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EDITORIAL NOTE

CHALLENGING THE ABLEIST LENS: REIMAGINING KNOWLEDGE FORMATION IN UNIVERSITY EDUCATION THROUGH LEGAL CRITICAL AND DISABILITY JURISPRUDENCE

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All aspects of life ranging from society, education, science, and law, create structures which privilege one narrative of reality and experience over all others. These structures work in favour of individuals who possess certain specific physical and mental capabilities, and adhere to the one-dimensional narrative which creates an artificial division between the 'able-bodied' and 'disabled'. Although legal frameworks exist which are meant to facilitate integration and non-discrimination, they remain limited to accessibility discourse, rather than proposing a shift in perception to incorporate multiple perspectives. The lack of implementation of the existing framework, however, poses a deeper problem. Particularly in

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academia, which is the focal point of this paper, the failure to account for multiple realities and experiences, non-implementation of existing laws and policy and the limited access to benefits owing to multiple factors ancillary to disability, pose problems when it comes to integration. This paper aims to critically analyse the binary division between the 'able-bodied' and 'disabled', along with existing legal framework and policy. It examines the impact of these barriers, along with other contributing factors, on university students and professors with disabilities. It offers recommendations to foster a necessary shift in approach, aiming to achieve true integration in academia such that disabled perspectives, knowledge, experiences are never subjugated as a result of ableism.

I. INTRODUCTION

"There is no greater disability in society, than the inability to see a person as more."

—Robert M. Hensel

Disability is often viewed through a lens of dependency, marginalisation, and exclusion, with society portraying persons with disability ('PWD') as life-long liabilities. This paper seeks to dismantle this binary division between the 'able-bodied' and the 'disabled' by challenging the notion that disability is a personal shortcoming. When academia is viewed through a critical lens, deep seated instances of exclusion come to the forefront. It aims to problematise the day-to-day interactions involved in university education by delving into how they privilege able bodied individuals over PWD. The latter group of individuals are rarely accounted for in most if not all aspects of university education, making seemingly simple aspects of university life a herculean task. It goes into the nuances of the exceedingly normalised situations and activities, and critically views how excruciating they could be for a person with disability to perform.

The paper begins by problematising the artificial division in society between the able-bodied and the disabled using examples from theories like the crip theory, among others, examines the current legal framework while making a reference to instances of deeply ingrained ableism within academia, addressing the unique challenges faced by both students and professors with disabilities. The final section explores potential mechanisms for integrating PWD into mainstream academic settings and alleviating the complexities they encounter throughout their academic journeys.

II. 'US' VERSUS 'THEM'

As explained by Anita Ghai, disability is often seen as lifelong childhood, in the form of a curse on the one who suffers from it.¹ A constant state of dependency is what it is characterised by, and PWD are looked at as lifelong liability.² In Campbell's words, all aspects of life privilege the able, 'normal' body over the disabled one.³ All fields are designed to fit a certain pre-conceived description of body and a degree of mental rationality, to the point where anyone who falls outside the same is rendered marginalised.⁴ This ranges from science (the species' typical body), political theory (the normative citizen), to law (the reasonable man, otherwise known as *homo economicus*).⁵ For example, the concept of wrongful life in the law of torts – awarding of compensation in medical cases of non-detection of disability of the child during pregnancy – reinforces the idea that only able bodied individuals deserve to be born, since the undertone behind it is that had the disability been detected during pregnancy, it could have been terminated.⁶ Thus, as a legal concept, privileges able-bodies right from even before they may be born.⁷ Crip Theory propounded by Robert McRuer explains how modernity privileges the 'normal' over 'abnormal', which is the main idea disability studies aims to contest, by pluralising the modes of thought itself. Disability is always seen as a lacuna which needs to be cured, to bring individuals at par with the so called 'normal'.⁸

In this process of forced 'normalisation' and the inherent quest to 'cure' disability, there is an entire realm of disabled knowledge which is rarely deliberated upon. Diderot elucidates the same through the example of how ableism privileges vision as the dominant form of perceiving the world, over a blind individual's tactile perception – thus excluding their knowledge from the mainstream.⁹ Biologically, the brain of an individual who is blind by birth accommodates a more enhanced aural processing in place of its visual counterpart.¹⁰ Campbell's idea of 'Internalised Ableism' explains that the problem does not lie with disability, rather, with the acceptance of only a certain approach in all

¹ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' *Disability Studies in India* (pp. 75-91).

