Draft rules for the Rights of Persons with Disabilities Act

What is the issue?

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The draft rules for the Rights of Persons with Disabilities Act go against its spirit.

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What are the shortcomings?

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- There is just one rule for a chapter as important as “Education”.
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- No rules have been proposed for many chapters, including crucial ones like “Social Security, Health, Rehabilitation and Recreation”.
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- Many provisions contained in the earlier draft rules were removed in the current version.
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- Of these, the most concerning was the **removal of the private sector from the rules,** including under the “equal opportunity policy”.
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- It is only after protests that the private sector was brought within its ambit.
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- The **clause 3(3) of the Bill** states that “No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is appropriate to achieve a legitimate aim”.
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- This clause is ambiguous and gives unrestrained power to the authorities to discriminate.
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- This has neither adequately addressed in the rules.
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- In case of misuse, **the burden of establishing whether the aim was “legitimate” or not rests on the affected party,** not on the authority concerned.
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- The committee constituted to oversee the framing of the central rules had

just three representatives from the disability sector.
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- 14 conditions of disability are now being newly added to the existing seven. But there has been no representation from any of the newly recognised disabilities.
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What should be done?

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- The processes such as rule-framing have to be carried out more thoroughly and collectively.
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- There should be the involvement of its primary beneficiaries, and not just as a means of tokenism.
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- The department should abstain from coming out with half-baked rules.
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Source: The Indian Expres

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