies disability related inequalities are an obstacle for economic progress and societal development. These neurodivergent individuals have not been given priority by the government. The ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by India has underscored the importance of adopting a rights-based, biopsychosocial model of disability, which is part of the Rights of Persons with Disabilities (RPwD) Act, 2016. The Act clearly defines various constructs and emphasizes the rights of PwD more significantly, as well as outlining procedures for the assessment and certification of disability. But, there is a clear lack of focus on mental illnesses within the realms of reservation and legal adjudication, as well as a shift towards centralizing the disability certification process. There exists a deficiency regarding the screening instruments to be employed in the definition of neurodivergent individuals as well as resources required for the execution of the provisions, as well as the guidelines pertaining to inclusive education. The survey indicates that inequality measures were not used to understand the underlying inequality in the occurrence of these disabilities. Research assessed four disability outcomes namely- locomotor disability, visual impairment, and speech disability. Individuals who are unable to perform their daily activities or were doing so with difficulty were classified as being disabled. The survey indicated that socio-economic inequalities were important factors in the prevalence of disabilities. As a large number of neurodivergent individuals were primarily seen in the lower income percentile.[3] The increasing recognition of disability as a human right has been raised by both disabled and non disabled scholars since the first world war. The result of this has been the increasing awareness of the problem of disability in public policy and social science discourse. According to sociologists the responsibility of such individuals lies with society and not the person or his/her family.

2. Literature review

The identification and representation of Persons with Disabilities (PwDs) has been a controversial topic due to the absence of methodological standardization. Studies have examined the methodological advancements introduced by the Indian state of Kerala for identifying PwDs during its special census on disability conducted in 2015. The research utilized disability data from the 15th Census of India alongside the Disability Census (DC) of Kerala, employing descriptive statistics to compare the two datasets across demographic, health, social, and economic dimensions. The prevalence of disability in Kerala was approximately 2.2% in both censuses. However, the distribution of various disabilities differed between the two data sources, ranging from 1% for mental retardation to as high as 10% for locomotor disability. The effective survey was attributed to robust data collection conducted in two phases by trained health professionals, the inclusion of detailed categories of disabling conditions, and the consideration of numerous dimensions in the DC. Enhancing the identification of PwDs is crucial for adequately addressing their specific needs and fostering inclusive development. The term "mental retardation" may be considered derogatory by some; nevertheless, in the 15th round of the Census of India, disability in mental health has been categorized under both "mental retardation" and "mental illness."

Differently abled individuals have the right to life, liberty, equality, security, and dignity. As a result of social apathy, psychological constraints, and the definition of "disability" which leads to their protection of law, along with lack of credible data, this category remains invisible. The several existing laws are insufficient as they are majorly based on the government's discretion. However, the judiciary also plays the role of protecting them which cannot be expected to be enforced every time.

Until the laws are set in stone differently abled individuals cannot fully exercise their rights. There is a pressing need to enforce and implement effective laws in time to empower the differently abled. The law should be encompassing enough to provide a "human friendly environment" for all such people so that they are in a position to overcome the barriers that restrict their growth.

The article(Chaitanya.N.Laddha, 2016) reviews the status of people with disabilities today and the existing frameworks and legislation. The researcher believes the solution will not be from the law. The real solution will be a shift in the perspective of society. In reality, there is no problem with people with disabilities but it is understanding and appreciating the extra special nuances of this category of people. In today's world this section of society is the largest minority and consists of nearly 10% of the world population. (2016) According to the **World Health Organization (WHO)**, this number has increased to **16% (2025)**.

In India the numbers according to the 2011 census was pegged at 2.68 crore (26.8 million) persons with disabilities, representing 2.21% of the total population.

Although people with disabilities have equal rights under India's Constitution, there has not been much effort to enforce this. People with disabilities, specifically people with mental or psychological disabilities, *are socially rejected and are often denied basic rights.*

There has been a noticeable change in the last quarter of the 20th century. In 1983-1992, the United Nations called for the Decade of Disabled Persons. Social Integration was a primary focus of the movement. Now disability issues are not only about social welfare. They are about the fundamental human rights and legal protections for full engagement and equal rights.