² Anita Ghai, 'A Rendering of Disability and Gender in the COVID-19 Era' (2021) 56(11) *Economic and Political Weekly*.

³ Fiona Kumari Campbell, *Contours of Ableism: The Production of Disability and Abledness* (Springer 2009) 6.

⁴ *ibid.*

⁵ *ibid.*

⁶ Fiona Kumari Campbell, *Contours of Ableism: The Production of Disability and Abledness* (Springer 2009) 148.

⁷ *ibid.*

⁸ Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (2008).

⁹ Nancy J Hirschmann, 'Diderot's Letter on the Blind as Disability Political Theory' (2020) 48(1) *Political Theory* 84-108.

¹⁰ A Silvers, *Feminist Perspectives on Disability* (SEP 2009).

aspects of human life.¹¹ Thus, the question that must be asked is whether in fact the reason behind systematic exclusion of disabled individuals is caused by the one-dimensional approach of *viewing* the world, through an ableist lens.¹² Perhaps this is the primary reason that it is extremely rare, for one to see a disabled individual achieving success at par with their able-bodied counterpart. Is disability truly the lifelong curse it is narrated to be, and is it fair to undermine all ancillary life experiences of PWD owing to the mere fact that they were born with or acquired a disability in their lifetime? Is it a lacuna on the part of a person with disability or there a greater problem with the systems surrounding their integration into society which serve as a roadblock on the path to a so called 'normal' life?¹³

The true barrier to disability inclusion lies not with the individual but with the ignorance of the able-bodied majority.¹⁴ Disability is shaped by social factors and the physiological or psychological realities that social conditions influence.¹⁵ Addressing ableism requires acknowledging that the issue stems from society's rigid norms, not the disabled body.¹⁶ The 'us versus them' binary,¹⁷ which labels the able-bodied as 'normal' and the disabled as 'other', forces disabled individuals to strive for a socially constructed idea of normalcy, complicating their lives. This divide cuts across gender, race, caste, and class, reducing disabled people to objects of pity and stripping them of the expectation to lead independent lives, have careers, or contribute meaningfully to society.¹⁸ Intersectionality adds complexity, as class impacts access to resources, and gender, caste, and racial minorities with disabilities face compounded discrimination. Awareness and access to timely treatment vary according to the individual's monetary status, directly impacting the quality of life for disabled individuals. Those from affluent backgrounds are less likely to be seen as burdens compared to those with limited resources.¹⁹ Women, along with individuals from marginalised castes or races, face multiple layers of discrimination, compounding their challenges.²⁰ Robert

¹¹ Fiona Kumari Campbell, *Contours of Ableism: The Production of Disability and Aabledness* (Springer 2009).

¹² *ibid.*

¹³ Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (2008).

¹⁴ Nancy J Hirschmann, 'Diderot's Letter on the Blind as Disability Political Theory' (2020) 48(1) *Political Theory* 84-108.

¹⁵ Nietzsche, *Genealogy, History, The Essential Foucault* (Paul Rabinow and Nikolas Rose (ed), The New Press 1994) 351-369; 'Abram Anders, Foucault and "the Right to Life": From Technologies of Normalization to Societies of Control' (2013) 33(3) *Disability Studies Quarterly*.

¹⁶ Stacy Clifford Simplican, 'Feminist Disability Studies as Methodology: Life-Writing and the Aabled/Disabled Binary' (2017) 115 *Feminist Review*, 46-60.

¹⁷ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' *Disability Studies in India* (pp.75-91).

¹⁸ Mitchell, D and Snyder, S, 'The Eugenic Atlantic: Race, Disability, and the Making of an International Eugenic Science, 1800-1945' (2003) 18(7) *Disability & Society* 843-864.

¹⁹ Nirmala Erevelles, *Disability and Difference in Global Contexts: Enabling a Transformative Body Politic* (Palgrave Macmillan 2011).

²⁰ Anita Ghai, 'Education in a Globalising Era: Implications for Disabled Girls' 36(3) *Social Change*.

