India’s Disability Law

Why in news?

The Central Public Works Department (CPWD) has asked its regional offices to ensure that all public buildings are accessible to people with disabilities (PwD).

What are the recent guidelines issued by CPWD?

- All lifts should be modified with audio announcement, visual display of the floor number from inside the lift
- Emergency evacuation routes for persons with disabilities (PwD) should be “displayed appropriately with signage announcement in braille language”.
- The retrofitting of all other buildings, which are yet to be done, should be taken on priority”.
- It is a much delayed compliance with the
    - Rights of Persons with Disabilities Act,2016 and
    - Harmonised Guidelines and Standards for Universal Accessibility in India, 2021.

Access to public buildings
• **Right of Persons with Disabilities Act, 2016**- The Act mandates the central government to notify guidelines and standards for public buildings, ensuring accessibility for persons with disabilities (PwD). • **Rights of Persons with Disabilities Rules, 2017-** It is derived from 2016 Act which focuses on accessibility in public buildings. • It covers the physical environment, transport, and information and communication technology. All establishments must comply with these standards. • Existing buildings are required to be made accessible *within five years*. • **Accessible India Campaign**- It was launched in 2015 which aims to enhance accessibility for PwD in public buildings, transportation, and websites.

What are the key provisions of Right of Persons with Disabilities Act, 2016?

Key aspects	About
Aim	To protect and promote the rights of individuals with disabilities.
Replaced outdated Act	The act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
Obligation to international law	It fulfils the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.
Categorization of persons with disability	• Person with benchmark disability • Person with disability • People with disabilities having high support needs.

Rights and entitlement	• Right to equality and non-discrimination • Right to live in the community • Right to access justice • Reproductive right of PwDs • Right to vote etc.,
Education	Educational institutions are obligated to provide inclusive education for persons with disabilities.
Skill development	• The act focuses on vocational training, self-employment, and non-discrimination in employment. • Employers are encouraged to adopt equal opportunity policies and records related to disability inclusion are maintained.
Special provisions	• The act provides special provisions for persons with benchmark disabilities, including free education and reservation in higher educational institutions. • Incentives are offered to employers in the private sector who hire persons with disabilities. • Special employment exchanges and development programs are established.
Grievance redressal	The *Chief Commissioner for Persons with Disabilities* is the nodal authority to address the grievances and issues of persons with disabilities.
Special courts	• It must be provided for speedy trial, the state government shall notify for each district a *Court of Session* to be a Special Court to try the offences under this Act. • This has to be done with the concurrence of the *Chief Justice of the High Court* of the state.
Penalty	• Breach of the provisions of the Act are penalised by a fine of an amount up to Rs.10,000 and • For subsequent contravention a fine of Rs 50,000 which could be extended up to 5 lakhs.

What is harmonised guidelines and standards for universal accessibility in India?

- The first set of guidelines were published in 2016, it was reviewed during COVID-19 by experts and the updated document was notified in 2021.
- **Aim-** To sensitize, guide and facilitate the approach towards implementing accessibility in all facets of built environment and beyond.
- **Key objectives**- It is guided by the Model of holistic approach to Universal Accessibility

- *Sensitize diverse stakeholders* regarding the various accessibility needs and provisions for diverse population groups in the built environment.
- Introduce and orient *universal design perspectives* to all stakeholders for creating inclusive built environments for all.
- Recommend *specific built environment elements* along with their accessibility attributes and specifications.
- Develop a holistic approach to accessibility through *integration of appropriate technologies*.

- Guide *accessibility assessment* and implementation in built environments.

What are the challenges faced in improving accessibility for PwD?

- **Lack of implementation**- The 2016 guidelines were never effectively implemented, and the same issue persists with the 2021 guidelines.
- **Lack of State's will-** No state has incorporated the harmonized guidelines into their building by-laws, and state governments have not prioritized accessibility.
- **Lack of awareness**- Engineers in public works department who are responsible for implementing accessibility standards lack proper awareness and accountability.
- **Fund deficit**- There is insufficient budget allocation for retrofitting and ensuring accessibility.
- **Lack of consistency**-The implementation of accessibility standards has been inconsistent due to various factors such as many states and cities have not submitted applications despite fund availability.
    - Example- The tactile paths at airports are rendered unusable due to trolleys placed on them.
- **Ambiguity-** CPWD notification lacks clarity and may lead to resource utilization.

What lies ahead?

- The importance of punitive actions would drive change in the implementation of accessibility standards.
- Proper awareness with the individuals who implement the standards is necessary to foster accountability.
- There is a need for sufficient budgetary allocation to enforce proper implementation of accessibility standards.

References

1. Indian Express- India disability law
2. NHRC- Disability rights
3. IITR- Harmonised guidelines for universal accessibility

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