The worldwide disability rights movement has highlighted the need for equal treatment and opportunities for disabled individuals, and has altered public opinion, for the better. Unfortunately, most data show facilities still remain highly inadequate, and in many places, the work has barely begun, although some laws have been created to provide protection to this section of the population, they are yet to be implemented. Real change goes beyond education and healthcare and rehabilitation. What is imperative is the safe, dignified, and accessible living and community spaces. Finally, real change will be reflected when people in the world are able to value human life, and celebrate with them rather than isolate them.

Advancing Disability Rights in India: From Fragmented Movements to Inclusive Policies

“A disability is characterized by a malfunctioning, disturbance, or loss in the normal functioning of physical, mental, or psychological processes.” (Shanaz Hajira, 2023)

The disability rights movement of the 60s and 70s was influenced by political ideologies debating aspects such as dignity, autonomy, and freedom of thought and expression. The 70s and 80s saw the beginnings of the disability rights movement. This led to multiple disability organisations fighting for the rights of disabled persons. The United Nations in 1981 facilitated this by naming the year as the international year of disabled persons (1981). The decade of the 90s was called the United Nation decade of disabled persons (1983-1992). In the 1990s, disability rights activism led to the involvement of non-governmental organizations (NGOs). The adoption of the UNCRPD in 2006 prioritized people with disabilities as “bearers of rights” instead of “beneficiaries of charity”. In India, the enactment of the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 changed the discourse surrounding disabilities. Despite the presence of welfare-based disability laws in India, primarily the Persons with Disabilities (PWD) Act, several deficiencies continue to exist. The Rights of Persons with Disabilities Act, 2016, in India, updated the previous law and, in accordance with the provisions of the UNCRPD, incorporates accessibility, education, employment, social protection, and

justice. With India entering the 10th year of complying with CRPD it is important to understand the steps undertaken towards financial inclusion which began with the nationalization of the state bank of India in 1955. Since August 2014, the Jan Dhan Yojana by the Prime Minister has yielded some encouraging outcomes for the population, but these have not percolated to benefit people with disabilities. As a signatory of the United Nations Convention on Rights of Persons with Disabilities (UNCRPD), India is under a legal obligation to abide by the convention, which aims at promoting and protecting the human rights of the disabled persons. Since 1955 India has nationalised a number of banks but the problem of financial inclusion of the neurodivergent populations still exists till today primarily due to lack of awareness of government schemes, poverty, prevalence of low income, illiteracy, unemployment and inadequate branch network. As universal inclusion is restricted by barriers in society interacting with individuals with impairment, whereas the medical model sees disability in terms of individual impairment, diagnosis, and treatment. Over the years there has been a progressive development in terms of banking and the widespread network of regional rural banks but in spite of this financial inclusion seems to be difficult to achieve universally. The gap that exists for individuals with disabilities relates to inadequate services and is caused by *poverty and social stigma and attitudes, along with* the lack of implementation of laws, policies, and standards have increased the barriers people with physical and mental disabilities encounter in their day-to-day activities.

3. Research gap and methodology

This study would analyse the gap between policy and implementation with special reference to India's neurodivergent population. Within this section the extent of financial inclusion would be studied in great detail. This would include job opportunities, facilities that the government provides and their right to vote.

The methodology adopted would be of the mixed method type that would include both quantitative and qualitative. All data would be sourced from authentic secondary sources. The quantitative data would be explained in a qualitative manner through secondary sources.

4. Analysis

Table1: Percentage of Workforce Differently abled in 2011 and 2018

Year	Percentage of workforce that is differently abled
2011	50.5%*
2018	23.8%**

Source- * Census 2011, **Labour Force Participation rate

The figures above indicate the number of disabled within the workforce; it does not state the numbers that have not entered the workforce.