McRuer's Crip Theory laments the limiting of disability studies to accessibility discourse, and takes an intersectional lens to view the subject, in response. He compares the concept of 'compulsory heterosexuality' (the idea that cisgender heterosexual individuals are the norm, and anyone who deviates from the same is labelled deviant) with 'compulsory able-bodiedness' (the idea of labelling the able-bodied individuals' body as normal and any 'body' which does not adhere to such norm as abnormal, deviant).²¹ Kafer takes this concept further by adding the aspect of compulsory able-mindedness to it – as disability goes beyond physical, bodily impairment.²² Thus, she makes the concept more inclusive, so as to include mental disability into the spectrum.²³

Erevelles' perspective of viewing disability as a historical event reaffirms its intersectionality as a concept.²⁴ She describes disability as a consequence of marginalisation, war and economic injustice. She takes the example of slavery – how violence inflicted on enslaved people results in impairment, thus making disability the consequence of historical events.²⁵ The aspect of intersectionality is best summed up in the words of Mitchell & Snyder, "*The ranking of bodies occurs through dividing and partitioning according to clear-cut descriptors of 'race' 'gender', 'caste' and 'disability'.*"²⁶

While policies exist to address disability, they barely scratch the surface due to the lack of representation of disabled individuals in decision-making roles. Though public universities offer reservations,²⁷ the mechanisms for equal access to education are insufficient. Even basic requirements, like sitting for two-hour competitive exams, assume physical ability, revealing a fundamental flaw in policy design. Policymakers view disability through a narrow lens, creating standalone policies that fail to account for the wide spectrum of individual needs. A one-size-fits-all approach is inadequate for such a complex issue, requiring a more nuanced understanding and tailored solutions. The next section of the paper discusses this in detail.

The divide between the 'able-bodied' and 'disabled' stems from the ignorance that anyone is just one incident away from disability.²⁸ As stated by Janet Price, "*We are all, at best, temporarily able-bodied.*"²⁹ Recognising this fact could

²¹ Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (2008).

²² Alison Kafer, *Feminist, Queer, Crip* (Indiana University Press 2013).

²³ *ibid.*

²⁴ Nirmala Erevelles, *Disability and Difference in Global Contexts: Enabling a Transformative Body Politic* (Palgrave Macmillan 2011).

²⁵ *ibid.*

²⁶ Mitchell, D and Snyder, S, 'The Eugenic Atlantic: Race, Disability, and the Making of an International Eugenic Science, 1800-1945' (2003) 18(7) *Disability & Society* 843-864.

²⁷ Rights of PWD Act 2016, §32.

²⁸ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' *Disability Studies in India* (pp.75-91).

²⁹ Janet Price, *The Seeds of a Movement – Disabled Women and Their Struggle to Organize*, Association for Women's Rights in Development (2011).

truly transform how society views disability. The ableist ‘us versus them’ mentality must be replaced with an ‘everyone versus disability’ approach, which focuses on creating mechanisms to foster inclusivity. Rather than merely striving towards providing for a seat at the table, emphasis must be made on re-imagining the table such that it accommodates all the varied realms of reality experienced by those who are party to it.

The following section explores the specific challenges faced by disabled students and professors in universities, the inadequacy of legal and policy safeguards, and a call for solutions which address these issues and foster meaningful inclusion.

III. ACADEMIA THROUGH THE LENS OF A PERSON WITH DISABILITIES

Indian jurisprudence on disability rights has been developing, at least textually, in favour of and aligned with a human rights approach towards disability. The findings in the case of *Nipun Malhotra v. Sony Pictures*³⁰ emphasise on Art. 21 of the Indian Constitution³¹ as the foundation of laws for PWD. The court, in this case, issued certain guidelines regarding the Rights of PWD Act. It referred to the decision in *Vikash Kumar v. Union Public Service Commission*,³² where it affirmed that individuals with disabilities are equally entitled to constitutional rights, even if not explicitly mentioned. It also cited *Ravinder Kumar Dhariwal v. Union of India*,³³ emphasizing the principles of ‘dignity’ and ‘equality’ under §3 of the Rights of PWD Act,³⁴ which underscores the State’s positive obligation to safeguard the rights of PWD. The Court observed that recent judgments illustrate the judiciary’s evolving role in addressing the intricate intersections of disability, gender, and mental health, thereby enriching the discourse on equality. It highlighted the legal framework’s focus on preventing stigmatisation and discrimination against individuals with disabilities, acknowledging the significant impact on their identity and dignity.

Foucault illustrates how institutions serve as centres of control, perpetuating negative perceptions of cognitive disabilities.³⁵ This section specifically problematises university education by conducting an epistemic study of the systemic ignorance towards the activities of disabled individuals. Without suitable mechanisms to navigate academic life, disabled persons face disproportionately greater

³⁰ *Nipun Malhotra v. Sony Pictures Films India (P) Ltd* 2024 SCC OnLine SC 305.

