

RIGHTS OF PERSON WITH DISABILITIES ACT, 2016: AN ANALYSIS

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INTRODUCTION

The constitution of India guarantees all its citizens equality, liberty and justice. Specially specified in article 14 and in the article 16 of the constitution about equality of opportunities to all its citizens of the country, part IV of the constitution that is directive principle of state policy also give directives to the state in the Article 38 that state should promote the welfare of all its citizen by securing a social order in which justice, social and political can be ensured.

India is a home of 2.68 Cr. Disabled people, which account 2.21 percent of the total population of the country. The disabled in India enjoys the same rights as enshrined in the constitution for all the citizens of India, rather special provisions are made available to secure the social, economic and political rights of the person with disabilities.

In this direction government has introduced a new act for the welfare and empowerment of the disabled named as 'Rights of the Person with Disabilities Act,2016 replacing the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

The present act is an outcome of India's being signatory to the United Nations Conventions on the Rights of Person with Disability. The basic objective of this legislation is not only to empower the disabled but also to provide opportunity and accessibility and non discriminatory behavior.

The Salient features of the Act are-

1. The act covers the whole part of India including the state of Jammu and Kashmir.
2. The new legislation provides a wide and comprehensive definition of disability.
3. The legislation also protect the person with disabilities, it clearly mention about no restriction or exclusion can be made on the basis of disabilities. It also denies any ill treatment or violation of human rights of the disabled.
4. It provides one percent extra reservation to the person with disabilities. The previous acts have provision of 3 percent reservation, now it is 4 percent in all government jobs.

5. Out of this 4 percent reserved seats, it provides 1 percent special allocation for person suffering with blindness or low vision, deaf and dumb, loco motor disability, special learning disabilities, mental illness and multiple disabilities.
6. In the preceding legislation intellectual as well as multiple disabilities were not granted reservations in the vacancies.
7. In an exceptional move government has also changed the definition of establishment, now the private establishments are also included under the definition of establishment. Therefore, ensuring the rights of the person with disabilities in the private establishment as well.
8. The legislation also mention about the equal legal rights of the disabled in the ancestral property and financial matters.
9. It also makes provision for vocational training facilities for the person with disabilities.
10. The legislation also provides special provision for women and children with disabilities.
11. The act also increased the kind of disabilities from seven to twenty one, further more it also give power to the central government to make necessary amendment to increase the number of disabilities if necessary.
12. The twenty one disabilities mentioned in the legislation are given below-
 - Blindness
 - Low Vision
 - Leprosy Cured Person
 - Hearing Impairment
 - Loco motor Disabilities
 - Dwarfism
 - Intellectual Disabilities
 - Mental Illness
 - Autism Spectrum Disorder
 - Cerebral Palsy
 - Muscular Dystrophy
 - Chronic Neurological Conditions
 - Specific Learning Disabilities
 - Multiple Sclerosis
 - Speech and Language Disabilities
 - Thalassemia
 - Hemophilia
 - Sickle Cell Disease
 - Multiple Disabilities including deaf blindness

- Acid Attack Victim
- Parkinson Disease

DISCUSSION

First time in the history speech and language disability and special learning disability have been added in the list of disability. Many people suffers from speech and language disability, people having problem related to quality of voice and speech sound, interpretation in the flow of speech etc are included in such category. Special learning disability is also added in the definition of disability, it is a kind of disability where students or any other person find difficult to read, write, understand, think, speak or spell, examples of special learning disabilities are dyscalculia, dyslexia etc. The most captivities aspect of the act was to include victim of acid attack as hundreds of sufferers of acid attack will get relief as well as benefit from the move. We have almost 100 reported cases every year almost all of them are women who have to live their life with stigma as well as disability. Dwarfism and muscular dystrophy have also been included as a special class of disability. Many people suffering from dwarfism, which has less height (less than 4 feet). Study shows that these categories of people suffers with multiple problems along with physical problem they also face mental and social problems. Three disabilities related to blood like-thalassemia, hemophilia and sickle cell disease have been included, basically all these three disease are genetic in nature caused by errors in the gene or hemoglobin. In conjunction with every child belonging to person with disabilities from 6 to 18 years has provided with the right to free education. Special provisions for creation of National and State fund has been proposed to provide financial support to person with disabilities.

CONCLUSION

Undoubtedly the provisions laid in the Right to person with disabilities act, 2016 is comprehensive and forward looking for the protection and development of disabled in the country. Now it is imperative for the executors to implement the legislation in its true spirit. The act has many important provisions equality in opportunity, protection of rights and barrier free environment for the disabled. Though, it is a well framed legislation yet it will be nice gesture on the part of government if they recognized the opinions and expert advice of medical and psychiatric social workers, as they are the one who practice and have practical knowledge on the subject.

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