

Disability Rights – The ‘Private Sector’ Mandate

Context: The Supreme Court’s observation in January 2026 (in the *Sujata Bora* case) extending the principle of "**Reasonable Accommodation**" to the private sector, and the subsequent demand to amend the *Rights of Persons with Disabilities (RPwD) Act, 2016*. **Key Theme:** From 'Charity' to 'Compliance'. **Keywords:** Reasonable Accommodation, Universal Design, The Purple Economy, Accessibility Audit.

1. The Concept: "Ramp vs. Culture"

To understand the current debate, we must distinguish between two types of barriers:

- **The Physical Barrier (The Ramp):** This is visible. A wheelchair user cannot enter a mall because there are stairs. The law (RPwD Act) mandates ramps, and companies often comply because it’s a building code requirement.
- **The Invisible Barrier (The Culture):** This is where the 2026 battle is being fought. A visually impaired coder cannot work because the company’s internal software isn’t screen-reader friendly. An autistic employee is fired because they struggle with "loud open offices."
- **The Shift:** The January 2026 observation emphasizes that "**Accessibility**" is not just about bricks and mortar; it is about "**Digital and Procedural Inclusion.**"

2. The Legal Weapon: "Reasonable Accommodation"

The core of the Supreme Court's January stance lies in interpreting **Section 3** of the RPwD Act.

- **The Definition:** "Reasonable Accommodation" means making necessary and appropriate modifications (which do not impose an *undue burden*) to ensure a disabled person can perform their job.
- **The Private Sector Mandate:** Historically, private companies treated inclusion as "CSR" (Corporate Social Responsibility). The Court has signaled that inclusion is a "**Civil Right.**"
 - *Example:* If a deaf employee needs a sign language interpreter for meetings, the company *must* provide one (unless it bankrupts the company). It is not a "favour"; it is a legal compliance equal to paying minimum wage.

3. The "Purple Economy" Argument

For a **GS-2/GS-3 Answer**, move beyond the "Human Rights" angle to the "Economic" angle.

- **The Untapped Market:** The "Purple Economy" refers to the market of disabled consumers. In India, this is a population of **8-10 Crore** (World Bank estimate).
- **The Business Case:** By ignoring accessibility, private companies are losing customers.
 - *Example:* A banking app that isn't voice-enabled loses millions of elderly and blind customers. The push in Jan 2026 is to mandate "**Accessibility Audits**" for all digital platforms (Apps/Websites) under the **Bureau of Indian Standards (BIS)** norms.

4. The Compliance Gap: The "Equal Opportunity Policy"

The RPwD Act (Section 21) mandates every private establishment to register an "**Equal Opportunity Policy**" (EOP).

- **The Reality (Jan 2026 Data):** A government audit revealed that less than **5%** of top private companies have a registered EOP. Most just have a generic "Diversity Statement" on their website.
- **The Reform:** The Department of Empowerment of Persons with Disabilities (DEPWD) is moving towards a "**Compliance Dashboard.**" Just like companies file GST returns, they may soon have to file an "Inclusion Return," listing how many PwDs they hired and what facilities they provided.

5. Mains Analysis: The "Undue Burden" Defense

- **The Corporate Pushback:** Private companies argue that retrofitting old buildings or buying expensive assistive tech imposes an "**Undue Financial Burden,**" especially for MSMEs.
- **The Balanced View:** The law allows for this defense. However, the Court clarified that "Undue Burden" must be proven with *balance sheets*, not just asserted.
- **Conclusion:** The private sector needs to move from a "**Medical Model**" (fixing the person) to a "**Social Model**" (fixing the environment). A blind person is not disabled by their blindness; they are disabled by a website that doesn't have alt-text.