



# Rights of Persons with Disabilities Act, 2016

## Why in News?

Recently, [the Supreme Court](#) expressed displeasure over the failure of some states in framing the requisite rules in implementation of the [Rights of Persons with Disabilities Act, 2016](#).

## Key Points

- According to the Act, the **rule-making powers of the state** include the formation of a committee for research on disability, the composition of district-level committees and prescribing **salaries, allowances** and other **conditions of services** of the state commissioner and creating funds for persons with disabilities.
- The apex court observed that it had passed several orders calling for proper implementation of the Act but several states and Union Territories were yet to fulfill their obligations.
  - **States and UTs like** Andhra Pradesh, Chhattisgarh, Jharkhand, Punjab and Uttar Pradesh have **not appointed the state commissioners**.
  - While Gujarat, Himachal Pradesh, Kerala, Mizoram, West Bengal, Delhi, Daman and Diu, Jammu and Kashmir, and Ladakh have **not yet constituted the prescribed funds**.

## Rights of Persons with Disabilities Act, 2016

- The Act was **passed by the Parliament of India** to give effect to the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, which India ratified in 2007.
- The Act replaces the earlier **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995**, which was considered inadequate and outdated in addressing the needs and challenges of persons with disabilities in India.
- One of the major changes introduced by the Act is the expansion of the definition and classification of disabilities.
- The **Act recognises 21 types of disabilities**, as compared to 7 types under the previous law. These are:
  - Blindness, Low-vision, Leprosy cured persons,
  - Hearing impairment (deaf and hard of hearing), Locomotor disability, Dwarfism,
  - Intellectual disability, Mental illness, Autism spectrum disorder,
  - Cerebral palsy, Muscular dystrophy, Chronic neurological conditions,
  - Specific learning disabilities, Multiple sclerosis, Speech and language disability,
  - Thalassaemia, Hemophilia, Sickle cell disease,
  - Multiple disabilities including deafblindness, Acid attack victim, and Parkinson's disease.
- It empowers the central government to notify any other category of specified disability.
- It defines a person with a disability as a person with a long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others.
- It **defines a person with benchmark disability** as a person with not less than 40% of a specified disability where a specified disability has not been defined in measurable terms and includes a person with a disability where a specified disability has been defined in measurable terms, as certified by the certifying authority.
- It recognises persons with disabilities have high support needs and need intensive support from

others for their daily activities.

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