The table above indicates that there has been a fall in the percentage of workers that are differently abled from the year 2011-18.

Laws governing employment of differently abled population in India

One of the most important laws in this regard is the:

RPwD Act, 2016

The Rights of Persons with Disabilities (RPwD) Act, 2016. This was enacted in India, and aims to uphold the dignity of people with disabilities and prevent discrimination. This replaced the 1995 Persons with Disabilities Act. India signed the UNCRPD (United Nations Convention on the Rights of Persons with Disabilities) and later ratified the same on October 1st 2007. It states that disability is a result of an interaction between impairments with attitudinal and Environmental Barriers that hamper a complete, active and equal participation in society. Additionally, the convention also makes it mandatory for the signatories to make amendments in their National laws and to identify and eliminate any barriers while adhering to the terms of the UNCRPD. In this context, the Government of India initially undertook the amendment of laws. It replaced the PWD act of 1995 with the PWD of 2016 which was aligned with the UNCRPD. The new act took into consideration the social, cultural and local needs of the society and the availability of resources for people who are differently abled and who are often stigmatized and discriminated against. This acts as an obstacle that prevents them from reaching their full potential and active participation in society. This issue is magnified among women, gender minorities, backward communities, the poor and the marginalised populations. These particular attributes add to the list that they are differently abled. It is imperative to address this issue of attitudinal barriers so that the rights of these individuals are upheld and protected.

This act led to a major achievement of shifting the focus of Disability from a lens of Charity to a rights based approach that is based on dignity, equality, inclusion and participation. It defines a person with disability as an individual with a long term physical, mental, intellectual or sensory impairment which along with barriers restrict equal participation in Society. Sections 12 to 15 are particularly important for individuals suffering from mental disabilities or illness. Section 12 emphasises the rights to access justice without discrimination. Section 13 provides equal rights with regard to property ownership and financial affairs. Section 14 includes provision for Limited or total guardianship when required. Section 15 provides authorities to support the rights of persons with disabilities.

Though the RPwD Act, 2016 is a rights-based law, it does have its shortcomings, which need to be addressed. The effectiveness of this act lies in its implementation, which ultimately depends upon the State Governments.

Section 19 of the RPwD act

This section provides that the government should provide schemes and programs which include loans at concessional rates to support employment vocational training and self employment of persons with disabilities. Differently able individuals should be included in mainstream formal and non formal vocational and skill training programs. They should be provided with the required support and facilities for specific training products made by differently abled individuals should be supported and their marketing should also be supported.

Section 20

This section Provides that differently abled individuals should not be discriminated against in matters related to employment by a government establishment. These government establishments should provide accommodation and a barrier free environment for them. An employee who acquires disability during their service should not be dismissed or reduced in their rank; however if the employee is no more suitable for their previous post they should be shifted to another post. However it should have the same pay scale and service benefits in order to maintain their equality.

Section 21

This section includes that every establishment should notify an equal opportunity policy detailing measures according to the provisions of the RPWD act. A copy of this act should be registered by the establishment to the chief commissioner or state Commissioner.

Section 22

This states that records should be maintained by establishments of people with disabilities in relation to employment facilities provided and other necessary information.

Researchers have depicted that in spite of the various stringent sections of the law people with disabilities face extreme discrimination and inequality in terms of opportunities in India. The employment opportunities vary due to **education, economic status, occupation, and type of disability**. This suggests stronger implementation of disability laws, employment **reservations, skill-based training, accessible workplaces, workplace flexibility, and inclusive work environments**. Regardless of employment reservations in government jobs there are indications that these may not be completely adhered to due to issues like minimum education, etc. The

government's effective monitoring may also prove to be necessary to ensure the following of these provisions .Overall, greater inclusion of PWDs is important for **reducing inequality and achieving sustainable development**.

