
FROM TOKENISM TO TRANSFORMATION: IMPLEMENTING ACCESSIBLE ELECTIONS AS A CONSTITUTIONAL MANDATE

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Introduction

As the world's largest democracy, India's electoral process is often celebrated for scale yet for decades persons with disabilities have been sidelined to the margins of the electoral process not due to the legal exclusion but as a product of structural flaws. The obstacles ranging from inherently inaccessible infrastructure at polling sites to unreadable voter information have unfortunately transformed voting from a fundamental right into an act of charity.

The State's historical attempts at electoral inclusion of persons with disabilities have been largely symbolic ranging from installation of temporary ramps, optional postal ballots to ad-hoc accessibility guidelines these measures have functioned as administrative quick fixes rather than viable solutions. Such initiatives though well intentioned reflect tokenism. In order to solve the concern beforehand it is necessary to distinguish tokenism from a transformational approach. Tokenism creates an illusion of accessibility and views it as an add on welfare measure heavily relying on administrative discretion. In contrast, transformation regards long-term commitments and non-performative inclusion. In the electoral context, the latter approach would view accessibility as a non-negotiable constitutional mandate flowing from the basic tenets of a democracy.

Judiciary has been actively vocal in catalyzing this shift and demanding administrative accountability. In a recent landmark decision, Supreme Court affirmed that a person with disabilities' (PwDs) right to accessibility of opportunities and physical environment is intrinsic to the enjoyment of fundamental rights enshrined in Part III of the Constitution. Former Chief Justice of India D.Y Chandrachud observed that "disability is tragedy only if society fails to provide the differently-abled with things essential to lead their lives."¹ This reasoning

¹Kavita Bajeli- Datt, Disability Groups Applaud the SC Ruling Declaring Accessibility a Fundamental Right, New Indian Express (Jan. 28, 2026, 5:00 PM), <https://www.newindianexpress.com/nation/2024/Nov/15/disability-groups-applaud-the-sc-ruling-declaring->

highlights a decisive shift from viewing disability as a personal limitation to now recognizing it as a systemic failure.

Constitutional And Statutory Foundation

The constitutional framework of India enshrines the principle of universal adult suffrage under Article 326, guaranteeing every citizen of eighteen years or older the right to be registered as a voter, subject only to legal disqualifications.² This is not just a mere legal provision but it reflects the democratic faith the country places in its people. It is the Constitution's way of answering a question that once echoed across the chambers of the Constituent Assembly and drew skeptical glances from the world: Can a nation of vast illiteracy and deep diversities truly trust its people with the ballot? This provision stands as a testament to India's democratic order highlighting that political participation is an inalienable right in the hands of the citizens.

Complementing this guarantee, Article 325, strengthens the legitimacy of democratic process by expressly mandating the prohibition of exclusion from electoral roll on the basis of religion, race, caste, sex or any other grounds that may undermine the commitment to political equality.³ Although the text of Article 325 does not explicitly mention disability as a prohibited ground of exclusion, interpreting the article excluding disability would lead to substantive violation of constitutional commitments and would transform democratic inclusion into a facade.

Further, as per Article 324 of the Constitution the power of robust electoral management obliges Election Commission of India (ECI) to comply with the mandate of free and fair polls pushing the objective of inclusive and accessible elections that realise the meaningful participation of PwDs.

Reinforcing the constitution's commitments, Section 11 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) operates as a crucial piece of legislation that mandates Electoral Commission to ensure electoral accessibility to PwDs to ensure effective participation on an equal basis.⁴

India's ratification of the United Nations Convention on Rights of Persons with Disabilities

accessibility-a-fundamental-right.

² INDIA CONST. art. 326.

³ Id. art. 325.

⁴ The Rights of Persons with Disabilities Act, 2016, § 11, No. 49, Act of Parliament, 2016 (India).

