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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**CITIZENS WITH DISABILITIES:
MAKING THEIR RIGHTS REAL**

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CITIZENS WITH DISABILITIES: MAKING THEIR RIGHTS REAL

Context

- The rights of persons with disabilities have been a focal point of global human rights discussions, especially following the ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by India in 2007.
- Despite legislative advancements, the practical realisation of these rights remains a challenge.

Prevalence of Disability in India

- **As per UNCRPD**, PWDs include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- The **Rights of Persons with Disabilities Act, 2016 (RPWD Act)** defines **21 types of disabilities**, including speech and language disability, specific learning disabilities, and even includes acid attack victims.
- As per **National Family Health Survey (NFHS)**, India's population of PWDs has reduced to 1% between 2019 and 2021, from the **2.2% (26.8 million) estimated by the Census in 2011**.
- As per **2011 Population Census**, *20% of PWDs in India have a disability in movement, 19% have a disability in seeing, 19% have a disability in hearing and 8% have multiple disabilities.*
- According to the **National Sample Survey (NSS)**:
 - ◆ Higher prevalence in rural areas (2.3%) compared to urban areas (2.0%);
 - ◆ More common among males (2.4%) than females (1.9%);
 - ◆ 52.2% of PWDs aged 7 years and above are literate; and
 - ◆ 19.3% of those aged 15 years and above have attained secondary education or higher.
- The **Brief Disability Model Survey (2019) by the World Health Organization (WHO)** reported the prevalence of severe disability among Indian adults at 16%, highlighting the urgent need for robust mechanisms to protect and promote the rights of PwDs.

Related Constitutional Provisions

- **Article 41 of the DPSP:** It mandates that the State shall make effective provision for securing the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disablement, within its economic capacity.
- **Article 46:** It directs the State to promote the educational and economic interests of weaker sections of the people, including persons with disabilities, and to protect them from social injustice and all forms of exploitation.

Legal Framework

- **Rights of Persons with Disabilities Act, 2016 (RPwD Act):** It replaced the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*, aligning national laws with the UN Convention on the Rights of Persons with Disabilities.
 - ◆ It aims to promote a human rights-based approach to disability inclusion, ensuring that persons with disabilities enjoy the same rights and opportunities as others.
 - ◆ **Key provisions** include *equality and non-discrimination; community living; and protection from abuse and exploitation etc.*
- **National Trust Act, 1999:** It aims to provide legal guardianship and create an enabling environment for persons with autism, cerebral palsy, mental retardation, and multiple disabilities.

Challenges Facing By PWDs

- **Employment and Economic Participation:** A report by UearthInsight revealed that while around 1.3 crore persons with disabilities are employable, only 34 lakh have been employed.
 - ◆ The IT and retail sectors are leading in creating employment opportunities, but there is a need for broader inclusion across all sectors.

- **Discrimination and Stigma:** Continuous discrimination and social stigma make it difficult for persons with disabilities to attain their valued functioning. Women and girls with disabilities are particularly vulnerable to gender-based violence.
- **Health Issues:** Many disabilities are preventable, arising from medical issues during birth, maternal conditions, malnutrition, and accidents.
- **Accessibility and Inclusion:** Limited access to essential services, including healthcare, education, and employment, remains a significant barrier. The lack of accessible infrastructure and transportation further exacerbates these challenges.
- **Education:** Inclusive education is still a challenge, with many children with disabilities not attending school due to lack of facilities and trained staff.

Key Issues with the RPWD Act (2016)

- **Poor implementation of RPWD Act 2016:** Persons with disabilities often face higher rates of unemployment and poverty.
 - ♦ **RPWD Act 2016** provides for reservation in government jobs and incentives in non-government jobs, implementation remains a challenge.
- **Role of State Commissioners:** RPWD Act mandates the establishment of **State Commissioners for Disabilities** that are tasked with ensuring the effective implementation of the law through **review, monitoring, and quasi-judicial functions**.
 - ♦ According to *Section 82 of the RPWD Act*, State Commissioners have powers **equivalent to civil courts**, enabling them to address violations of disability rights effectively.
 - ♦ However, the effectiveness of these offices varies significantly across states. Many State Commissioners struggle due to inadequate support from state governments, delayed appointments, and a lack of independent oversight.

Case Study: Karnataka

- Karnataka stands out as a positive example, where innovative approaches have been adopted to ensure disability-inclusive governance.
- The State Commissioner's office has implemented mobile courts to resolve grievances in remote areas and designated District Magistrates as Deputy Commissioners for disabilities, ensuring local governance inclusivity.

Recent Initiatives & Policies

- **Unique Disability Identification (UDID) Portal:** It aims to create a national database for persons with disabilities and issue a unique disability identity card to enable transparency, efficiency, and ease of accessing government benefits.
- **National Policy for Persons with Disabilities, 2006:** It aims to create an environment that provides equal opportunities, protection of rights, and full participation for persons with disabilities. It includes provisions for physical, educational, and economic rehabilitation.
- **Deendayal Disabled Rehabilitation Scheme (DDRS):** It provides financial assistance to NGOs for projects related to the education and rehabilitation of persons with disabilities.
- **Accessible India Campaign (Sugamya Bharat Abhiyan):** It aims to make public buildings, transportation systems, and information and communication technology accessible to persons with disabilities.
- **National Action Plan for Skill Development of Persons with Disabilities:** It focuses on enhancing the employability and skills of persons with disabilities through vocational training and employment opportunities.
- **Harmonised Guidelines and Standards for Universal Accessibility in India, 2021:** These are an enabling step towards strengthening the national mandate of an Accessible India and a self-reliant India with a vision for a universally accessible and inclusive India.
- **'Divyang':** With a view to change the societal attitude towards PwDs and to encourage them to participate in the society without any feeling of inferiority, the Prime Minister coined the term 'divyang' to denote PwDs.
- The **Supreme Court of India** has emphasized that **accessibility is a fundamental right**, essential for enabling persons with disabilities to exercise their rights fully and equally.

- ◆ The government is working on stricter norms for accessibility, including larger fines and penalties for non-compliance.
- ◆ Initiatives like the **Sugamya Bharat Yatra** aim to assess and improve accessibility in public spaces.

Conclusion and Way Forward

- India has made notable progress in addressing the needs of persons with disabilities through legislation and various initiatives. However, challenges remain, particularly in terms of accessibility and employment.
- While the RPWD Act provides a strong legal framework for protecting the rights of persons with disabilities, its success depends on effective implementation and support from state governments.
- Strengthening the role of State Commissioners, ensuring timely appointments, and promoting the inclusion of qualified individuals from diverse backgrounds are crucial steps towards making the rights of citizens with disabilities a reality.
- Continued efforts are essential to ensure that persons with disabilities can fully participate in society and lead dignified lives.

Source: TH

Mains Practice Question

Discuss the challenges faced by individuals with disabilities in accessing their rights and opportunities. Highlight some practical solutions to ensure their inclusion and participation in society.

