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EDITORIAL ANALYSIS

Disability Rights and Judicial Inclusion — Thanya Nathan and the Long Road to Equality

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SUBJECTS COVERED**POLITY****SOCIAL ISSUES****GS PAPERS****GS2****GS4****CURATED & WRITTEN BY****Bharat Choudhary**

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 The Indian Express

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GS2

GS4



The Indian Express

MAINS RELEVANCE:

GS Paper 2

GS Paper 4



INTERVIEW ANGLE

"Kerala's visually impaired Civil Judge topper Thanya Nathan has become a symbol of disability inclusion — what does India's legal and policy framework for disability rights actually provide, and what systemic gaps prevent it from translating to outcomes?"

WHY IN NEWS

Thanya Nathan, a visually impaired lawyer from Kannur, Kerala, topped the **Civil Judge (Junior Division) merit list among persons with disabilities** — a story that resonates because it demonstrates both the potential of persons with disabilities and the persistent structural barriers they must overcome, in a system designed by and largely for the able-bodied.

THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016 — WHAT IT PROVIDES

The **RPwD Act 2016** replaced the **Persons with Disabilities Act 1995** and significantly expanded the scope, categories, and entitlements for persons with disabilities in India. Key provisions:

Provision	PDA 1995	RPwD 2016
Disability categories	7	21 (including intellectual, psychosocial, autism spectrum)
Government reservation	3%	4% (in government posts + public sector undertakings)
Reservation in higher education	3%	5% (HEIs)
Definition	Restrictive (medical model)	Broader (rights-based, social model)
Grievance mechanism	Limited	Chief Commissioner of PwD (national), State Commissioners
Penal provision	Weak	Strengthened, with fines up to Rs 10 lakh for rights violations

Important: RPwD 2016 adopted the **social model of disability** — which holds that disability is primarily a function of social barriers (inaccessible buildings, formats, attitudes) rather than the person’s impairment alone. This aligns with the **UN Convention on the Rights of Persons with Disabilities (CRPD)**, which India ratified in 2007.

THE JUDICIARY AND DISABILITY — A CONTESTED SPACE

Historically, Indian courts and tribunals maintained eligibility criteria that excluded persons with certain disabilities from judicial or quasi-judicial positions — citing “efficient discharge of duties” as justification.

The Supreme Court’s stance (recent jurisprudence):

The SC has ruled that **visual impairment does not disqualify** a candidate from judicial posts; the burden is on the state to provide **reasonable accommodation** rather than bar the candidate

Reasonable accommodation (a core concept in CRPD and RPwD Act 2016): Necessary and appropriate modifications to enable a PwD to perform the essential functions of a role on an equal basis — provided it does not impose a disproportionate or undue burden

The SC has emphasised that the “**essential functions**” test must be applied job-specifically — not use disability as a blanket disqualifier

Thanya Nathan’s case illustrates this: She used Braille materials, screen-reading software, and audio resources to prepare. The only accommodation needed was in the examination process (extended time, accessible format) — the core function of adjudication (legal reasoning, evidence analysis, drafting orders with AI assistance) is fully accessible.

INDIA'S DISABILITY INCLUSION — THE GAP BETWEEN LAW AND REALITY

Despite the RPwD Act 2016, outcomes remain poor:

Employment:

Only ~**37%** of PwDs with higher education are employed in India (vs. ~55% for the general population)

Government's **4% reservation** is widely under-filled: most departments report filling fewer than 2% of reserved posts

Backlog vacancy problem: Positions reserved for PwDs are allowed to accumulate as “backlog” and then quietly delisted

Education:

5% reservation in HEIs exists but many institutions lack accessible infrastructure — lifts, ramps, screen-reader-compatible study materials, sign language interpreters

National Institutes for the Visually Handicapped, Hearing Handicapped etc. exist but are vastly under-resourced

Assistive technology: India's assistive technology ecosystem is nascent. Screen readers (NVDA, JAWS), accessible mobile apps, and braille printers are available but unaffordable for most PwDs from lower economic backgrounds — Thanya's success was partly possible because of her access to these tools.

WHAT SYSTEMIC REFORM IS NEEDED

Audit and fill reservation backlogs in all central and state government departments — with time-bound action plans and public dashboards

Embed accessibility standards in all government digital systems (websites, apps, portals) under the **Web Content Accessibility Guidelines (WCAG 2.1)** — currently rarely enforced

Accessible examination infrastructure: UPSC, state PSCs, court selection bodies must standardise accessible examination formats (extended time, screen readers, scribes) without requiring individual candidates to fight for them each time

Disability-inclusive judicial training: New judges should receive training on RPwD Act, reasonable accommodation, and disability-inclusive court proceedings

Chief Commissioner of PwD: The national grievance body should be adequately staffed and empowered to enforce RPwD Act; currently under-resourced

UPSC RELEVANCE

RPwD Act 2016 (21 categories, 4% reservation, 5% HEI reservation), UNCRPD (India ratified 2007), Reasonable Accommodation, PDA 1995, Chief Commissioner of PwD, Social Model of Disability vs Medical Model. **Mains GS-2:** Disability rights framework; inclusive governance; fundamental rights (Article 16); SC jurisprudence on disability and employment. **GS-4:** Ethics of inclusive governance; dignity and equal opportunity; obligation of the state toward marginalised groups.

FACTS CORNER — KNOWLEDGEPEDIA

RPWD ACT 2016:

Replaced: **PDA 1995**

Disability categories: **21** (expanded from 7)

Reservation in Govt jobs: **4%** | HEIs: **5%**

Model adopted: **Social model of disability**

Based on: **UN CRPD** (India ratified **2007**)

Key concept: **Reasonable Accommodation** — necessary modifications without disproportionate burden

Grievance body: **Chief Commissioner of Persons with Disabilities** (national) + State Commissioners

UNCRPD:

Full form: **UN Convention on the Rights of Persons with Disabilities**

Adopted: **2006**; India ratified: **2007**

Core principles: Dignity, non-discrimination, participation, inclusion, accessibility, equality

THANYA NATHAN — KEY FACTS:

From: **Kannur district, Kerala**

Achievement: Topped Civil Judge (Junior Division) PwD merit list

Topped **LLB at Kannur University**

Study tools: **Braille, screen-reading software, audio resources**

OTHER RELEVANT FACTS:

PwD employment rate India: ~37% (those with higher education); General population: ~55%

4% govt reservation: widely under-filled; most departments fill <2%

WCAG 2.1: Web Content Accessibility Guidelines; digital accessibility standard India mandates (but rarely enforces) for govt websites

Article 16: **Equality of opportunity in matters of public employment**

Benchmark disability: minimum 40% disability as determined by a designated medical authority — threshold for RPwD Act benefits

Sources: Indian Express, IndiaBix

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