(UNCRPD) created an obligation to bring the domestic law related to disability in accordance with the international order. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was repealed and the social-justice based approach in the 2016 Act came into force. The 1995 Act recognised only seven categories of disability within a rather narrow ambit and showcased a charity-based approach instead of treating the rights of PwDs as non-negotiable, hindering the true empowerment in the face of formality.

Article 9 of UNCRPD asserts that the State Parties are required to develop infrastructure that would provide equal access to PwDs with regards to physical and digital environment. It advocates independent living along with participation in all areas of life by eliminating access barriers.

Early Measures- The Token Era

In the early attempt to ensure electoral accessibility, the approach was largely rooted in tokenism. The measures focused on localized physical adjustments overlooking the need for a coordinated national framework. During this “token era” the main aim of accessibility receded into the background and the systemic failures left millions of PwDs on the periphery of democratic participation.

As per the 2011 census, 2.21% of India’s population nearly 2.68 crore individuals live with disabilities.⁵ Despite this considerable proportion, only 88.4 lakh voters with disabilities were registered in the 2024 Lok Sabha elections. Consequently, a substantial demographic remains categorized as “invisible voters” due to inaccessible polling stations and the inability to decipher election-related information. The presence of this gap reflects a vicious cycle of exclusion from equal political engagement.

One of the key operational limitations of this period was the gap between stated policy goals and their actual outcomes. Although the voter guide released by ECI formally listed accessibility measures such as wheelchair ramps, Braille-enabled electronic voting machines and voter information slips, transport facilities, special volunteers, voter helplines and priority access many of these provisions remained inadequately executed. In multiple instances

⁵ Subhashis Sinha & Nikunj Kumar Jain, *Disability inclusion: India Inc’s rhetoric vs reality*, HR Economic Times (Jan. 21, 2026, 6:55PM), <https://hr.economictimes.indiatimes.com/news/workplace-4-0/diversity-and-inclusion/disability-inclusion-india-incs-rhetoric-vs-reality/126105438>

accessible infrastructure was often completely absent or arranged at the last moment. The absolute absence of proactive planning once again left PwDs feeling marginalized and settling for bare minimum.

Furthermore, a significant proportion of India's 1.5 million polling booths are established in schools and colleges, despite their unsuitable infrastructure for universal access showcasing the lack of inclusive design into electoral planning.⁶

For visually challenged voters, the promise of assistive voting technologies such as Braille enabled Electronic Voting Machines and audio assistance were not uniformly integrated. Adding to this, inadequate training and lack of awareness among electoral staff resulted in insufficient assistance leading to amplification of obstacles in electoral participation.

The year 2015 was intended to be a turning point with the launch of Accessible India Campaign (Sugamya Bharat Abhiyan) by Department of Empowerment of Persons with Disabilities.⁷ The campaign launched with the ambitious goal to reshape infrastructure and provide accessibility failed to take a departure from the 'token era.' The expectation under the campaign for conducting accessibility audit of 25-50 important government buildings across 50 cities by 2016 and making them accessible by 2018 were abandoned and the deadline was extended to March 2020 and then further revised as June 2022 due to slow progress.

According to the 2021-2022 report of Ministry of Social Justice and Empowerment, while access audits were completed for 1,671 buildings, the retrofitting proposal were received for only 1,484 and actual modifications were completed for even lower number of buildings.⁸ The lack of strong implementation or punitive measures for states or departments that fail to meet the accessible standards, exponentially diminished the chances of achieving the original targets undermining the campaign's transformational potential.

Institutional Response

While the inconsistencies and challenges continue to plaque the attempts toward electoral

⁶ Priti Salian, Democracy Denied: Disabled Voters Face Barriers in India's Polling Process, Disability Justice Project (Jan. 25, 2026, 11:30 AM), <https://disabilityjusticeproject.org/news/democracy-denied/>.

⁷ Sanjay Jain & Malika Jain, Revisiting the Conceptual Terrains of the Right to Accessibility in India: The Role of Judicial Enforcement, 13 Laws 54 (2024).

