



Structured Negotiation in Resolving Disability Rights Issues

This editorial is based on [“Structured negotiation as a boost for disability rights”](#) which was published in The Hindu on 08/01/2024. The article discusses the importance of structured negotiation for disabled populations and also explores different issues plaguing the Persons-with-Disabilities(PwDs).

For Prelims: [Rights of Persons with Disabilities Act, 2016](#), [NFHS-5 survey](#), [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#), [Disability Inclusion Facilitators \(DIFs\)](#), [India Sign Language](#), [Directive Principles of State Policy](#), [Accessible India Campaign](#)

For Mains: Constitutional Framework for Disabled in India, Issues Related to Persons with Disability in India, Recent Initiatives to Empowerment of Disabled.

Disability arises when individuals with impairments encounter obstacles, **both attitudinal and environmental**, preventing their complete and equitable engagement in society. The perspective on disabilities has **evolved from an individual-centred medical model to a broader social or human rights model**, emphasising the impact of societal factors on the inclusion and participation of individuals with disabilities. In the light of these aspects, **structured negotiation emerges as a potent tool in facilitating resolving disability rights issues.**

What is Structured Negotiation?

- **About:**
 - **Collaborative Approach:** Structured negotiation is a collaborative and solution-driven dispute resolution method, increasingly replacing litigation.
 - **Social Welfare Legislation Focus:** Involves inviting defaulting service providers to negotiate, emphasising compliance with social welfare legislations.
- **Successes of Structured Negotiation in the US:**
 - **Effective in Disability Rights Cases:** Structured negotiation has been notably successful in settling disability rights cases in the United States.
 - **Addressing Accessibility Issues:** Successes include resolving problems with automated teller machines, point of sale devices, pedestrian signals, and service provider websites.
- **Win-Win Situation of Structured Negotiation:**
 - **Cost and Publicity Concerns:** Defaulting service providers seek to avoid high litigation costs and negative publicity.
 - **Barrier-Free Marketplace:** Complainants aim for barrier-free marketplace participation, achievable through structured negotiation.
- **Role of Legal Precedents in Structured Negotiation:**
 - **Creation of Disabled-Friendly Precedents:** Success depends on strong disabled-

- friendly legal precedents, creating a foundation for structured negotiation.
- **Blueprint for Accessibility:** Courts create a blueprint for accessibility, allowing businesses to ensure compliance without litigation.

What are the Challenges Faced by Disabled Population in India?

- **Limited Awareness of Government Schemes in Rural Areas:**
 - The primary challenge is the **lack of awareness regarding government schemes** and benefits for people with disabilities.
 - This issue is **more acute in rural areas** where disseminating information is particularly challenging.
- **Limited Access to Education and Employment in Rural Areas:**
 - Persons with disabilities in rural areas face constrained access to education and employment opportunities.
 - The **absence of inclusive educational institutions** and vocational training centres hinders their skill acquisition and workforce participation.
- **Inadequate Infrastructure for PwDs:**
 - Public spaces, including schools, hospitals, transport systems, and government offices, often lack accommodations for people with disabilities.
 - This deficiency **restricts their mobility, education, healthcare, and engagement** in social and civic activities.
- **Exclusion of Children with Disabilities from Critical Initiatives:**
 - **UNICEF** highlights that **children with disabilities are frequently excluded from public spaces**, causing them to miss vital initiatives aimed at improving their health and well-being.
- **Inadvertent Exclusion from Developmental Schemes:**
 - Some developmental schemes unintentionally exclude persons with disabilities, exemplified by vaccination campaigns lacking accessibility features like **ramps, sign language interpreters, or braille materials**.
- **Challenges in Implementing Disability Rights Laws in India**
 - While India has ratified the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) and enacted the [Rights of Persons with Disabilities Act \(RPwDs\)](#), gaps and challenges persist in the implementation and enforcement of these laws.
 - Many individuals with disabilities remain unaware of their entitlements and available remedies.
- **Insufficient Political Participation:**
 - **The exclusion of disabled people from the political space** happens at all levels of the political process in the country, and in different ways such as:
 - **Lack of live aggregate data** on the exact number of the disabled people in the constituencies.
 - **Inaccessibility of the voting process** (no widespread adaptation of braille [Electronic Voting Machines](#)).
 - **Barriers to participation in Party Politics**.

