

# **ROLE OF GOVERNMENT IN SECURING THE RIGHTS OF DISABLED PEOPLE: AN ANALYSIS ON PERSONS WITH DISABILITIES ACT, 2016**

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## **ABSTRACT**

Data shows that out of the 121-crore population of the sub-continent of India, a staggering 2.68 crore person are disabled which is 2.21% of the total population. Majority of the disabled population resided in the rural areas, that is, 69% of the total disabled population. The life conditions of the normal people in rural areas itself is not wholesome, which means the plight of the disabled population is unimaginable. The Lawmakers of the country seeks to improve the life of the persons with disabilities through the Rights of Persons with Disabilities Act, 2016. There are seventeen chapters and one hundred and two sections in the Act. This thesis will be focusing on four significant chapters of the Rights of Persons with Disabilities Act, 2016, that is, Rights and Entitlements of disabled people (Chapter II), Education of disabled people (Chapter III), Skill Development and Employment of disabled people (IV) and lastly, Duties and roles of appropriate Governments (Chapter VIII). We have given greater prominence to the chapters dealing with Education and Employment of Persons with Disabilities. In this thesis we study in detail each of these chapters and the schemes and policies related to that chapter, that have been formulated by the Government for the betterment of the lives of the disabled citizens of India. We also review the Duties and Responsibilities of the Government, that is to say, what the appropriate Governments must do for making the day to day life of a disabled Indian easy.

## **INTRODUCTION**

Disability as a concept is something that is understood and interpreted by various social thinkers, social workers and jurists keeping in mind the inherent philosophy of the term in its actual sense. Even though the term “disability” describes a lack or deficiency whether physical, mental or sensory in respect of some people, there are a lot of instances where sometimes these people proved themselves as differently abled persons by their intellect or positive attitudes and outlook towards life. A non-discrimination principle helps to make human rights in general relevant in the specific context of disability.

The primary responsibility for ensuring respect for the rights of persons with disabilities lies with the government. Our government has taken various steps to provide equal opportunities to disabled people by enacting certain Acts and implementing various policies and schemes for the empowerment of persons with disabilities. Our constitution guarantees equal rights to each and every individual of our country.

Disability has been recognised as a human rights issue in the international arena, with the United Nations Declaration on the Rights of the Disabled Persons focusing attention on the needs of disabled people globally. India is one of the first signatories of this declaration.

There are around 26.8 million or above disabled population in India and they are continued to be treated as second-class citizens. Mostly faced by barriers throughout their day to day life, sometimes they are being denied some of their most basic human rights. India being a signatory of the UN Declaration, there was an obligation upon the country to enact a law for the same. Thus the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995 was implemented. The latest Act i.e., the Rights of Persons with Disabilities Act of 2016 replaces the old Act and has brought in a few new provisions as well.

## **RIGHTS AND ENTITLEMENTS AVAILABLE FOR PERSONS WITH DISABILITIES, PERSONS WITH DISABILITIES ACT, 2016**

People with disabilities often come across situations wherein they do not get to enjoy the rights and advantages that are available to the public in general. This has been addressed to by the provisions contained in chapter III of the Rights of Persons with Disabilities Act, 2016. The provisions cover areas like the responsibility that has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others, additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. to be provided for persons with benchmark disabilities and those with high support needs. Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education. Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities. For strengthening the Prime Minister's Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

Chapter II of the Rights of persons with Disabilities Act, 2016 deals with the rights and entitlements available for persons with disabilities.

Equality and Discrimination:- Section 3 of this Act specifically deals with concepts of equality and non-discrimination. There are a total of five sub-sections under this very section. According to sub-section:

(1) The appropriate Government is directed to ensure that the persons with disabilities get to enjoy the right to equality, life with dignity and respect equally with others. By doing so, it builds up confidence among disabled people which in turn helps them to integrate and involve in their society. (2) The appropriate government is being directed to take steps in order to utilise the capacity of persons with disabilities by providing them with the appropriate environment. This helps the disabled people to involve themselves more in the development of the economy and society. (3) It is being mentioned that no person with disability shall be discriminated on the basis of disability; unless it is proved that the challenging act or omission is a proportionate way of achieving a legitimate aim. (4) No person shall be deprived of his or

her personal liberty only on the ground of disability. (5) The appropriate government has been directed to take necessary steps to ensure reasonable accommodation for disabled people. This provides them with a safe and protective environment.

