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Q7

The Rights of Persons with Disabilities Act, 2016 remains only a legal document without intense sensitisation of government functionaries and citizens regarding disability. Comment.

UPSC Civil Services Mains 2022 · GS II · 10 marks · Welfare Schemes for Vulnerable Sections

Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Core demand of the question

- The **Rights of Persons with Disabilities Act, 2016**, remains only a legal document without adequate sensitization of stakeholders. Comment

Revision summary

The **RPwD Act, 2016**, replaced the 1995 Act and aligned Indian law with the **UNCRPD**.

It expands **specified disabilities** and provides **4 per cent reservation** in government jobs plus accessibility duties.

Chief and **State Commissioners** exist to monitor and hear complaints.

- **The main failure is attitudinal and professional:** schools, offices and public works still treat compliance as optional.

Sensitisation of stakeholders is therefore not a slogan; it is the condition for the Act to operate outside court.

Introduction

The **Rights of Persons with Disabilities Act, 2016**, replaced the 1995 Act, aligned domestic law with the UN Convention on the Rights of Persons with Disabilities, and expanded the list of **specified disabilities**. A comment that it remains a legal document without sensitization is largely fair: rights on paper still meet inaccessible buildings, untrained teachers, and employers who treat the 4 per cent roster as a burden.

Body

What the 2016 Act already is, as law

- The Act recognises a longer schedule of **specified disabilities** than the 1995 Act, and it states principles of non-discrimination, full participation, and reasonable accommodation.
- It raises reservation in government employment to 4 per cent for specified categories and provides for reservation in higher educational institutions.
- It creates duties on establishments for accessibility, equal opportunity policies, and a grievance mechanism, with a **Chief Commissioner** and **State Commissioners** for Persons with Disabilities.
- Those clauses are enforceable rights, not a welfare circular; the gap is not the absence of a statute.

Why sensitization is still the missing half

- Accessibility standards fail when public works engineers, school principals, and private HR desks have never been trained to read them as non-negotiable, so ramps, toilets, and examination scribes remain ad hoc favours.
- Inclusive education under the Act needs teachers who can work with benchmark disabilities; posting an untrained teacher next to a child with a certificate is compliance without education.
- Transport staff, police, and hospital admission desks often still use pity or refusal rather than the Act's language of reasonable accommodation.
- Families and panchayats, who are stakeholders as much as secretaries, frequently do not know the difference between the 2016 Act and charity certificates, so entitlements are not demanded.

Comment: law without culture is thin law

- The statement is correct as a description of lived experience; it is overstated if it means the Act has no legal effect - courts have used it, and some establishments do comply.
- **Sensitization is not a soft extra:** without it, reservation rosters stay empty, private service-providers hide behind "undue burden," and the Commissioners receive complaints they cannot socially enforce.
- The remedy is mandatory training in teacher education, in municipal building approval, and in corporate equal-opportunity officers, plus published accessibility audits, not another round of renaming the statute.

What should sit beside sensitization

- Budgeted retrofitting of schools and courts, digital accessibility of government portals, and community-based rehabilitation have to move with attitude change.
- Political and cultural representation of persons with disabilities in parties and media would do more to normalize the Act than a once-a-year observation day.

Flow diagram

UNCRPD -> RPwD Act 2016

RPwD Act 2016 -> Reservation accessibility Commissioners

Reservation accessibility Commissioners -> Stakeholders untrained

Stakeholders untrained -> Gap between text and life

Reservation accessibility Commissioners -> Courts and complaints

Conclusion

The 2016 Act is a rights statute with reservation, accessibility, and Commissioners already in the text. Without sensitization of teachers, employers, engineers, and local officials, those clauses remain a legal document for the few who can litigate, which is the force of the comment.

Facts & figures

Rights of Persons with Disabilities Act, 2016

Principal statute replacing the Persons with Disabilities Act, 1995, and giving effect to India's UNCRPD obligations.

UNCRPD

United Nations Convention on the Rights of Persons with Disabilities; India is a party, and the 2016 Act was framed to harmonise domestic law with it.

4 per cent reservation

The 2016 Act provides 4 per cent reservation in government employment for specified categories of persons with benchmark disabilities.

Chief Commissioner for Persons with Disabilities

Statutory authority under the Act to monitor implementation and look into complaints at the Union level.

Specified disabilities

The 2016 Act's Schedule lists a wider set of disabilities than the seven categories of the 1995 Act, including additional neurological and blood disorders among others.

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