



Strengthening Accessibility Measures in India

For Prelims: [Rights of Persons with Disabilities Act, of 2016](#), [Accessible India Campaign](#), [Supreme Court of India](#)

For Mains: Significance in promoting inclusivity and equal rights for PWDs, Government Policies & Interventions

[Source: TH](#)

Why in News?

The [Supreme Court of India](#) in *Rajive Raturi v. Union of India Case, 2024*, held that **Rule 15** of the [Rights of Persons with Disabilities \(RPwD\) Rules, 2017](#), is **inconsistent/ violative** with the [Rights of Persons with Disabilities Act, 2016](#).

- The Court observed that while the Act mandates the government to ensure accessibility, **rule 15 adopts a discretionary approach**, creating a **conflict with the statutory provisions**.

Why SC Invalidated Rule 15 of RPwD Rules, 2017?

- **Rule 15 of the RPwD Rules, 2017:** Rule 15 of the [RPwD Rules, 2017](#), established a **framework for accessibility guidelines** across **government departments**, granting **statutory authority** to **guidelines issued by ministries**.
- **SC's Observation:**
 - **Discretionary Nature:** The [Supreme Court](#) held that **Rule 15 contradicted the mandatory provisions of the RPwD Act** (Sections 40, 44, 45, 46, and 89) as it allowed ministries to **create accessibility guidelines without a binding obligation**.
 - **Compliance and Social Audits:** The RPwD Act requires **regular social audits** to ensure that government schemes do not adversely affect persons with disabilities.
 - However, due to a **lack of standardized guidelines under the RPwD Rules**, there has been inconsistency in how these audits are conducted.
 - **Accessibility Vs Reasonable accommodation:** The SC ruling differentiated between **accessibility**, which ensures universal design, and **reasonable accommodation**, which addresses specific needs.
 - Both are crucial for achieving substantive equality under constitutional principles.
- **Need for New Guidelines:** The **SC directed the government** to create new mandatory accessibility guidelines within 3 months, focusing on **4 principles: universal design for all, comprehensive inclusion of various disabilities, integration of assistive technologies** like screen readers and accessible digital platforms, and **ongoing consultation with persons with disabilities**.

What is the Rights of Persons with Disabilities Act, 2016 (RPwD Act)?

- **About:**

- The **Rights of Persons with Disabilities (RPwD) Act, 2016** is a law that protects people with disabilities from discrimination and promotes their equal rights and opportunities.
- The **Act** was enacted to give effect to the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#) ratified by India in 2007.
- **The Rights of Persons with Disabilities Rules** were formulated to operationalize and provide procedural clarity for the implementation of the **RPwD Act, 2016**.
- **Differently-Abled in India:** As per the **Census 2011**, approximately **26.8 million** individuals (**2.21%** of India's population) live with disabilities.
- **Definition of Disability:** The Act **redefined disability** as an **evolving and dynamic concept** and **expanded the recognized categories** of disability from **7 to 21**, allowing the Central Government to add more.
- **Rights and Entitlements:**
 - **Government Responsibility:** Appropriate governments are obligated to take effective measures to ensure that persons with disabilities (PwDs) enjoy their rights on an equal basis with others.
 - **Special Benefits:** Provisions are made for individuals with benchmark disabilities and high support needs, including:
 - **Free Education:** Children aged 6 to 18 years with benchmark disabilities are entitled to **free education**.
 - **Reservation:** Persons with **benchmark disabilities** are entitled to **5% reservation in government and government-aided higher education** and **4% reservation in government jobs**.
 - Individuals with "**benchmark disabilities**" are identified as those who have been certified to possess **at least 40% of the specified disabilities**.
 - **Accessibility:** A strong emphasis is placed on ensuring accessibility in public buildings, including government and private establishments, within a prescribed timeframe.
 - **Regulatory and Grievance Redressal Mechanisms:** Strengthening the Offices of the **Chief Commissioner for Persons with Disabilities** and **State Commissioners for Disabilities** to function as regulatory authorities and grievance redressal agencies.
 - These bodies are tasked with monitoring the implementation of the Act.

Note:

- The **21 disabilities**, in RPWD Act, 2016, include 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 (Dyslexia), Multiple Sclerosis, Speech and Language Disability, Thalassemia, Hemophilia, [Sickle Cell Disease](#), Multiple Disabilities including deaf-blindness, [Acid Attack victim](#), and [Parkinson's disease](#).

What are the Other Initiatives Related to the Empowerment of the Disabled?

- [Unique Disability Identification Portal](#).
- [DeenDayal Disabled Rehabilitation Scheme](#).
- [Assistance to Disabled Persons for Purchase/fitting of Aids and Appliances](#).
- [National Fellowship for Students with Disabilities](#).
- [Divya Kala Mela 2023](#).
- [Accessible India Campaign](#)

What are the Challenges Faced by the Person with Disabilities?

- **Inaccessible Infrastructure:** Lack of infrastructure in accessing public establishments and services.
 - 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.

- **Educational Exclusion:** PwD faces a lack of inclusive schools, trained teachers, and assistive technologies that hinder quality education.
 - As per **Census 2011**, the **literacy rate of the total PwD population is about 55%** (male- 62%, female-45%) and only about 5% of PwDs are graduates and above.
- **Employment Challenges:** PwDs face workplace discrimination, inadequate accommodations, and societal prejudices, creating a "**glass ceiling.**"
 - Though **1.3 crore PwDs are employable**, only **34 lakh are employed.**
- **Inadequate Political Representation:** PwDs are **underrepresented** across all three tiers of legislature-**Lok Sabha, state legislatures, and local bodies**, limiting their political participation and representation.

Way Forward

- **Accessible Infrastructure:** Improve **disability-friendly public infrastructure**, including ramps, tactile paths, public transport, and adaptive technologies.
 - Implement accessibility standards for **schools, hospitals, and digital services.**
- **Enhancing Prosthetics R&D:** Increase funding for prosthetics research and establish national and regional centers to **innovate in artificial limbs**, improving the quality of life for PwDs.
- **Identification and Verification Systems:** Implement a **centralized digital database** with **biometric authentication and regular audits** to ensure accurate PwD identification and certification.
- **Gig Economy Inclusion:** Create **dedicated platforms within gig economy apps** to provide flexible, **skill-matched job opportunities** for PwDs.
 - Incorporate **sign language support and AI-assisted task** matching to enhance accessibility.
- **Political Reservation:** There should be a **provision for reservation system in the legislature like state legislatures, and local bodies** for PwDs.

Drishhti Mains Question:

Discuss the role of the Rights of Persons with Disabilities Act, of 2016 in ensuring accessibility and the challenges in its implementation.

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/strengthening-accessibility-measures-in-india>