Sophie Mitra and Usha Sambamoorthi (2008) have indicated that in Tamil Nadu that disability significantly impacts opportunities for employment with 52.3% of differently-abled men being employed. . **The employment gap cannot be fully explained by differences in education, skills, human capital, or productivity, suggesting that discrimination and unequal access to employment may have contributed to these differences.**

But among those that were employed there seemed to be no statistically significant difference in wages between differently Abled and non-different Abled men.Thus according to their findings the disability acts as a restriction to entry into the market. Studies have indicated that there are differences in employment rates in people with disabilities and people without disabilities.

For example, for people who were 45 years old or older the Work Participation Rate was 21 to 29 percentage points lower for people with disabilities and they earned about ₹20,000 to ₹32,000 less each year than people, without disabilities.The study shows that disability is linked not to lower employment rates but also to fewer working hours and less money earned. This creates an earnings disadvantage.

Table 2 : Analysis of Differently Abled People Using Banking Services in Kerala

YEAR	%AGE OF DIFFERENTLY ABLED PEOPLE USING BANKING SERVICES	
2022-2023	85%	Study-based estimate: 68 of 80 surveyed PwDs were classified as financially included

Source: Kerala Department of Economics & Statistics, Report on Persons with Disabilities in Kerala, based on the NSS 76th Round survey (July–December 2018).

TABLE 3 :The Election Commission of India's Atlas 2024 provides state-level counts of registered electors with disabilities as of 20 May 2024

State	Registered PWD electors
Uttar pradesh	12,63,650

Bihar	7,47,671
Himachal Pradesh	57,775
Kerala	2,64,232
India	90,28,696

Source: Election Commission of India, Atlas 2024, Table T18.1. These are registered electors, not the number who voted, and not a measure of the percentage of all eligible persons with disabilities who were registered.

TABLE 4: A comparison of banking services and electoral participation amongst the differently abled.

dimension	Banking services	Electoral participation
Legal foundation	RPwD Act, 2016; RBI instructions; banking accessibility standards.	RPwD Act, 2016, Section 11; election rules and ECI instructions.
Physical Accessibility	Accessible bank branches, entrances, ATMs and customer facilities.	Accessible routes, ground-floor polling booths, ramps and suitable voting compartments.
Visual Accessibility	Screen-reader-compatible services, accessible digital interfaces and talking ATMs.	Braille-enabled voter materials and accessible EVM features.
Communication Accessibility	Clear information formats, suitable assistance and accessible customer support.	Disability-sensitive voter information and assistance for voters with hearing or speech disabilities.

Distance Barriers	Accessible local banking outlets and digital or assisted banking options.	Transport support, wheelchair facilities and optional home voting for eligible electors.
Main Evidence Gap	Data on actual independent use and accessibility of banking services by persons with disabilities (PwDs).	Data on registration-to-turnout rates and successful, independent voting by PwDs.

Sources: RBI's banking guidance and digital-payment accessibility directions, the Department of Empowerment of Persons with Disabilities, and ECI's accessibility initiatives.

Existing laws and government initiatives in banking sector

1. Rights of Persons with Disabilities (RPwD) Act, 2016

Affirms the rights of individuals with disabilities to equality, non-discrimination, and accessibility. Sections 3 and 40–46 are especially pertinent to standards of equal treatment and accessibility. The Act establishes a legal basis for contesting obstacles to banking and additional public services. The RBI's banking directives focus on ensuring visually impaired customers have access to banking services, such as account management, internet banking, and ATM usage. Banks are anticipated to provide services free from disability-based discrimination and supply suitable support. Accessibility Standards and Guidelines for the Banking Sector in 2024 have stated that they should be on accessibility within banking settings. They pertain to branch entrances, ATMs, customer interfaces, accessible communication, and digital services. The Department of Empowerment for Persons with Disabilities provides the standards announced on 2 July 2024. The RBI's digital payment accessibility guidelines, 11 October 2024

instructed banks and other approved payment-system entities to assess their payment systems and devices for accessibility. This matters for individuals who find it difficult to visit a branch, as long as digital platforms are truly accessible to them.