³¹ Constitution of India, art 21.

³² *Vikash Kumar v. UPSC* (2021) 5 SCC 370.

³³ *Ravinder Kumar Dhariwal v. Union of India* (2023) 2 SCC 209.

³⁴ Rights of PWD Act 2016, §3.

³⁵ Tremain, Shelley, *Foucault and the Government of Disability* (University of Michigan Press 2015); Christopher A Riddle, ‘Review of “Foucault and the Government of Disability”’ (2009) 10(1) *Essays in Philosophy*, art 5.

challenges. By continuing such exclusionary practices, universities effectively erase the voices and experiences of disabled individuals from academic discourse, depriving them of the opportunity to contribute their views, ideas, and perspectives, thus reinforcing their marginalisation within intellectual spaces.

A. UNIVERSITY STUDENTS WITH DISABILITIES

The Rights of PWD Act, 2016³⁶ ('the Act') was brought into force in India to prevent discrimination and foster equal opportunity for PWD.³⁷ §32 of the Act provides for reservation in higher educational institutions for PWD.³⁸ §17 of the Act,³⁹ although directed at school level educational institutions, depicts the tokenistic approach of law makers. The section talks about specific measures to promote and facilitate inclusive education, but limits its scope to accessibility discourse and only engages with certain kinds of disability – namely visual, auditory and intellectual. It fails to take into account, for instance, behavioural disability – such as students with Autism Spectrum Disorder ('ASD') and the requirement of behavioural experts to cater to the same. This is discussed in further detail as the paper progresses. Moreover, the fact that the section only applies to school students (as indicated by the use of the word 'children') and not those at higher education level, thus excluding a large number of university students with disability.

The deeper-seated problem, however, is that no matter how well laws, policies, judgments are worded, they remain a dead letter if not coupled with implementation. Reservation of seats at university admission level⁴⁰ creates a mere illusion of egalitarianism. To begin with, even access to such reservation is skewed owing to the procedure associated with obtaining a disability certificate.⁴¹ Being literate enough to be aware of such procedure is in itself a privilege. Moreover, a requirement of 40% disability exists to claim reservation benefits.⁴² Proof of the same is required once an application for a disability certificate is made.⁴³ There are about 70 million disabled individuals in India,⁴⁴ which makes it extremely difficult to cater to such a number, in case applications for certificates are made. Eventually, with widespread red tapism, only the privileged few eventually get a disability certificate, and thus, by extension, access to the reservation they are entitled to. Apart from such conditions, emergency, accidental situations in the

³⁶ Rights of PWD Act 2016.

³⁷ *Disability Rights (Rights of PWD Act & National Trust Act) and Mental Healthcare Act*, Research Division, National Human Rights Commission, 33516/2022/MCP <<https://nhrc.nic.in/sites/default/files/DisabilityRights.pdf>> accessed 7 January 2025.

³⁸ Rights of PWD Act 2016, §32.

³⁹ Rights of PWD Act 2016, §17.

⁴⁰ Rights of PWD Act 2016, §32.

⁴¹ Rights of PWD Act 2016, §58.

⁴² 'Frequently Asked Questions' (*Department of Empowerment of PWD*) <<https://depwd.gov.in/faqs-3/>> accessed 7 January 2025.

⁴³ Rights of PWD Act 2016, §58.

⁴⁴ Mishra, NN, Parker, L S and Deshpande, S N, 'Disability Certificates in India: A Challenge to Health Privacy' 9(1) IJME 43.

past have gone unaccounted for, owing to not having fallen in the textual understanding of disability. The case of *Vikash Kumar*, was one such instance, as the petitioner was denied a scribe in the Union Public Service Commission Exam ('UPSC'), since he suffered from writer's cramp which the textual understanding of disability did not include. The court eventually held the decision to be in his favour, however, it only makes one wonder about the various cases which go unnoticed and unaccounted for. What would happen, if for instance, a student fractures their dominant arm the day before an examination? Would they be considered to be eligible for a scribe, and other support they may require? Or would they be denied, considering their condition does not fall under the textual, listed, preconceived disabilities?

