

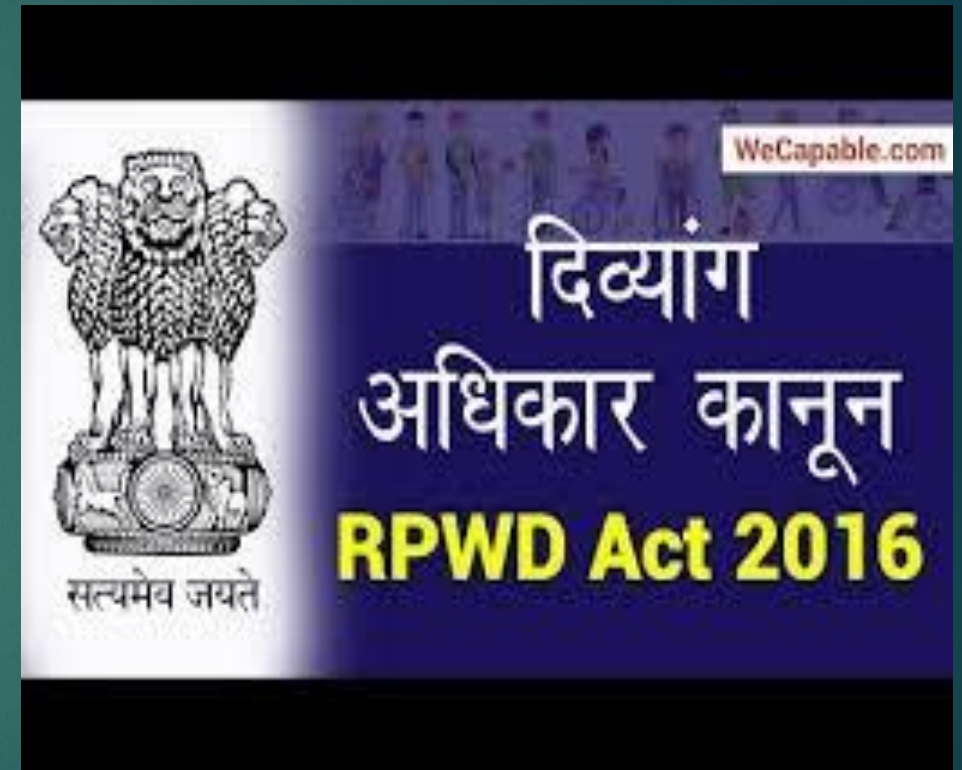
Rights of Persons with Disabilities Act,

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Rights of Persons with Disabilities Act, 2016

- ▶ The **Rights of Persons with Disabilities Act, 2016** is the disability legislation passed by the Indian Parliament to fulfill its obligation to the United Nations Convention on the Rights of Persons with Disabilities, which India ratified in 2007. The Act replaces the existing Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995.
- ▶ The Rights of Persons with Disabilities Bill, 2014 was introduced into the Parliament on 7 February 2014.
- ▶ The Act became operational on 19 April 2017. The Central Government rules 2017 have been notified under Section 100 of the Act and have come into force with effect from 15 June 2017.



GOALS

- ▶ To increase the job opportunities of persons with disabilities, the Act has increased the **reservation quota from 3% to 4%**.
- ▶ A large number of children with disabilities do not get proper education in India. This act proposes that every child with disability gets **free education from the age of 6 to 18**.



PRINCIPLES

- ▶ Following principles for empowerment of persons with disabilities,—
 - (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
 - (b) non-discrimination
 - (c) full and effective participation and inclusion in society
 - (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
 - (e) equality of opportunity
 - (f) accessibility
 - (g) equality between men and women
 - (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

CHARACTERISTICS OF LAW

- ▶ According to the Act any person who “intentionally insults or intimidates with intent to humiliate a person with a disability in any place within public view” is punishable with imprisonment.
- ▶ Another very important feature of this Act is the provision of special courts in each district. These special courts will handle cases pertaining to the violation of the rights of P.w.D.
- ▶ State Governments will constitute district-level committees to address the local issues of P.w.D.
- ▶ Office of Chief Commissioner and the Office of State Commissioners of Persons with Disabilities have been given more powers.
- ▶ Broad-based Central & State Advisory Boards on Disability are to be set up to serve as apex policy-making bodies at the Central and State level.

CHARACTERISTICS OF LAW

- ▶ Victims of acid attacks have been included in the list of P.w.D. Unfortunately, in India, acid attacks have been on the rise in last few years. Girls and women are often left severely disfigured/disabled due to such attacks.
- ▶ Dwarfism and Muscular Dystrophy have also been included as separate categories of disability.
- ▶ Three blood disorders, Thalassemia, Hemophilia and Sickle Cell disease, have been included in the list of disabilities.



STRUCTURE OF DISABILITIES INCLUDED IN LAW

- ▶ Number of types of disabilities have been increased from 7 to 21. The Central Government will have power to add more types of disabilities in this list. At present the list includes:
 - ▶ Blindness
 - ▶ Low-vision
 - ▶ Leprosy Cured persons
 - ▶ Hearing Impairment (deaf and hard of hearing)
 - ▶ Locomotor Disability
 - ▶ Dwarfism
 - ▶ Intellectual Disability
 - ▶ Mental Illness
 - ▶ Autism Spectrum Disorder
 - ▶ Cerebral Palsy
 - ▶ Muscular Dystrophy

STRUCTURE OF DISABILITIES INCLUDED IN LAW

- ▶ Chronic Neurological conditions
- ▶ Specific Learning Disabilities
- ▶ Multiple Sclerosis
- ▶ Speech and Language disability
- ▶ Thalassemia
- ▶ Hemophilia
- ▶ Sickle Cell disease
- ▶ Multiple Disabilities including deaf-blindness
- ▶ Acid Attack victims
- ▶ Parkinson's disease
- ▶ National and State Fund will be created to provide financial support to the persons with disabilities

PRACTICAL REALIZATION

- ▶ We, however, feel that there is need to do more on government's part.
- ▶ One of the major concern is the vague language of the Act especially in the sections pertaining to discrimination and guardianship.
- ▶ Although the number of types of disabilities has been increased to 21, but still there are many people who will be left out. The list should be further expanded to include more people who are struggling with lesser known types of disabilities.

SIGNIFICANCE

- ▶ Rights of Persons With Disabilities Act, 2016 is a good beginning. But the rights of P.w.D. will be protected only if this Act will be implemented in its true spirit.
- ▶ Entire government machinery and the society at large will have to be sensitized towards the needs and equality of P.w.D.
- ▶ Equal opportunity for all can not be achieved only by passing a law. The entire society has to participate in creating such opportunities.
- ▶ This Act is considered to be comprehensive and it aims to provide equal opportunities to persons with disabilities in India