⁸ Anusha Paul, Budget Gaps: How the 2024-25 Fiscal Plan Fails People with Disabilities, The Wire (Feb. 3, 2026, 9:15 PM), <https://thewire.in/rights/budget-gaps-how-the-2024-25-fiscal-plan-fails-people-with-disabilities>.

inclusion, Election Commission has strived in the recent years to amend its approach from symbolic accommodation to right-based framework. A significant step in this direction was the introduction of Strategic Framework for Accessible Election 2018, anchored in the guiding principle of “No voter to be left behind.” In order to acquire grassroot insights into planning, the framework encouraged collaboration with disability right groups, civil society organisations and local community networks in the form of community partnership. Moreover, it views continuous identification and elimination of barriers as an evolving process rather than a one-time intervention.

The framework further prioritises inclusive voter registration and polling mechanisms, drawing upon statistical mapping and the development of a database of PwD voters. This data-based approach is adopted to enable authorities to anticipate specific accessibility needs and mobilise resources at polling stations accordingly. This is further complemented by a strong emphasis on customised voter education, under which electoral awareness materials are to be produced in accessible formats. Through its flagship SVEEP (Systematic Voter's Education and Electoral Participation) programme, the ECI has also undertaken steps to empower PwD voters while simultaneously sensitising families and electoral officials to create a more supportive and informed environment.

These strategic improvements were more visibly materialized in the 2019 Lok Sabha election. Over 62.6 lakh PwDs were registered in the election. As highlighted in the Election Commission of India's Crossing the Barriers: Accessibility Initiatives (2021) handbook, which reports that more than 77.9 lakh PwDs have been mapped nationwide underscoring a significant increase in the numbers since 2019 elections. The Commission has also prioritised in establishing multi-tier governance mechanism with the formation of National and State Advisory Committees for Accessible Elections along with District Monitoring Committees on Accessible Elections. These bodies are tasked with coordination and oversight roles to enhance the voting experience for all citizens.

The momentum towards inclusive democracy was observed in full swing during 2024 Lok Sabha Elections, with the introduction of optional home voting for senior citizens aged 85 and above and for PwDs with 40% benchmark disability for the first time in India's electoral history.⁹ This initiative expanded the scope of accessibility by finding solutions beyond the

⁹ Saumya Kalia, All About the Vote-from-Home Facility in the Lok Sabha Elections | Explained, THE HINDU

traditional voting setup. Around 88.4 lakh PwDs were registered to vote in these elections.

Beyond the provision of home-voting, the Commission also turned to digital innovation as a complementary mechanism to expand electoral access. The launch of the Saksham App, a dedicated digital platform designed specifically to address the needs of PwD voters, can be seen as one of the notable strides of the Commission towards inclusivity. The app enabled users to register themselves, request accessibility services, and communicate their specific requirements well in advance of polling days. It allowed the Commission to anticipate and respond to individual needs in a more systematic manner, rather than relying on last-minute arrangements at polling stations.

The growing recognition of technology as a tool for empowerment rather than merely a convenience or an afterthought highlights an important shift in the Commission's approach. What is particularly significant is that technology is no longer being deployed in isolation but as part of a broader strategy to make the electoral process genuinely inclusive. The Commission's evolving trajectory suggests that the promise of universal adult franchise is being progressively actualised in practice in a way that it is moving beyond the realm of symbolic commitment to tangible, on-the-ground outcomes.

When viewed collectively, these interconnected initiatives represent more than just a series of isolated interventions. They point towards a fundamental reorientation in how the Commission approaches the question of accessibility in the present day and age. The earlier pattern of ad hoc administrative measures that might be described as temporary "quick fixes" designed to address immediate concerns without addressing underlying structural issues appears to be giving way to a more considered and sustainable approach now. The Commission has taken a significant step towards embedding disability in a more systematic framework, signalling a transition from a token era of reactive responses to a transformational era characterised by proactive, rights-based planning. This ensures the ballot box is reachable for every citizen, regardless of their physical or sensory abilities, moving accessibility from the margins to the very heart of the democratic process.