Even if, somehow, after obtaining a certificate, the student gets access to reservation and is admitted to a university, the shift from school to university education is drastic, making adjustment in the initial phases extremely difficult. Being a student with disability brings an added pressure of finding ways to manoeuvre the situation with little to no support, in a place where everyone is a stranger in that stage. A study found that more than half students with disabilities did not continue pursuing their degree beyond their third year.⁴⁵ The innate act of privileging certain methods of education often leads to exclusion of PWD, leading them to drop out. Even the extensively normalised act of sitting in class brings with itself a degree of privilege – as not everyone possesses the ability to sit,⁴⁶ and by fixing such a pre-requisite, they exclude students who owing to their disability, would not find it feasible to sit in class, particularly for long hours. A professor asking students to raise their hand in class assumes individuals' ability to be able to raise their hands. Phrases, stating that one must not be 'blind' to a certain issue, places blindness in a negative light,⁴⁷ and is ignorant to those in class who may actually be blind. The language of curriculum itself is shaped on ableist connotations. In the study of sociology, when a professor instructs students to 'look' at the society, they presupposes students' ability to see.⁴⁸ Most classrooms lack the ability to tackle different kinds of disabilities. In their current state, for instance, university classrooms are not accessible to those with auditory impairments. A prerequisite to comprehension of classroom lectures is the ability to hear. The role of comprehension comes after. The lack of a sign language

⁴⁵ Nicole Anthony and Kaycee Bills, 'Examining College Stop Out Rates for Students with Disabilities' (2021) 8(3) Journal of Education & Social Policy.

⁴⁶ Fernanda Dahlstrom, 'I Am Vertical: Living with a Sitting Disability' (2021) Overland Literary Journal <<https://overland.org.au/2021/07/i-am-vertical-living-with-a-sitting-disability/>> accessed 21 October 2024.

⁴⁷ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' Disability Studies in India (pp. 75-91); Rod Michalko, 'Blindness Enters the Classroom' (2010) 16(3) Disability & Society 349-359.

⁴⁸ Rod Michalko, 'Blindness Enters the Classroom' (2010) 16(3) Disability & Society 349-359.

interpreter completely denies access to education in cases audibly impaired students.⁴⁹ This systematically excludes them from discourse, like many others.

A university curriculum necessitates extensive reading, often from old texts that are not available in accessible formats.⁵⁰ Law courses, in particular, presuppose students' ability to read and comprehend information, putting disabled students at odds with their able-bodied peers. The examination process compounds these disparities by assuming that students can sit for hours to complete papers. Open-book exams, for example, require visually impaired students to navigate large quantities of text to formulate answers, which is practically impossible.

While solutions like providing a scribe and extra time exist, they often fail to address fundamental barriers, as the scribe cannot read all materials, and nominal time extensions rarely compensate for the complexity of subjective questions. Internal assessments demand extensive research and adherence to citation formats, with deadlines often clashing across subjects, while participation in oral assessments and class discussions assumes the ability to speak and engage socially. This poses particular challenges for students with ASD, who may be uncomfortable in social situations,⁵¹ making it difficult for them to participate fully.

Mandatory internships further complicate matters, as they lack flexibility to accommodate the nuanced needs of disabled students. Such environments systematically exclude individuals with visual, auditory, and mobility impairments, as tasks often involve sitting for long hours, participating in case hearings (ironically termed 'hearings'), and engaging with computer screens. Consequently, these factors deny students with disabilities a substantial portion of their university experience, disadvantaging them in their future careers and marginalising their knowledge, experiences, and perspectives from mainstream discourse.

B. UNIVERSITY PROFESSORS WITH DISABILITIES

In common parlance, university professors are categorised as individuals who have 'mastered' the subject they teach, after acquiring extensive education with multiple degrees, usually a PhD. As elucidated in the previous section of the paper, students with disability at every level of university education, face nuanced challenges which are rarely ever catered to fully. With a high dropout rate among university students with disabilities, a smaller number graduate with a degree as

⁴⁹ Disability Support Services, Working with Sign Language Interpreters During Instruction <<https://disabilitysupport.gwu.edu/working-sign-language-interpreters-during-instruction#:~:text=Interpreters%20in%20Your%20Classroom%E2%80%9494What%20Will%20They%20Do&text=Interpreters%20are%20present%20solely%20to,that%20everyone%20has%20equal%20access.>> accessed 21 October 2024.

⁵⁰ The Importance of Accessible Material (*Education Links*, 7 February 2020) <<https://www.edu-links.org/learning/importance-accessible-learning-materials>> accessed 21 October 2024.