Woman and children with disabilities:- Section 4 of this Act deals with the rights available for both women and children with disabilities. Woman and children are sometimes the victims to many wrong acts and thus this provision provides them with rights which would help them in their day to day needs. As according to Section 4:

(1) It is being directed to the appropriate government and local authorities to take measures to ensure that the women and children with disabilities enjoy their rights equally with others. (2) It is being directed to the appropriate government and local authorities to ensure that children with special needs enjoy rights on an equal basis to freely express their views on all matters affecting them and to provide them the necessary support with regard to their age and disability.

Community life:- Section 5 of this Act deals with the concept of the right to community life for the disabled people. It seeks the Government to ensure that such persons with disabilities are not obliged to live in a particular living arrangement. It also states that the Government should provide in-house assistance to such disabled persons along with personal assistance to support a living and other community support services.

Protection form cruelty and inhuman treatment:- Section 6 of this Act asks the Government to take measures, to protect people with disability, against torture, cruel, inhuman and degrading treatment. It also prevents persons with disability from being subject to any sort of research without his free and informed consent. The Act seeks to ensure an absolute end to cruelty and inhuman treatment that is rendered to persons with disability.

Protection from abuse, violence and exploitation:- Section 7 of this Act deals with the protection of persons with disabilities from abuse, violence and exploitation. Since they are very vulnerable to such forms of cruelty, the provision puts forth the measures to be taken in order to protect the disabled from these situations. It also instructs the Government to take measures in order to protect persons with disability from any sort of abuse, violence or exploitation. This section gives all persons and organisations the right to approach the Executive Magistrate in case any incident of inflicting violence on person with disability is noticed. It shall be the duty of the Executive Magistrate to take swift actions once such a

complaint is registered with him. It shall be his duty to rescue the victim, provide him with protective custody and provide maintenance to such person with disability. It also speaks about the duties of a police officer when cases of cruelty against persons with disability are reported. It shall be his duty to let the victim know about his rights to approach the Executive Magistrate for maintenance or the particulars about the nearest organisation that works for the rehabilitation of person with disabilities or even his right to free legal aid.

**Protection and Safety:-** Section 8 deals with the concepts of protection and safety for persons with disabilities in cases of any risk, armed conflict, humanitarian emergencies or natural disasters. According to this section, it requires the District, State Disaster Management Authorities as well as the National Disaster Management Authorities to take suitable measures in this regard and maintain a list of persons with disability in every district.

**Home and family rights:-** Both sections 9 and 10 mostly deal with home and family rights. As per section 9, it prevents the separation of any child with disability, from his parents except by an order of the court and necessary relocation to any family member, community member or any governmental or private run home. Sec 10 deals with providing of information to persons with disability, relating to reproduction and family planning. It also states that no medical process which leads to loss of fertility to be conducted on such person without informed consent.

Sections 11 to 13 are based on the rights available to persons with disability which are promised to every citizen of this country by the Constitution itself. Sec 11 states that it is the duty of the Election Commissions to ensure that the electoral process is understandable and accessible to them. Section 12 reflects the duty of the appropriate Government to make the legal process accessible for such persons with disability and to ensure suitable measure to render justice to such persons especially the ones requiring high support.

**Legal capacity: -** Section 13 deals with legal capacity of such persons with disability. It states that the appropriate Government shall have the duty to ensure that the persons with disabilities enjoy legal capacity equally like any other person and has the right to equal recognition.

**Provision for Guardianship: -** Section 14 is based on the concept of provision for guardianship. It states that the respective authority as notified by the State Government, should find a person with disability who had been provided adequate and appropriate support but is unable to take

legally binding decisions, the same should be provided further support of a limited guardian to take the appropriate legally bound decisions. Also the District Court or the designated authority is directed to grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly.

## **EDUCATION FOR DISABLED IN INDIA**

As according to the studies conducted by the World Health Organization and the World Bank, an estimate of one billion people around the world experience some form of disability. Of those, it is estimated that 93 to 150 million are children. And also it is found that these children are 10 times less likely to go to school when compared to other children. Another fact that has been found through recent study reveals that 90% of children with disabilities in low and lower-middle income countries do not go to school. It has been observed for long that children with disabilities have been excluded from the general education system and placed in 'special schools'. In some cases, they are separated from their families and placed in long-term residential institutions like boarding schools where they are educated in isolation from the public.

Children with disabilities have very low rates of initial enrolment. If in case these children do attend school, they are more likely to drop out and leave school early without progression to secondary school and beyond. Also they are at a risk of facing problems like school violence and bullying which in turn affects them mentally and also preventing the safe enjoyment of their right to education.

