



PwDs in India: From Margins to Mainstream

*This editorial is based on “[The Supreme Court ruling on portrayal of disability in films](#)” which was published in *The Hindu* on 14/07/2024. The article brings into picture the Supreme Court's recent guidelines to prevent stereotyping and discrimination against persons with disabilities in visual media, emphasizing accurate representation and involvement of disabled individuals in content creation. It also highlights the need for proper implementation of existing disability rights laws.*

For Prelims: Supreme Court of India Guidelines Related to Persons with Disabilities, [Rights of Persons with Disabilities Rules, 2017](#), [RPwD Act, 2016](#), [Rehabilitation Council of India Act, 1992](#), [Mental Health Care Act, 2017](#), [PM-DAKSH \(Divyang Skill Development and Rehabilitation Scheme\)](#), [Accessible India Campaign](#), [DeenDayal Disabled Rehabilitation Scheme](#), [Assistance to Disabled Persons for Purchase/fitting of Aids and Appliances](#), [National Fellowship for Students with Disabilities](#)

For Mains: Major Challenges faced by PwDs in India, Measures to Empower Persons with Disabilities in India

The [Supreme Court of India](#) has issued landmark guidelines **to prevent stereotyping and discrimination against persons with disabilities (PwDs) in visual media**. The framework emphasizes avoiding stigmatizing language, providing accurate representations, and involving PwDs in content creation. This ruling builds upon existing legislation like the [Rights of Persons with Disabilities Rules, 2017](#), highlighting a shift towards a **human rights model** that views PwDs as integral members of society with equal rights.

While this judicial intervention is significant, challenges remain in implementation and changing societal attitudes. The guidelines primarily focus on visual media, and there's a need for broader application across all sectors. Disability rights advocates point out that despite progressive laws, **PwDs are often still viewed through a lens of charity rather than equality**.

India needs to work hard in this regard to **bridge the gap between legislative intent and societal reality**, ensuring full inclusion and respect for persons with disabilities across all aspects of life.

What is the Current Status of PwDs in India?

- **About:** As per [Census 2011](#), the number of Persons with Disabilities in the country is **2.68 crore**, which is 2.21% of the total population of the country.
 - As per the [Rights of Persons with Disabilities \(RPwD\) Act, 2016](#), there are 21 types of Disabilities which includes **Locomotor Disability, Visual Impairment, Hearing**

Impairment, Speech & Language Disability, Intellectual Disability, Multiple Disabilities, Cerebral Palsy, Dwarfism etc.

▪ **Models of Disability Rights: Disability rights are often viewed through different models:**

- **Medical Model:** Focuses on the individual's impairment.
- **Social Model:** Considers people with disabilities as part of society with the same rights as everyone else.
 - **Human Rights Model:** An evolution of the social model, emphasizing that individuals with disabilities should enjoy all human rights equally.
 - The **Supreme Court's framework aligns with this model**, obliging both government and private entities to facilitate full and effective participation of persons with disabilities in society.

▪ **Laws Granting Disability Rights:**

- **RPwD Act, 2016:** This comprehensive law came into force on 19th April, 2017, replacing the 1995 Act.
 - It aims to ensure equal opportunities, protection of rights, and full participation for persons with disabilities.
- [National Trust Act, 1999](#): An Act to provide for the constitution of a body at the National level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto.
- [Rehabilitation Council of India Act, 1992](#): This act regulates training and registration of professionals working in the field of disability rehabilitation.
- [Mental Health Care Act, 2017](#): This act protects the rights and dignity of persons with mental illness.
- **Recent Supreme Court Guidelines to Prevent Stigmatisation and Discrimination :**
 - **Language Use:** The framework emphasizes avoiding words like "**cripple**" and "**spastic**" which cultivate institutional discrimination and contribute to negative self-image.
 - **Stereotyping:** It calls for an **end to stereotyping** differently abled persons in visual media and films, urging creators to provide accurate representations rather than mocking disabilities.
 - **Inclusive Language:** Terms that individualize the impairment and overlook social barriers, such as "**afflicted,**" "**suffering,**" and "**victim,**" should be avoided.
 - **Inclusive Collaboration:** The principle of "**nothing about us, without us**" is **highlighted**, encouraging the involvement of persons with disabilities in creating and assessing visual media content.

What are the Major Challenges faced by PwDs in India?

- **Inaccessible Infrastructure: Infrastructure remains largely inaccessible to PwDs. Public spaces, transportation, and even many private buildings lack proper ramps, elevators, or tactile paving.**
 - According to a 2018 report by the [Department of Empowerment of Persons with Disabilities](#), only 3% of buildings in India were found to be fully accessible.
 - This architectural apartheid significantly limits the mobility and independence of PwDs.
- **Educational Exclusion:** Despite the [Right to Education Act](#), many PwDs face barriers in accessing quality education.