⁵¹ Syriopoulou-Delli, CK, Agaliotis, I and Papaefstathiou, E, 'Social Skills Characteristics of Students with Autism Spectrum Disorder' (2016) 64(1) *International Journal of Developmental Disabilities* 35-44.

compared to those who enrolled in their respective courses. If in ordinary parlance university professors are required to have multiple degrees, it explains the low number of university professors with disability in academia. By inherently facing systematic exclusion at university level, individuals with disability are placed at a disadvantage, with a low chance of reaching a stage where they could be qualified enough to be a university professor. It explains the lack of representation and limited participation in discourse of PWD. Against all odds, if a certain miniscule number of individuals are able to attain a stage where they are qualified enough to become university professors, a new set of challenges set in. Sustaining the lifestyle of a professor while being a person with disability, manoeuvring life without a great deal of supporting mechanisms is in itself an uphill battle, which must be fought by these individuals every single day of their lives.

There are numerous instances which privilege an able-bodied educator over one with disability. To begin with, having to write on the board presupposes one's ability to possess the physical capabilities to stand up, raise their arm, and write on the board while holding on to the chalk or marker. Professors in classes may, at best, either stand or sit while teaching. There is no provision made for those who are incapable of sitting or standing. In case of a blind professor, the same is complicated further. From being able to locate the class, to being able to look at the students to ensure discipline, to requiring a chaperone for every movement. In such cases, students also may choose to not comply with the professor, and not take his instructions. Even correcting a gargantuan amount of exam papers, excruciating research paper like internal assessments, is extremely challenging from the point of view of those with visual disability. Handwritten papers cannot be corrected by unless read aloud. Eventually, they are dependent on an assistant for fundamental professional responsibilities. When it comes to auditory and linguistic disability, such professors do not have any recourse, and cannot teach without firstly, being able to hear their students, as well as being able to speak is a major challenge. The absence of a sign language interpreter and the students mostly not possessing knowledge of sign language, it becomes practically impossible for such a professor to teach, since primarily, classroom teaching in common parlance is supposed to be a lecture delivered by the professor, thus necessitating the ability to hear and speak. Individuals with a learning disability are rarely likely to become professors, owing to the level of extensive education required. Individuals with disorders in the nature of ASD find it difficult to adjust in socially exhausting situations.⁵² Teaching as a profession requires the professor to deliver a lecture, addressing a considerably large number of students, which can seem impossible for someone with ASD.

Ultimately, the epistemological ignorance of knowledge through the lens of the disabled owing to certain situations like those mentioned previously, has deep

⁵² Syriopoulou-Delli, CK, Agaliotis, I and Papaefstathiou, E, 'Social Skills Characteristics of Students with Autism Spectrum Disorder' (2016) 64(1) *International Journal of Developmental Disabilities* 35-44.

seated problems associated with it. It systematically excludes an important group of individuals. These perspectives are extremely valuable since they allow us to visualise the world from a lens outside one's regular worldview.⁵³ This is extremely important for university students, who would learn to question the norms and potentially look for mechanisms to bridge the gap between 'us' and 'them', thereby attempting to better the situation of epistemic ignorance and injustice towards PWD.⁵⁴

A disabled professor may view the Constitution in a different manner as opposed to an able-bodied one. They would potentially hold it to be an exclusionary document, which ignores PWD to a great extent.⁵⁵ Such unique perspectives deserve to be part of the mainstream in order for them to play a role in shaping discourse, such that it is never a one-dimensional discussion, but an aggregation of multiple unique, thought-provoking perspectives. Moreover, professors with disabilities are more likely to be patient with students with disability, and would possess a deeper understanding of their needs and could help devise mechanisms to address them.⁵⁶

IV. RECOMMENDATIONS TO BRIDGE THE GAP

After an analysis of the various factors involved in academia which privilege the able-bodied and discriminate against PWD, a profound adjustment in outlook is a dire necessity if we as a society aim to inch towards change. PWD must not be viewed as abnormal, rather, our definition of normal is what requires a significant adjustment. Normalcy must be inclusive of individuals irrespective of how they look, bodily functions, disorders and so on. Disability in itself must not be viewed as a curse,⁵⁷ rather, one of the many forms normal which must be acceptable and a plethora of mechanisms must be developed to assist disabled individuals to live their life smoothly.

