

## India's Disability Law

### Why in news?

The Central Public Works Department (CPWD) has asked its regional offices to ensure that all public buildings are accessible to people with disabilities (PwD).

### What are the recent guidelines issued by CPWD?

- All lifts should be modified with audio announcement, visual display of the floor number from inside the lift
- Emergency evacuation routes for persons with disabilities (PwD) should be “displayed appropriately with signage announcement in braille language”.
- The retrofitting of all other buildings, which are yet to be done, should be taken on priority”.
- It is a much delayed compliance with the
  - [Rights of Persons with Disabilities Act, 2016](#) and
  - Harmonised Guidelines and Standards for Universal Accessibility in India, 2021.

### Access to public buildings

- **Right of Persons with Disabilities Act, 2016-** The Act mandates the central government to notify guidelines and standards for public buildings, ensuring accessibility for persons with disabilities (PwD).
- **Rights of Persons with Disabilities Rules, 2017-** It is derived from 2016 Act which focuses on accessibility in public buildings.
  - It covers the physical environment, transport, and information and communication technology. All establishments must comply with these standards.
  - Existing buildings are required to be made accessible *within five years*.
- **Accessible India Campaign-** It was launched in 2015 which aims to enhance accessibility for PwD in public buildings, transportation, and websites.

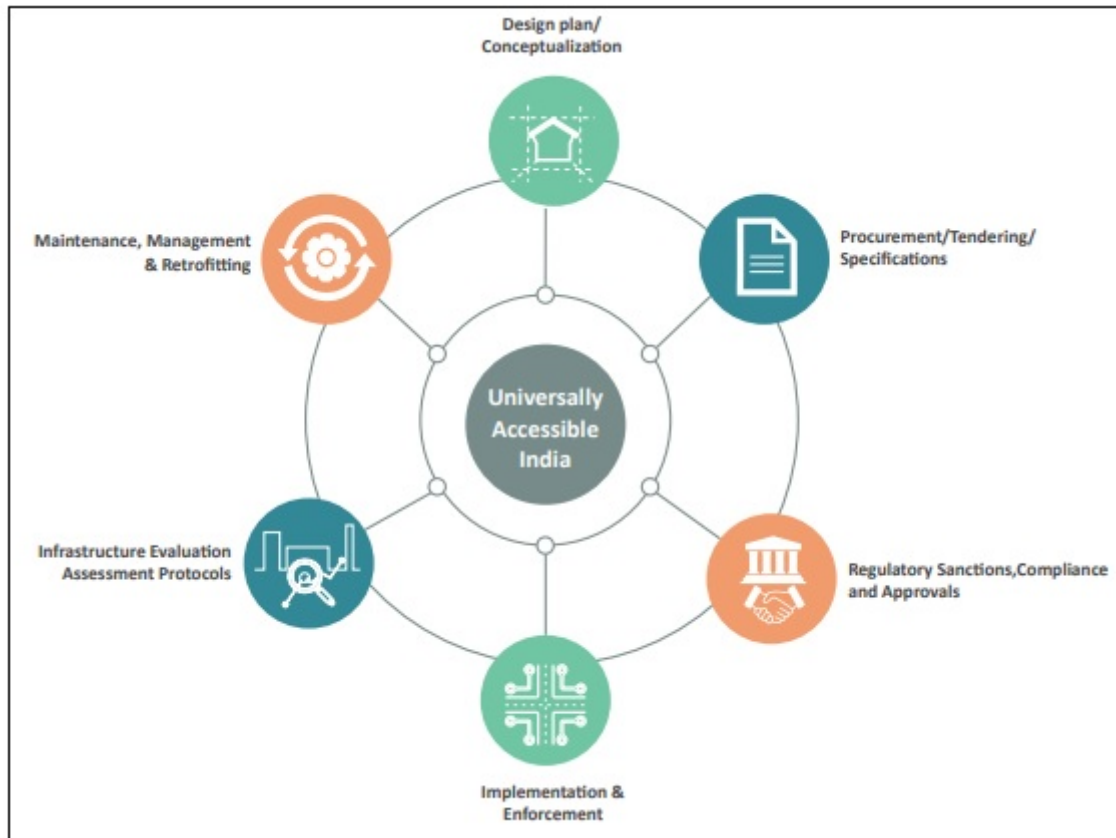
### What are the key provisions of Right of Persons with Disabilities Act, 2016?