According to the census conducted in India in the year 2011 which covered five types of disabilities, it was observed that there was a prevalence rate of 2.17 per cent or, out of the 121 crore population in India, 2.68 crore are disabled which is 2.17 of the total population. Also, as per the census of 2011, it can be observed that there is more number of literates among the disabled population of India which signifies that the educational level of the disabled population in India is gradually improving.

The need for special education in India can be traced back to pre-independent period. During the colonial period, India increasingly took into account the educational models existing outside the country. Parents of children with disabilities started schools for their children,

mainly from urban areas and with exposure to approaches prevalent in western countries. Since the government had no policy on the education of children with disabilities, it extended grants to these private schools. This approach of setting up separate schools, mostly residential, spread across the country, much of them concentrated in urban areas and for over a century, these schools have been the only institutions providing education to children with disabilities. This was so due to the belief that children with special needs could not be educated alongside others. The act of 1995, i.e. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, brought about provisions with respect to impairment of education to children with disabilities. The latest Act i.e. The Rights of Persons with Disabilities Act, 2016 also contains provisions for the same.

## **PROVISIONS RELATING TO EDUCATION IN THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016**

Chapter III of the Rights of Persons with Disabilities Act, 2016 deals with the provisions regarding the education of children with disabilities as well as duties of educational institutions.

Duty of Educational Institutions:- Section 16 of this Act specifically deals with the duties of educational institutions. It also mentions about the duties that are to be taken up by the respective state or local authority in order to carry out the functions required to provide educational facilities of children. There are in total eight sub-sections under section 16 of the Rights of Persons with Disabilities Act, 2016. As according to sub-section:

- (i) the State must endeavour to make sure those children with disabilities are admitted without any discrimination and are provided equal opportunities to them with regard to education, sports and recreation.
- (ii) Mentions that the government should provide building, campus and various facilities available for the purpose of imparting knowledge to disabled children.
- (iii) Mentions that the government should provide for reasonable accommodation according to the individual's requirement.

(iv) Mentions that the government should provide necessary support in environments that maximise academic and social development with a goal of integration.

(v) Directs the government to ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication.

(vi) Directs the government to detect specific learning disabilities in children at the earliest and to take suitable measures to overcome the same.

(vii) Directs the government to monitor the rate of participation, progress in terms of attainment levels and completion of education with respect of every child with disability.

(viii) Mentions that the government should provide transportation facilities the children with special needs and also to the attendant of the children with disabilities having higher support needs.

Sarva Shiksha Abhiyan (SSA) which means 'Education for all', is an initiative of the Government of India towards providing free and compulsory education to children and this includes children with disabilities as well. It is currently one of the largest educational movements in the country. This initiative focuses on issues of access and also raises important concerns with regard to the quality of education being imparted.

***Specific measures to promote and facilitate inclusive education:-***

Another provision included in Chapter III of the Rights of Persons with Disabilities Act, 2016 is Section 17 which deals with specific measures to promote and facilitate inclusive education. As per this particular provision, the appropriate government and local authorities are being directed to take a number of measures for the purpose of Section 16 of the same Act. These measures include conducting survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met and the same is being mentioned in sub-section (a) of section 17.

Sub-section (b) to sub-section (d) of Section 17 deals with the requirement of establishing adequate number of teacher training institutions and the need to train and employ teachers including teachers with disabilities who are qualified in sign language and Braille. Sub-section (e) deals with the need to establish adequate number of resource centres to support educational institutions at all levels of school education. Sub-section (f) promotes the use of appropriate



means and formats of communication, for example Braille and sign language to help those individuals who are disabled in their daily communications and also it enables them to contribute to their community and society. Sub-section (g) to sub-section (k) mentions about the various facilities and aids which are to be provided by the appropriate government with the aim for the betterment of children with special needs. These include providing books, other learning materials and appropriate augmentative and alternative assistive devices to children with benchmark disabilities free of cost, providing scholarships in certain cases i.e., on the basis of merit, to those children with benchmark disabilities and also to make appropriate modifications in the curriculum and examination system to meet the needs of students with disabilities. Research is also being promoted to improve learning under these provisions.

A scheme that the government has introduced with regard to the above mentioned provision is the Integrated Education for Disabled Children (IEDC). This program provides financial support to children with special needs. Transport facilities, books and stationary, uniform, instructional material, assistive equipment, etc. are all financially supported by this scheme.