⁵³ Vijay K Tiwari and Sanjay Jain, 'How Does a Disabled Professor Teach?' (*The Indian Express*, 6 September 2024) <<https://indianexpress.com/article/opinion/columns/how-does-disabled-professor-teach-9553902/#:~:text=A%20disabled%20professor%20is%20uniquely,critical%20category%20of%20knowledge%20inquiry.>> accessed 21 October 2024.

⁵⁴ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' *Disability Studies in India* (pp.75-91).

⁵⁵ Vijay K Tiwari and Sanjay Jain, 'How does a Disabled Professor Teach?' (*The Indian Express*, 6 September 2024) <<https://indianexpress.com/article/opinion/columns/how-does-disabled-professor-teach-9553902/#:~:text=A%20disabled%20professor%20is%20uniquely,critical%20category%20of%20knowledge%20inquiry.>> accessed 21 October 2024.

⁵⁶ Kara Ball, 'Why My Learning Disabilities Make Me a Better Teacher' (*Kaplan Online*, 27 January 2020) <<https://kappanonline.org/why-my-learning-disabilities-make-me-better-teacher-ball/#:~:text=My%20personal%20experiences%20as%20a,ve%20learned%20along%20the%20way.>> accessed 21 October 2024.

⁵⁷ Anita Ghai, 'Ignorance of Disability: Some Epistemological Questions' *Disability Studies in India* (pp. 75-91).

Firstly, inclusion of more PWD in policy making would help develop mechanisms to address the special needs of individuals in academia. There must be a disability cell available to assist PWD at all times, in their academic along with other needs at university level. This cell must be equipped with all the requisite technology to assist both students and professors,⁵⁸ for example, a braille printer, scanners which are able to convert handwriting into text which can be read aloud digitally, and so on. In case of visual disability, the cell must ensure the availability of accessible material, which can be read aloud digitally, and in case any printed material is given, it must be made available in braille. Open book exams must be adapted to the needs of students with disabilities. One proposed method to address the challenge of sifting through extensive materials is to use application-based questions in a multiple-choice format. This approach helps direct students to the answers, allowing their scribe to read out the relevant sections listed in the options. For instance, in a contracts paper, a situation could be presented as the question, asking which section of the Contract Act applies. The options would include various sections, which the scribe can read aloud after stating the question. This allows the student to select the correct option without navigating through a large volume of open book material. Additionally, other scenarios could involve evaluating arguments for one of the parties, where the options would present potential arguments, including section numbers. This method not only saves time and effort but also effectively evaluates the student's understanding and analytical skills. The same are illustrated below.

Question: With reference to the situation presented, select probable arguments for party A.

- (a) A was not obligated to fulfil their obligation because the said event was a force majeure event according to section 56 of the Indian Contract Act, 1872.
- (b)
- (c)

Question: What is an example of unconscionable bargain according to section 16 of the Indian Contract Act, 1872? (The options would include hypothetical situations).

- (a) ...
- (b) ...
- (c) ...

⁵⁸ Hayes AM and Bulat J, *Disabilities Inclusive Education Systems and Policies Guide for Low — and Middle-Income Countries* (Research Triangle Park (NC), RTI Press 2017).

Thus, as illustrated above, a sounder method of evaluation could be devised for students with disability. Moreover, a software to scan handwritten material and convert it into a format through which it can be read aloud must be utilised. This would help visually impaired professors evaluate answer scripts.

Apart from academic concerns, students must be assigned representatives from the cell to assist students with their daily life, in whatever form they might need – including support regarding mobility, helping them shop for their daily needs, and so on. These representatives must be hired specially to cater to the respective needs of students as well as professors, and must be trained for this purpose. They would be instrumental in performing tasks like bringing students and professors with visual, or locomotive disability to and from classes, and at other times, as and when required. To assist visually impaired professors in class, there must be a teaching assistant assigned to help the professor manoeuvre writing on the board,⁵⁹ a PowerPoint presentation, and other ancillary teaching aids, as and when required. The assistance of trained service animals would also go a long way for both students and professors.⁶⁰

In cases of auditory impairments, to aid both students and professors, a sign language interpreter must be present in all classes.⁶¹ This way, students with auditory impairments would have a medium through which knowledge from the classroom can be communicated to them. Moreover, an overall slow pace of teaching must be adopted, to help the sign language interpreter communicate the material adequately. The slow pace would also benefit students in general, and particularly those with learning disabilities, apart from the said group of individuals. And at the same time, it gives opportunities to professors with auditory and speech disabilities to be able to teach classes and for their unique perspectives to knowledge to get a medium through which they can be imparted and shared. Moreover, oral assessments can be evaluated in a written format for them, and class participation can be gauged through their level of attentiveness over the semester.