- The **lack of inclusive schools, trained teachers, and assistive technologies** creates a knowledge gap.
- Approximately **45% of disabled people are illiterate**, and only 62.9% of disabled people aged 3 to 35 have ever attended regular schools
 - This educational disparity **perpetuates a cycle of reduced employment** opportunities and economic marginalization.
- **The Glass Ceiling of Prejudice: PwDs face significant challenges in securing meaningful employment.**
 - Workplace discrimination, lack of reasonable accommodations, and societal prejudices create a glass ceiling.
 - India has almost **3 crore people with disability (PwD)** of which around 1.3 crore is employable but only **34 lakh of them have been employed.**
- **Healthcare Hurdles:** Accessing appropriate healthcare remains a significant challenge for PwDs.
 - Many healthcare facilities **lack disability-friendly equipment** or trained staff to handle specific needs.
 - The **Covid-19 pandemic** further exposed these vulnerabilities, with PwDs facing increased risks and reduced access to essential services.
- **The Invisible Chains of Social Stigma:** Deep-rooted social stigma and misconceptions about disabilities continue to marginalize PwDs.
 - They often face discrimination, **exclusion from social activities, and even violence.**
 - This **social ostracism** impacts mental health and overall quality of life.
- **Digital Divide- The New Frontier of Exclusion:** As India rapidly digitalizes, many PwDs are being left behind due to inaccessible digital platforms and technologies.
 - Websites, apps, and digital services **often lack features like screen readers or closed captions.**
 - A 2020 report by the 2020 Web Accessibility Annual Report found that **98% of websites fail to comply with accessibility requirements** for People With Disability
 - This digital divide exacerbates existing inequalities in education, employment, and social participation.
- **Legal and Policy Implementation Gap- The Paper Tiger Syndrome: While India has progressive laws like the Rights of Persons with Disabilities Act, 2016, implementation remains a major challenge.**
 - Many provisions remain on paper, creating a "paper tiger" syndrome.
 - For instance, a 2019 report by the Department of Empowerment of Persons with Disabilities revealed that only 23 out of 35 states/UTs had constituted State Advisory Boards on disability, as mandated by the Act.
 - This implementation gap undermines the potential impact of legal protections.

What are the Major Initiatives for the Empowerment of PwDs?

- **India:**
 - [PM-DAKSH \(Divyang Skill Development and Rehabilitation Scheme\)](#)
 - [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.
- United Nations Convention on Rights of Persons with Disability.
- [International Day of Persons with Disabilities](#)

What Measures Can Be Adopted to Empower Persons with Disabilities in India?

- **Disabled-Friendly Infrastructure: Upgrade public infrastructure to be disability-friendly, including clearly demarcated ramps, tactile paths, accessible public transportation, and adaptive technology in workplaces.**

- Implement strict guidelines to make **school, hospitals, and digital services easily** accessible to all.

- **Increased Research and Development in Artificial Limbs: To enhance the quality of life for persons with disabilities in India, increasing research and development (R&D) in prosthetics is crucial.**

- This can be achieved by boosting funding from both government and private sectors dedicated to innovation in prosthetics.
- Establishing specialized national and regional prosthetic research centers will provide a focused environment for cutting-edge developments.

- **Clear Identification of PwDs: A crucial step forward in ensuring that only genuine persons with disabilities (PwDs) receive benefits is the implementation of a stringent identification and verification system.**

- This can be achieved by creating a **centralized digital database that records and verifies disability certifications** through biometric authentication and regular audits.
- Regularly updating and **cross-checking this database with other government records** will help identify and eliminate cases of false claims.

- **Changing Perceptions about PwDs: Shift societal attitudes by promoting the use of empowering terms such as "Divyang" instead of "Viklang" (disabled).**

- Highlight the abilities and achievements of PwDs through **media, arts, and public platforms** to foster a more inclusive and respectful society.
- **Badhte Kadam** initiative is a significant step in this direction.

- **AI-Powered Accessibility Audits: Implement AI-driven accessibility audits in urban planning.**

- Use **machine learning algorithms** to analyze city infrastructure, identifying accessibility gaps in real-time.
- This could involve **deploying sensor networks and computer vision systems to map out accessible routes**, detect obstacles, and suggest improvements.
 - Such a system could continuously update, providing dynamic accessibility information to both city planners and PwDs.

- **Universal Design Innovation Hub: Establish a national Universal Design Innovation Hub, bringing together designers, engineers, PwDs, and policymakers.**

- This hub could focus on **developing and scaling up innovative, cost-effective universal design solutions** for products, services, and infrastructure.
- It could also serve as a testing ground for new accessibility technologies before wider

implementation.

- **Neuro-Adaptive Learning Platforms:** Invest in developing neuro-adaptive learning platforms that use **electroencephalogram (EEG)** to personalize educational content for students with different learning disabilities.
 - These platforms could **adjust in real-time to a student's cognitive load**, attention levels, and learning style, making education more accessible and effective for PwDs.
 - EEG is a test that measures electrical activity in the brain
 - It is relevant to disability as it can help diagnose neurological conditions that may result in disabilities.
 - For instance, **EEGs are used to detect epilepsy**, which can lead to cognitive impairments, or brain injuries that might result in motor or sensory disabilities.
- **Gig Economy Inclusion Initiative:** Create a dedicated platform within existing gig economy apps that **caters specifically to PwDs, offering flexible, skill-matched job opportunities**
 - This could include features like sign language support, and AI-assisted task matching.
 - Partnering with major gig economy players could rapidly scale this initiative.
- **Disability-Inclusive Disaster Management System: Create a comprehensive, tech-driven disaster management system that specifically addresses the needs of PwDs.**
 - This could include real-time accessible emergency alerts, GPS-tracked evacuation assistance, and a database of PwDs' locations and specific needs for first responders.
- **Adaptive Sports Technology Hub:** Establish a national Adaptive Sports Technology Hub to develop cutting-edge assistive technologies for para-athletes.
 - This could include **AI-powered prosthetics, smart wheelchairs, and VR training systems.**
 - With India's growing focus on sports, **this initiative could boost para-sports participation and performance**, while also generating innovations applicable to everyday life for PwDs.
- **Inclusive Digital Governance Platforms: Redesign e-governance platforms with a focus on universal accessibility.**
 - This would involve creating multimodal interfaces (voice, text, video) for all government services, ensuring compatibility with various assistive technologies, and providing real-time sign language interpretation for video-based services.

Drishti Mains Question:

Discuss the challenges faced by Persons with Disabilities (PwDs) in India and suggest effective measures to empower them, ensuring their full participation in society.

UPSC Civil Services Examination, Previous Year Question (PYQ)

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)

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