The Judicial Catalyst: From Symbolic Acts to Constitutional Mandates

Over the last few years, the Indian judiciary has completely changed how it handles disability

(Jan. 30, 2026, 7:00 PM), <https://www.thehindu.com>.

rights. Instead of just waiting for administrative promises to pan out, the courts have started taking a much more hands-on approach to making our democracy inclusive. The courts reiterated and made it clear that accessibility isn't just a charity case or an afterthought, it's a strict constitutional requirement which has to be mandatorily complied with.

This shift relies on a basic realization that disability is not a personal limitation, but it is rather a systemic failure of a society that doesn't build accessible infrastructure. Because of this, courts are heavily using the concept of "reasonable accommodation", drawing from Articles 14, 19, and 21 of the Constitution, to make sure everyone actually gets a meaningful say in the democratic process.

This momentum start to build with *Pankaj Sinha v. Union of India* (2016)¹⁰ where the Court tackled a really significant foundational problem, "ballot privacy". By ordering the use of Braille-enabled voter IDs, the judiciary made it possible for visually impaired voters to actually vote in secret. Before this, they had to rely on a third party for help, which totally defeated the purpose of a secret ballot. It was a huge step in recognizing that voting needs to be independent to be dignified.

The next subsequent step could be observed in the leading case *Vikash Kumar v. ECI* (2020)¹¹. Herein, the Supreme Court directed the Election Commission that they have to provide practical, on-the-ground help for people with physical barriers. Moreover, the Hon'ble court ruled out that one don't need a certified "benchmark disability" to get accommodations. This essentially threw out the old, rigid medical definitions and focused on the functional reality of what voters actually need to participate.

The culmination of this judicial movement is most powerfully articulated in *Rajive Raturi v. Union of India* (2024)¹² This was a landmark ruling aimed at ending the "tokenism" we usually see with accessibility. The Court pointed out that equality is basically a facade if the physical and digital worlds still block people out. In a bold move, they struck down Rule 15 of the RPwD Rules (declaring it ultra-vires) because it made accessibility discretionary. Now, there are mandatory baseline standards. This effectively shifts the burden, it's no longer on the disabled person to fight for access, but on the government to provide it, meaning every single

¹⁰ *Pankaj Sinha v. Union of India*, AIR 2016 SC 648

¹¹ *Vikash Kumar v. ECI*, AIR 2020 SC 1119

¹² *Rajive Raturi v. Union of India*, AIR SC 1491

polling booth needs to be independently accessible.

When we look at these rulings together, it's clear the judiciary is dragging the system out of an era of temporary, ad-hoc "quick fixes" and into a framework of actual, institutionalized rights. They are making sure the ballot box is within reach for everyone, regardless of their physical or sensory abilities, and finally putting accessibility right at the center of the democratic process.

Gaps And Challenges

A major obstacle in realisation of accessibility rights can be recognized as a persistent budget deficit under the Scheme for Implementation of the PwD Act (SIPDA), which aims to finance the accessibility initiatives nationwide. Despite Supreme Court's ruling in *Rajive Ratouri V. Union of India* which reaffirmed accessibility as a fundamental right and emphasized on the obligations of state to ensure inclusive infrastructure and services. A stark disparity is evident between the judicial rulings and the actual budgetary allocations for SIPDA which has witnessed a significant decline. Fundings that stood at ₹240 crore in 2022-23, reduced to ₹135 crore in 2023-24 and were further slashed to ₹115 crore in 2025-26, reflecting the needs of PwDs being undermined.¹³

While the Union Budget 2026 introduced schemes such as *Divyang Kaushal Yojna* and *Divyang Sahara Yojana*, aimed at enhancing the employment opportunities and assistance for PwDs, the broader ecosystem of inclusion in the public infrastructure remains inadequately considered. The endeavours toward employment inclusion although necessary would ultimately fail to achieve substantive equality if civic amenities, educational institutions and polling stations remain physically and digitally inaccessible.¹⁴