Disabled Population by Type of Disability (%) India : 2011

Proportion of Disabled Population by Type of Disability India : 2011 (%)			
Type of Disability	Persons	Males	Females
Total	100.0	100.0	100.0
In Seeing	18.8	17.6	20.2
In Hearing	18.9	17.9	20.2
In Speech	7.5	7.5	7.4
In Movement	20.3	22.5	17.5
Mental Retardation	5.6	5.8	5.4
Mental Illness	2.7	2.8	2.6
Any Other	18.4	18.2	18.6
Multiple Disability	7.9	7.8	8.1

Proportion of Disabled Population by Type of Disability India : 2011 (Persons)



How Structured Negotiations Can Help Promote Disability Rights?

- **Address Challenges in India's Legal System:**
 - **Red Tape in Indian Civil Courts:** Pendency, paperwork, and red tape in Indian civil courts discourage traditional dispute resolution.
 - **Rights of Persons with Disabilities Act, 2016:** Legislation allows reporting non-compliance to the Chief Commissioner, but impact on accessibility is uncertain, **where structured negotiations can prove effective.**
- **Supplementing CCPD's Efforts in India:**
 - **PayTM Case Example:** Chief Commissioner for Persons with Disabilities ('CCPD') directed PayTM to make its application accessible, but the compliance resulted in increased inaccessibility.
 - **Constant Vigilance Needed:** Real-time accessibility **requires constant vigilance and user inputs** to validate solutions. **Structured negotiations will do away with these requirements.**
- **Potential of Structured Negotiation in India:**
 - **Avoiding Non-Compliance Label:** Structured negotiation can help service providers like PayTM avoid non-compliance embarrassment.
 - **Direct Involvement of Persons with Disabilities:** Enables persons with disabilities to directly address service providers and monitor implementation of fixes.
- **Prioritising Disability Inclusion for Businesses in India:**
 - **Importance of Priority:** Success of [alternative dispute resolution](#) relies on service providers prioritising the concerns of persons with disabilities.
 - **Enormous Buying Capacity:** Businesses must prioritise disabled users to tap into their significant buying capacity, emphasising the need for structured negotiation.
- **Promote Constitutional Mandates:**
 - **Article 41** of the [Directive Principles of State Policy \(DPSP\)](#) states that the State shall make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, within the limits of its economic capacity and development.
 - The subject of '**relief of the disabled and unemployable**' is specified in the [state list](#) of the [Seventh Schedule](#) of the constitution.
 - Structured negotiations will help supplement the efforts of governments to achieve

these obligations.

What are the Government Initiatives for Empowerment of Disabled?

▪ India:

- [Unique Disability Identification Portal](#)
- [Accessible India Campaign](#)
- [DeenDayal Disabled Rehabilitation Scheme](#)
- [Assistance to Disabled Persons for Purchase/fitting of Aids and Appliances](#)
- [National Fellowship for Students with Disabilities](#)

▪ Global:

- **Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific:**
 - It is an initiative aimed at advancing the rights and well-being of persons with disabilities in the Asia-Pacific region.
 - The strategy is named after Incheon, South Korea, where it was adopted during the High-level Intergovernmental Meeting on the **Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012.**
 - [United Nations Convention on Rights of Persons with Disability.](#)
 - [International Day of Persons with Disabilities](#)
 - [UN Principles for People with Disabilities](#)

Conclusion

The efficacy of structured negotiation as an alternative dispute resolution method, particularly in addressing disability rights cases, cannot be overstated. Its success in fostering accessible environments for individuals with disabilities, as demonstrated by notable cases involving major corporations, emphasises the practical advantages it offers over traditional litigation. **In the words of Helen Keller,** optimism is the key to achievement, and deploying structured negotiation on a larger scale in India is a timely and imperative step toward a more inclusive and accessible future.

Drishti Mains Question:

Discuss the challenges faced by the disabled population in India, highlighting the role of legislation and alternative dispute resolution methods. Suggest measures for fostering inclusivity and ensuring equal opportunities.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. India is home to lakhs of persons with disabilities. What are the benefits available to them under the law? (2011)

1. Free schooling till the age of 18 years in government run schools.
2. Preferential allotment of land for setting up business.
3. Ramps in public buildings.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 and 3 only
(c) 1 and 3 only

(d) 1, 2 and 3

Ans: (d)

Mains:

Q. Does the Rights of Persons with Disabilities Act, 2016 ensure effective mechanism for empowerment and inclusion of the intended beneficiaries in the society? Discuss. **(2017)**

PDF Refernece URL: <https://www.drishtias.com/printpdf/structured-negotiation-in-resolving-disability-rights-issues>

