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Q7

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

UPSC Civil Services Mains 2017 · GS II · 10 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- Discuss whether the **Rights of Persons with Disabilities Act, 2016**, ensures an effective mechanism for empowerment and inclusion of the intended beneficiaries
- Compare it with the 1995 Act, the **UNCRPD**, and the gaps in implementation

Revision summary

The 2016 Act replaced the 1995 law to give effect to the **UNCRPD**.

It widened disabilities to 21, raised job reservation to 4 per cent, and created Commissioners and accessibility duties.

Articles 14, 15, 16, 21 and 41 supply the constitutional frame; the Act is the working statute.

Implementation gaps in UDID, schools, transport and private jobs mean the mechanism is legally strong and socially incomplete.

Empowerment of intended beneficiaries still needs certificates that travel, audited buildings, and jobs beyond government rosters.

Introduction

India ratified the United Nations Convention on the Rights of Persons with Disabilities in 2007. The **Rights of Persons with Disabilities Act, 2016**, replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, to match that Convention. The 2016 Act is a stronger rights statute on paper. Whether it empowers the intended beneficiaries depends on notification, budgets, and accessibility on the ground.

Body

What the 2016 Act added

- It recognises 21 specified disabilities, against seven in the 1995 Act, including acid-attack survivors, Parkinson's disease, thalassemia, and multiple disabilities, so more people enter the legal circle of beneficiaries.
- It defines discrimination, reasonable accommodation, and barrier-free access, and it treats disability as a rights and social issue, not only as charity or a medical certificate.
- Reservation in government jobs and in higher education rose from 3 per cent to 4 per cent, with a 5 per cent reservation in seats in government and government-aided higher educational institutions.

- It provides for guardianship, special courts, a **Chief Commissioner** and **State Commissioners**, and national and State funds, which is a thicker institutional mechanism than the old Act.
- **Articles 14, 15, 16, 21 and 41** already framed equality, non-discrimination in public employment, and public assistance in cases of disablement; the 2016 Act is the detailed statute that those clauses needed after the **UNCRPD**.
- The Rights of Persons with Disabilities Rules, 2017, and the Harmonised Guidelines on accessibility give the executive the standards that buildings, transport and websites are supposed to meet.

Does this ensure an effective mechanism?

- **On design, yes:** definition, reservation, accessibility, education, skill, social security, and grievance officers are all in one Act, which the 1995 law treated more thinly.
- On inclusion, the Act still depends on State rules, UDID (unique disability ID) coverage, and medical boards that can be slow or narrow, so many intended beneficiaries never receive the certificate that unlocks the mechanism.
- Private establishments have duties, but inspection and penalties are weak; most offices, buses and polling stations remain only partly accessible, which the Commissioner's reports keep recording.
- Inclusive education needs trained teachers and accessible NCERT material; the Act mandates it, while the Right of Children to **Free and Compulsory Education Act, 2009**, and Sarva Shiksha Abhiyan still leave many children with high support needs outside the neighbourhood school.
- The **Accessible India Campaign** (Sugamya Bharat Abhiyan) is the flagship for built environment and ICT; progress on audited buildings has been slower than the statute's ambition.
- Employment reservation applies mainly to government; the private sector, where most new jobs are, is under a weaker "incentive" logic, so economic empowerment lags legal recognition.
- Intersectional beneficiaries - women with disability, Dalit persons with disability, and those in rural blocks without specialists - still meet a certificate-and-travel hurdle that an urban, literate claimant does not.

Discussion and way forward

- The 2016 Act is necessary and not yet sufficient. It is an effective legal mechanism in the sense of rights, institutions and a wider beneficiary list.
- It is not yet an effective social mechanism until UDID, accessible transport, school enrolment, and private-sector jobs move at the same pace as the gazette notification.
- Time-bound accessibility audits, portable certificates, and linking MGNREGA, **Skill India** and **the National Action Plan** for Skill Development of Persons with Disabilities to the 21-category list would turn the Act into inclusion rather than a better statute book.

Flow diagram

UNCRPD 2007 -> RPwD Act 2016
 RPwD Act 2016 -> 21 disabilities and 4 percent reservation
 RPwD Act 2016 -> Commissioners and accessibility
 Commissioners and accessibility -> Inclusion if implemented
 Certificate and budget gaps -> Empowerment delayed

Conclusion

The **Rights of Persons with Disabilities Act, 2016**, does create a stronger mechanism than the 1995 Act: more disabilities, higher reservation, Commissioners, and accessibility duties aligned with the **UNCRPD**. It does not by itself ensure empowerment and inclusion. Those arrive only when certificates, schools, buildings and jobs implement the Act as a daily right, not as a file.

Facts & figures

Rights of Persons with Disabilities Act, 2016

Principal rights statute replacing the 1995 Act; specifies 21 disabilities and a rights-based framework of equality and accessibility.

UNCRPD

United Nations Convention on the Rights of Persons with Disabilities, 2006; India ratified it in 2007, which drove the 2016 law.

4 per cent reservation

Government employment reservation for persons with benchmark disability under the 2016 Act, up from 3 per cent in the 1995 Act.

Accessible India Campaign

Sugamya Bharat Abhiyan for accessible buildings, transport and information and communication technology.

Article 41

Directive Principle on public assistance in cases of unemployment, old age, sickness and disablement, and on the right to work and education.

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