Adult Education:- The last provision of this chapter is Section 18 which deals with adult education. As per this section, it is being directed that the appropriate government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

Jan Shikshan Sansthan is a scheme introduced by the Government of India with regard to the above mentioned provision. Jan Shikshan Sansthan (JSS) represents an institutional framework for offering Non-formal, Adult and Continuing Education Programmes to the disadvantaged groups including persons with disabilities.

## **EMPLOYMENT, PWD ACT 2016**

### ***Why give importance to employment?***

Employment is one of the important aspects of life for any individual, it is a source of income and helps people to be economically and financially stable. It is a well-known fact that a lot of people are denied opportunities or rather not given a chance to contribute towards the development of the society because they are not like normal human beings, because, they are

differently abled. In the sub- continent of India, 2.68 crore persons, that is 2.21% of the total population consists of disabled persons, out of these many people, only a few privileged persons are lucky enough to get jobs with monthly salary, or even worse, for some, a roof over their heads is a distant dream. The Pie Chart given above will help to understand the predicament of the disabled people as far employment is concerned. The Persons with Disability Act seeks to provide a solution to this problem. It seeks to improve the lives of these people by providing more opportunities in the field of education and employment and aims towards betterment of their life, this way they become financially stable and independent. Moreover, employment of more citizens implies, development of the economy of the country. This helps in improving the living standards and status of the “especially” abled persons of the country. The Act also helps in including the specially abled people to mingle with the rest of the society.

The Persons with disabilities Act of 2016, is an act which has been formulated to give effect to the United Nations Convention on the Rights and Dignity of persons with disabilities and for matters connected therewith or incidental thereto. This convention is considered to be one of the first conventions in an international forum to address these serious issues linked with the life of a disabled person. The convention took place on 13th December of 2006. The PWD Act lays down certain guidelines and provisions for securing the rights of Persons with disabilities, and this part of the thesis aims to emphasise on the role of the respective governments in working towards providing these persons with more opportunities when it comes to their employment.

#### ***Chapter Four of the Act: Skill Development and Employment***

Chapter four of the Rights of Persons with Disability Act, 2016 is intended to exclusively address the issues related to the employment of the disabled persons. The title of this chapter is ‘Skill Development and Employment’. Within this chapter of the Act, there are five different sections (sections 19 to 23), dealing with various topics ranging from vocational training and self- employment to Appointment of grievance redressal officer.

Vocational training and self-employment: Section 19 of the Act makes clear certain provisions and rules when it comes to vocational training and self-employability of the differently abled persons. This section makes it mandatory for the appropriate governments to formulate schemes and programmes, which includes provision of loans at concessional rates, in order to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment. These schemes should provide for numerous facilities like, inclusion of the disabled person in all mainstream formal and nonformal vocational and skill training programmes, ensuring that persons with disability has adequate support and facilities to avail specific training and make sure to provide exclusive skill training programmes which has special link with the market. Apart from these provisions, there are additional provisions for those with developmental, intellectual, multiple disabilities and autism. The additional provisions are as follows, loans at concessional rates, including microcredit; marketing the products made by the persons with disabilities and maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities. To give effect to section 19 of the Act, the appropriate governments have formulated various schemes. The most notable and perhaps the most popular of these schemes would be the 3% reservation in government jobs.

Vocational Rehabilitation Centre: - The Vocational Rehabilitation centre is a scheme introduced by the Central Government. The centre is providing vocational training in computer, welding, fitter, electrical work, book binding, and embroidery and tailoring. The vocational Rehabilitation Centre has provided 100% placements for all the trainees who have undergone training there.

***Incentives to Private Sector Employers for providing employment to Persons with Disabilities:***

Under this scheme, the Government of India provides the employer's contribution for the Employees Provident Fund (EPF) and Employees State Insurance (ESI) for 3 years, employees with disabilities including visually impaired persons, employed in the private sector, with a monthly salary of up to Rs. 25,000. The National Handicapped Finance and Development Corporation (NHFDC) provides concessional credits to Persons with Disabilities for taking up income generating activities and self-employment. These are only a few schemes to name, there are plenty of other schemes which covers the disabled citizens also, other than the ones

exclusively meant for disabled people, for example, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in which, provision of 3% of the total beneficiaries has been reserved for Persons with Disabilities.