To assist students and professors with locomotive disabilities, wheelchairs and stretchers must be available on campuses at all times, along with the manpower to facilitate movement, and adequate accessible entrances. Along with this, students and professors must have the option to lie down and attend class, as well as teach, respectively if they wish. Moreover, the option of conducting classes in a hybrid mode must always be available to the professor, and a hybrid class must be conducted even if a single student is not able to attend owing to their disability or ancillary concerns.

⁵⁹ Hayes AM and Bulat J, *Disabilities Inclusive Education Systems and Policies Guide for Low — and Middle-Income Countries*, (Research Triangle Park (NC), RTI Press 2017).

⁶⁰ Rod Michalko, 'Blindness Enters the Classroom' (2010) 16(3) *Disability & Society* 349-359.

⁶¹ Kaycee Summers, 'Working with Educational Sign Language Interpreters in the Classroom' (*Inclusive Communication Services*, 15 March 2024) <<https://inclusiveasl.com/accessibility/working-with-educational-sign-language-interpreters-in-the-classroom/>> accessed 21 October 2024.

Professors with ASD as well as other disorders which make them uncomfortable in social situations⁶² must be allowed to conduct their lectures online, projected onto a smartboard, or record their lectures, depending on their comfort level and having doubts addressed over mail. Their student counterparts should also have the option to attend classes online in case they prefer to do so. Oral assessments can be replaced by a written component, while class participation can be measured by attentiveness throughout the semester or frequency of email communication with the professor.

'Persons' with learning disabilities must have their needs catered to. They must be taught using visual aid,⁶³ have extra classes to assist them in case required where they can be accompanied by specialists ensuring their needs are catered to, and recorded and transcribed lectures must be made available to all, to assist their level of understanding even after the classroom.

Mandatory disability sensitisation sessions are crucial, which would include multiple exercises, like teaching all students and professors sign language to facilitate communication with those who may not be able to speak or have auditory impairments. These are instrumental to bridge the gap between the artificial distinction made between 'us' and 'them', and facilitate integration of PWD in society through reimagination of education such that it accounts for all perspectives.

V. CONCLUSION

Persistent marginalisation of PWD is not merely a reflection of individual limitations but a failure of societal structures to accommodate their needs and recognise their contributions. Disability, often seen as a lifelong curse or dependency, is exacerbated by the ignorance of the able-bodied, who construct an artificial binary between 'us' and 'them'. This binary reinforces the exclusion of disabled individuals from education, policy-making, and broader social discourse. Universities, which are supposed to be spaces of knowledge and inclusion, often perpetuate ableism through their inaccessible structures, curricula, and assessment methods, further marginalising disabled students and professors.

Addressing this systemic exclusion requires a fundamental shift in how disability is understood—not as a uniform condition, but as a spectrum of experiences that necessitates diverse and flexible solutions. The representation of disabled individuals in positions of authority, particularly in academia and policy-making, is crucial to reshaping these spaces. By integrating their perspectives, the discourse

⁶² Syriopoulou-Delli, CK, Agaliotis, I and Papaefstathiou, E, 'Social Skills Characteristics of Students with Autism Spectrum Disorder' (2016) 64(1) *International Journal of Developmental Disabilities* 35-44.

⁶³ Kara Ball, 'Why My Learning Disabilities Make Me a Better Teacher' (*Kappan Online*, 27 January 2020) <<https://kappanonline.org/why-my-learning-disabilities-make-me-better-teacher-ball/#:~:text=My%20personal%20experiences%20as%20a,ve%20learned%20along%20the%20way.>> accessed 21 October 2024.

can move beyond the current limited, able-bodied viewpoint and create more inclusive frameworks.

Ultimately, society must shift its focus from viewing disability as a personal tragedy to recognizing the broader social and structural barriers that prevent equal participation. It is only by confronting these barriers and embracing the varied experiences of all individuals that we can hope to create an equitable and just society for everyone, regardless of ability. Continuing the analogy of the table, which is in this case, the classroom, must be reimagined in such a way, so as to accommodate all those who are present in it, in such a way that their unique perspectives can be expressed without hurdles.