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## Principle Of Reasonable Accommodation

### Context

The Karnataka High Court rejected an argument in support of permitting Muslim girls wearing head-scarves that was based on the principle of 'reasonable accommodation'.

### Relevance:

### GS II- Polity

### Dimensions of the Article:

1. What is Reasonable accommodation:
2. How does the principle work?
3. What is the legal position on this in India?

### What is Reasonable accommodation:

- 'Reasonable accommodation' is a principle that promotes equality, enables the grant of positive rights and prevents discrimination based on disability, health condition or personal belief.
- Its use is primarily in the disability rights sector.
- Article 2 of the **UN Convention on the Rights of People with Disabilities (UNCRPD)** defines reasonable accommodation as
  - "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms".
- The **International Labour Organization (ILO)**, in its recommendation on HIV/AIDS and the world of work, defines it as
  - "any modification or adjustment to a job or to the workplace that is reasonably



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practicable and enables a person living with HIV or AIDS to have access to, or participate or advance in, employment”.

## How does the principle work?

- The general principle is that reasonable accommodation should be provided, unless some undue hardship is caused by such accommodation.
- In 2016, the ILO came out with a practical guide on promoting diversity and inclusion through workplace adjustments.
- Four categories of workers were chosen for the guide:
  - workers with disabilities,
  - workers living with HIV and AIDS,
  - pregnant workers and those with family responsibilities, and
  - workers who hold a particular religion or belief.
- These categories of workers come across different kinds of barriers at work.
- These may result in either loss of employment or lack of access to employment.
- The provision of reasonable accommodation plays a major role in addressing these barriers and thus contributes to greater workplace equality, diversity and inclusion.

## What is the legal position on this in India?

- In India, the **Rights of People with Disabilities Act, 2016**, defines ‘reasonable accommodation’ as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others”.
- The definition of ‘discrimination’ in Section 2(h) includes ‘denial of reasonable accommodation’.
- In Section 3, which deals with equality and non-discrimination, sub-section (5) says: “The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.”

*-Source: Indian Express*