Key aspects	About
<b>Aim</b>	To protect and promote the rights of individuals with disabilities.
<b>Replaced outdated Act</b>	The act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
<b>Obligation to international law</b>	It fulfils the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.
<b>Categorization of persons with disability</b>	<ul style="list-style-type: none"> <li>• Person with benchmark disability</li> <li>• Person with disability</li> <li>• People with disabilities having high support needs.</li> </ul>

<b>Rights and entitlement</b>	<ul style="list-style-type: none"> <li>• Right to equality and non-discrimination</li> <li>• Right to live in the community</li> <li>• Right to access justice</li> <li>• Reproductive right of PwDs</li> <li>• Right to vote etc.,</li> </ul>
<b>Education</b>	Educational institutions are obligated to provide <a href="#">inclusive education</a> for persons with disabilities.
<b>Skill development</b>	<ul style="list-style-type: none"> <li>• The act focuses on vocational training, self-employment, and non-discrimination in employment.</li> <li>• Employers are encouraged to adopt equal opportunity policies and records related to disability inclusion are maintained.</li> </ul>
<b>Special provisions</b>	<ul style="list-style-type: none"> <li>• The act provides special provisions for persons with benchmark disabilities, including free education and reservation in higher educational institutions.</li> <li>• Incentives are offered to employers in the private sector who hire persons with disabilities.</li> <li>• Special employment exchanges and development programs are established.</li> </ul>
<b>Grievance redressal</b>	The <i>Chief Commissioner for Persons with Disabilities</i> is the nodal authority to address the grievances and issues of persons with disabilities.
<b>Special courts</b>	<ul style="list-style-type: none"> <li>• It must be provided for speedy trial, the state government shall notify for each district a <i>Court of Session</i> to be a Special Court to try the offences under this Act.</li> <li>• This has to be done with the concurrence of the <i>Chief Justice of the High Court</i> of the state.</li> </ul>
<b>Penalty</b>	<ul style="list-style-type: none"> <li>• Breach of the provisions of the Act are penalised by a fine of an amount up to Rs.10,000 and</li> <li>• For subsequent contravention a fine of Rs 50,000 which could be extended up to 5 lakhs.</li> </ul>

### **What is harmonised guidelines and standards for universal accessibility in India?**

- The first set of guidelines were published in 2016, it was reviewed during COVID-19 by experts and the updated document was notified in 2021.
- **Aim-** To sensitize, guide and facilitate the approach towards implementing accessibility in all facets of built environment and beyond.
- **Key objectives-** It is guided by the Model of holistic approach to Universal Accessibility



- *Sensitize diverse stakeholders* regarding the various accessibility needs and provisions for diverse population groups in the built environment.
- Introduce and orient *universal design perspectives* to all stakeholders for creating inclusive built environments for all.
- Recommend *specific built environment elements* along with their accessibility attributes and specifications.
- Develop a holistic approach to accessibility through *integration of appropriate technologies*.
- Guide *accessibility assessment* and implementation in built environments.

### **What are the challenges faced in improving accessibility for PwD?**

- **Lack of implementation**- The 2016 guidelines were never effectively implemented, and the same issue persists with the 2021 guidelines.
- **Lack of State's will**- No state has incorporated the harmonized guidelines into their building by-laws, and state governments have not prioritized accessibility.
- **Lack of awareness**- Engineers in public works department who are responsible for implementing accessibility standards lack proper awareness and accountability.
- **Fund deficit**- There is insufficient budget allocation for retrofitting and ensuring accessibility.
- **Lack of consistency**-The implementation of accessibility standards has been inconsistent due to various factors such as many states and cities have not submitted applications despite fund availability.
  - Example- The tactile paths at airports are rendered unusable due to trolleys placed on them.

- **Ambiguity**- CPWD notification lacks clarity and may lead to resource utilization.

### **What lies ahead?**

- The importance of punitive actions would drive change in the implementation of accessibility standards.
- Proper awareness with the individuals who implement the standards is necessary to foster accountability.
- There is a need for sufficient budgetary allocation to enforce proper implementation of accessibility standards.

### **References**

1. [Indian Express- India disability law](#)
2. [NHRC- Disability rights](#)
3. [IITR- Harmonised guidelines for universal accessibility](#)

