

UPSC PREPARATION

Rights of Persons with Disabilities Act, 2016

Rights of Persons with Disabilities Act, 2016 simply called the RPWD act, promotes and protects the rights and dignity of people with disabilities in educational, social, legal, economic, cultural and political spheres. The RPWD Act, 2016 was enacted in 2016 and came into force in 2017. The Act was enacted to give effect to the United Nations Convention on the Rights of Persons With Disabilities and connected matters.

Why in the news?

The Delhi High Court has asked the DoPT to file an affidavit giving the total number of vacancies notified and reservations given in accordance with the Right of Persons with Disabilities Act for the Civil Services Exam (CSE) 2020.

The salient features of the Act

- The Act lays Responsibility on the appropriate governments to take measures and ensure that PWDs enjoy equal rights.
- The types of disabilities have been increased from 7 to 21. The Central Government will have the power to add more types of disabilities.
- The 21 disabilities are given below:
 1. Blindness
 2. Low-vision
 3. Leprosy Cured persons
 4. Hearing Impairment (deaf and hard of hearing)
 5. Locomotor Disability
 6. Dwarfism
 7. Intellectual Disability
 8. Mental Illness
 9. Autism Spectrum Disorder
 10. Cerebral Palsy
 11. Muscular Dystrophy
 12. Chronic Neurological conditions
 13. Specific Learning Disabilities
 14. Multiple Sclerosis
 15. Speech and Language disability
 16. Thalassemia
 17. Haemophilia
 18. Sickle Cell disease
 19. Multiple Disabilities including deaf blindness
 20. Acid Attack victim
 21. Parkinson's disease

- Disability has been defined based on an evolving and dynamic concept.
- Additional benefits have been provided for persons with benchmark disabilities and those with high support needs.
- All children with benchmark disabilities between 6 and 18 years shall have the right to free education.
- The act increased the reservation for people with benchmark disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes.
- Stress has been given to ensure accessibility in public buildings in a prescribed time frame along with Accessible India Campaign.

Provision for guardianship:

- District Court or any authority designated by the State Government under which there will be a joint decision-making between the guardian and the persons with disabilities.
- Central & State Advisory Boards on Disability will be set up as policy-making bodies.
- The office of the Chief Commissioner of PwDs and the State Commissioner of disabilities will be strengthened and will act as regulatory bodies and Grievance Redressal Agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising experts in various disabilities.
- National and State Fund will be created to provide financial support to PwDs.
- Penalties for offences committed against PwDs.
- Designated special Courts to handle cases concerning violation of rights of PwDs.

United Nations Convention On The Rights Of Persons With Disabilities (UNCRPD), 2006

- Adopted by UNGA in 2006
- Came into force in 2008

Incheon Strategy

- The Ministers and representative of members and associate members of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) assembled at the High-Level Inter-Governmental meeting on the final review of the implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012 held at Incheon, Korea in October 2012. It adopted the Incheon Strategy “Make the Right Real” for Persons with Disabilities in Asia and the Pacific.
- The Incheon Strategy sets out the following 10 goals to Make the Right Real for Persons with Disabilities in Asia and Pacific:-
 1. Reduce Poverty and enhance work and employment prospects;
 2. Promote participation in political processes and in decision making;
 3. Enhance access to the physical environment, public transportation, knowledge, information and communication;
 4. Strengthen social protection;
 5. Expand early intervention and education of children with disabilities;
 6. Ensure gender equality and women’s empowerment;
 7. Ensure disability-inclusive disaster risk reduction and management;
 8. Improve the reliability and comparability of disability data;

9. Accelerate the ratification and implementation of the Convention on the Rights of Persons with Disabilities and harmonisation of National Legislation with the Convention; and
 10. Advance sub-regional, regional and inter-regional co-operation.
- The Incheon Strategy contains the core indicators for tracking the progress of implementation at sub-regional and regional levels.
 - In order to oversee the implementation of the Incheon Strategy, the UNESCAP has constituted a Working Group on the Asian and Pacific Decade for Persons with Disabilities.
 - **Beijing Declaration** was adopted which outlines an action plan for the State parties to achieve the targets of the Incheon Strategy.

FAQ about RPWD Act

What is disability act and who all can benefit from this act?

The RPWD act promotes and protects the rights and dignity of people with disabilities in various aspects of life – educational, social, legal, economic, cultural and political. The Act covers the following specified disabilities locomotor Disability, intellectual Disability, mental Behaviour (Mental Illness), disability caused due to Chronic Neurological Conditions, blood Disorder and multiple Disabilities

Which act was replaced by the Right of Person with Disabilities Act 2016?

The PWD (Equal Opportunities, Protection of Rights, and Full Participations) Act, 1995 was replaced by the right of Person with Disabilities Act 2016.