Electoral and voting rights

RPwD Act, of 2016 Section 11 states that the accessibility of polling places and materials related to the electoral process for individuals with disabilities. This establishes accessible voting as a legal requirement rather than just a voluntary welfare initiative. The Election Commission of India (ECI) accessibility initiatives includes ramps, polling places on the ground floor,

designated lines, wheelchairs, Braille-compatible voting materials, support services, and voluntary home voting for qualified voters as part of its accessibility initiatives. The Saksham-ECI app aids voters with disabilities in seeking or obtaining support related to elections, such as wheelchair and transportation services when accessible. Its efficacy relies on awareness, enrollment, local coordination, and actual implementation.

Legal requirements and ECI implementation

The RPwD Act, 2016 — Section 11 specifically highlights the availability and accessibility of polling stations and electoral materials for persons with disabilities.

The initiative of Ramps and ground-floor polling stations are provided which can be seen in ground-floor polling stations, ramps with appropriate gradients and other PwD-friendly facilities. ECI ensures transport accessibility for PwD electors and senior citizens; wheelchairs can be requested through the Saksham-ECI app. ECI also keeps documents of dummy ballot sheets in Braille and Braille features on EVM ballot units. It also provides access to home voting for differently abled voters.

Although the RBI has formal requirements for accessibility in banking services,

nationwide compliance rates and the proportion of branches with usable ramps, accessible entrances and counters or ATMs that are independently usable are not established by the cited directives. Additionally the rules guarantee access to banking services and extend accessibility requirements to digital payments issuing these directives however they do not depict that customers regularly receive services without hassle or that every payment application, device and transaction process is accessible.

The availability of low-vision assistance, such as magnifying glasses also requires verification through inspections or customer surveys. Although through reporting a monitoring mechanism does exist publicly comparable nationwide implementation data are also required to know how continuously these requirements translate into accessible banking services.

Limitation

The main limitation of the paper was that authentic data was only available till 2018. There was no credible authentic source found for the subsequent years. Many times available data were in figures and numbers not percentages. This becomes difficult for comparisons. In the rural areas there are times in panchayat and local elections where there has been a lacuna in the policy implementation of election laws. This impacts data collection observation and thus suggestions for policies.

Conclusion

The existence of laws and policies for the empowerment of persons with disabilities in India shows that the country is committed to equality, accessibility and inclusion. Although the real challenge still remains in ensuring that these laws are working in practice.

The gap between what the laws state and how they are applied pose a major challenge that limits access to important services. This includes services like banking and participation in elections. Considering these differences between Kerala and Himachal Pradesh and Bihar and Uttar Pradesh we see contrasts in literacy levels, public awareness, infrastructure and the ability of the government to act. Areas, like Kerala and Himachal Pradesh with 100% literacy rates help people in knowing their rights. However even with this knowledge progress still depends on proper funding, strong governance and real accountability. Without these the laws are simply stated on paper and not creating real impact. Economic inequality creates many accessibility related challenges. Persons with disabilities from financially secure backgrounds may be able to afford assistive technologies, accessible transportation and specialised services. In contrast, those from lower-income households often face other financial and social barriers. This means that being differently abled can lead to additional challenges for those financially insecure. It limits their freedom and participation in society.

Accessibility exists beyond physical infrastructure Although ramps, accessible ATMs, inclusive digital platforms and suitable polling facilities are essential, psychological well-being, dignity and freedom from discrimination are equally crucial. Even when the facilities are there, fear of being judged or feeling dependent on others can stop people from using their rights. This shows that true accessibility must include both the visible and the invisible parts of life. International examples, including Canada, offer opportunities to examine effective accessibility practices, which must be adapted to India's diverse socioeconomic conditions Greater attention should be paid to those sections of society who have inadequate income levels and those that live in rural areas. In conclusion progress must not be measured merely by the existence of laws but by their impact on people's everyday lives. Stronger monitoring, adequate funding, public awareness and accountability are essential to ensure that every person with a disability, regardless of income or location, can access services and exercise their rights with dignity and independence.

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