Furthermore, despite the Commission's inclination in the favour of incorporating digital platforms and technology-driven solutions, the grievances regarding the digital divide faced by the visually impaired cannot be ignored. Rule 15 of Rights of Persons with Disabilities Rules 2017, requires compliance with regards to physical infrastructure and information and communication technology (ICT) during construction of public buildings in accordance with

¹³ Much Much Spectrum, <https://www.muchmuchspectrum.com/stories/the-heartbreaking-reality-of-budget-allocation-for-disability-in-india>, (last visited Feb. 6, 2026).

¹⁴ Outlook India, <https://www.outlookindia.com/national/disabled-rights-platform-calls-union-budget-exclusionary>, (last visited Feb. 8, 2026).

Harmonised Guidelines and Standards for Universal Accessibility in India (2021), while section 11 of the RPwD Act mandates that the polling materials, candidate lists and electoral information should be available to visually impaired voters without fail.

Although government websites were required to qualify for the accessibility standards by June 2019, weak compliance mechanism has significantly reduced accountability. Due to this deprioritization the implementation still remains a distant dream even in 2025. Visually impaired voters continue to struggle with inaccessible electoral rolls, image-only PDFs incompatible with text to speech format, CAPTCHA systems and digital platforms that add on to the reliance on third parties. Amidst all these barriers, the scope of undue influence undermining the sanctity of secret ballot is always at the surface.¹⁵

The gap in the promises and lack of enforcement of the act and rules have given broader implication to the paper tiger effect wherein the existence of robust legal framework fails to translate into the reality for millions. While progress has been, continued efforts must be maintained to achieve substantial impact.

Conclusion

The story of India's electoral system is, at its heart, a story about who gets to belong. For decades, millions of voters with disabilities existed on the margins of democracy as they were present in the constitution however absent from the polling booths. The shift from a "token era" of hollow gestures to a "transformational era" of enforceable rights is not merely a legal milestone, it is a moral reckoning and a constitutional mandate rooted in the fundamental tenets of equality and dignity posing a serious question of whether India's democracy was ever truly universal.

Landmark rulings such as *Rajive Raturi v. Union of India*, *Vikash Kumar v. ECI*, and *Pankaj Sinha v. Union of India* have collectively dismantled the charity-based approach of the past, instead demanding systemic accountability and the removal of both physical and digital barriers.

¹⁵ Azeeza Fathima, India's Voter List PDFs Break Disability Laws, Say Experts Amid Rahul Gandhi–ECI Row, *The News Minute* (Feb. 8, 2026, 1:00 PM), <https://www.thenewsminute.com/news/indias-voter-list-pdfs-break-disability-laws-say-experts-amid-rahul-gandhieci-row>.

The transition from policy to practice, however, remains far from complete. The "paper tiger" effect persists where progressive legal provisions exist on paper but their implementation on the ground continues to stay a distant dream. One indicator of this is the declining budgetary support for the Scheme for Implementation of the PwD Act (SIPDA). This reduction raises concerns about whether judicial mandates can be effectively enforced when the financial mechanisms to support them are being subjected to recurring deprioritization. Digital access presents another significant barrier. Despite statutory requirements, visually impaired voters continue to encounter difficulties with inaccessible electoral rolls and digital platforms that are not designed to accommodate their needs. In many cases, this forces them to rely on third parties to cast their votes, which further compromises the secrecy of the ballot, a right that is fundamental to the electoral process.

For India to truly actualize the promise of "No voter to be left behind," the state must bridge the gap between judicial idealism and administrative execution. This requires not just legislative compliance, but a proactive commitment to universal design, adequate financial backing, and the elimination of the digital divide. Only when accessibility is treated as a core component of electoral planning, rather than an afterthought, will the "invisible voter" finally be seen, ensuring that the ballot box is truly reachable for every citizen in the world's largest democracy.