Rights of Persons with Disabilities (PWDs)

Why in news?

India has an estimated 70 million PWDs, making it one of the larger disabled populations globally, however, the country only has 100 lawyers per lakh and only a few among them specialise in disability law.

What is the Rights of Persons with Disabilities Act, 2016 about?

- India's Rights of Persons with Disabilities Act of 2016 is a vital law that intends to secure and advance the rights of persons with disabilities.
- The Act replaces the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*.
- **UNCRPD –** It fulfils the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.
- According to the law, disability has been based on an evolving and dynamic concept.

Features

- The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities.
- The 21 disabilities are given below:-
- **Physical Disability –** Locomotor Disability; Leprosy Cured Person; Cerebral Palsy; Dwarfism; Muscular Dystrophy; Acid Attack Victims; Visual Impairment (Blindness; Low Vision); Hearing Impairment (Deaf; Hard of Hearing); Speech and Language Disability.
- **Intellectual Disability –** Specific Learning Disabilities; Autism Spectrum Disorder.
- **Mental Behaviour –** Mental Illness
- **Disability caused due to –** Chronic Neurological Conditions (Multiple Sclerosis; Parkinson's disease); Blood Disorder (Haemophilia; Thalassemia; Sickle Cell Disease) and other Multiple Disabilities.
- Persons with benchmark disabilities are defined as those certified to have at least 40% of the disabilities specified above.

Rights and entitlements

- **Reservation –** In higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided.
- Government funded/recognized educational institutions will have to provide inclusive education to the children with disabilities.
- **Free education –** Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.

What is the UN Convention on the Rights of Persons with Disabilities (UNCRPD) about?

- The UN Convention on the Rights of Persons with Disabilities is an international human rights treaty dealing with the rights of disabled people.
- It was adopted in 2006 in the New York headquarters of the United Nations and entered into force in 2008.
- Currently, the convention has received 177 ratifications.
- The UNCRPD is aimed at:
    1. Ending discrimination against persons with disabilities.
    2. Enabling persons with disabilities to live independently.
    3. Making the education system more inclusive.
    4. Making sure persons with disabilities are protected against all forms of abuse, violence and exploitation.
- India is a signatory to the convention.

What are the challenges associated with the PWDs?

- **Barrier to justice –** The lack of legal/para-legal professionals creates a barrier to justice for PWDs, who struggle to access their entitlements under the Rights of Persons with Disabilities Act.
- The shortage of trained para-legal professionals is a challenge, with only a fraction of the 100,000 para-legal volunteers in India receiving training on disability law.
- **Lack of course –** According to a survey conducted by the National Centre for Promotion of Employment for Disabled People (NCPEDP), only 10% of law colleges in India offer courses on disability law.
- **Prejudice –** Disability law is not given the same level of importance as other branches of law, and the Act itself being a relatively new legal framework.
- **Lack of awareness –** The lack of awareness about the rights of PWDs is among both the public and legal professionals.
- This lack of awareness and expertise could result in inadequate representation for PWDs, leading to further marginalisation and discrimination.

What is the way forward?

- **Mandatory –** There is a need to include the Rights of Persons with Disabilities Act as a mandatory subject in law colleges.
- **Training –** Training should focus on building a comprehensive understanding of the Act and its provisions, as well as practical skills in advocacy and representation for PWDs.
- This will help in ensuring that legal professionals and para-legal volunteers are trained in disability law and are better equipped to represent PWDs.
- Investing in the training of legal and para-legal professionals in disability law has economic and social benefits.

References

1. The Hindu Business Line | Disabled need legal aid

2. Vikaspedia | Rights of Persons with Disabilities Act, 2016
3. OHCHR | Convention on the Rights of Persons with Disabilities