***Non-discrimination in employment:***

It has been explicitly made clear via section 20 of this Act that no government establishment shall discriminate against any disabled person in matters relating to employment; provided that the said government may, with regard to the type of work carried out in any establishment of the government, by notification, exempt any establishment from the provisions of this section. It is the duty of the appropriate government to provide accommodation and appropriate barrier free and conducive environment to employees with disabilities. As far as promotions in government jobs are concerned, no employ shall be denied promotion just because he/she is disabled, it's the same in the case of those who become disabled while working in a government establishment. Similarly, no employee shall be brought down from his/her current rank if they acquire a disability during the course of their employment; If at all the employee is not suitable to work under the current post assigned to him owing to the newly acquired disability, then, he/she must be shifted to another suitable post with same pay scale and service benefits. The appropriate government should also make policies for posting and transfer of disabled employees. There are numerous judgements which deals with the topic mentioned above.

Jagjivan Singh V. State of Punjab and Others ( ), is one of the recent cases decided in the Honourable High Court of Punjab and Haryana, the coram consisted of Honourable Justice Daya Chaudhary. In this particular case, the petitioner is a physically handicapped person up to the extent of 50% , who worked in a Government establishment based in the State of Punjab, the said petitioner has approached the High Court to file a writ petition in the nature of mandamus directing the respondents to extend the date of his retirement up to the age of 62 years in pursuance of circulars issued by the respondent-State as same benefit has already been extended to other similarly situated employees. A further prayer was also given to declare the act of the establishment to be declared discriminatory and violative of the provisions in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, now the Rights of Persons with Disabilities Act, 2016. The petitioner joined as Medical Officer in the year 1984. He belongs to reserve category of scheduled caste and is physically handicapped person to the extent of 50% as per medical certificate. The petitioner

was promoted as District Health Officer, Mansa in the year 2009. The date of birth of petitioner is 01/01/1956 and he was to retire at the age of 60 years on 31/12/2015. The writ petition was filed before the date of his retirement. Learned counsel for the petitioner submitted that as per the circular dated 19/11/2014 issued by the State Government, the retirement age of blind persons who are employees of the Government was enhanced from 58 to 60 years in view of judgment rendered in *Bhupinder Singh vs. State of Punjab and others* (2011). Learned counsel further submitted that earlier this benefit was confined only to the blind persons but subsequently, it was extended to all physically handicapped persons as defined under Section 2(i) of the Disability Act, 1995. The circular was issued again in the year 2014, this time the enhancement of retirement age was applicable to all disabled employees, but only class IV employees. But, in *Bhupinder Singh's* case the petitioner, a blind person who also happened to be a class II employee enjoyed the benefit. The case of *Bhupinder Singh* squarely covered the case of the petitioner. Therefore, the petitioner was also entitled to get the benefit.

The Honourable court said,

“Thus, with the enactment of the Disability Act, all such disabled persons, irrespective of the nature of their disabilities, are to be treated equally and at par. The Disability Act places responsibility on the society to make adjustments for disabled people so that they overcome various practical, psychological and social hurdles created by their disability. The Act places disabled people at par with other citizens of India in respect of education, vocational training and employment. The Act seeks to establish a coherent and comprehensive framework for the promotion of just and fair policies and their effective implementation. It creates formal procedures, which hasten the process of full and total integration of the disables in the society. It also aims at facilitating efficient enforcement of policies and permits strong measures against the law-breakers. The main aim of PWD Act is also to define the responsibility of the Central and State Governments with regard to the services for disabled persons. The Act aims to ensure full life to a disabled individual so as to enable him to make full contribution in accordance with his disability condition”.

The writ petition was allowed and the respondents were directed to consider the case of the petitioner.

***Equal opportunity policy:***

It comes under each government establishment to notify equal opportunity policy detailing measures proposed to be taken by the establishment in pursuance of the provisions of Chapter four of the Act, in a manner that has been prescribed by the central government.

It is also mandatory for the establishments to maintain a record (section 22) which provides information regarding the disabled people in matters related to employment, facilities provided and other details which are in compliance with the provisions given in Chapter four of the Rights of Persons with Disabilities Act, 2016. Every employment exchange shall also maintain a record containing information regarding the number of disabled people seeking employment and if the government desires, these records shall be submitted for inspection without fail.

***Grievance redressal Officer:***

Section 23 of the Rights of Persons with Disabilities Act, 2016 arranges for the appointment of an officer exclusively to deal with the grievances of the disabled people, who will be known as the 'Grievance redressal Officer'. The Chief Commissioner or State commissioner, as the case maybe, are the ones who are responsible for the appointment of such an officer. If the disabled person has a complaint regarding anything which comes under section 20, or if a disabled person is denied his/her right to enjoy the provisions under section 20, he/she can approach the Grievance redressal officer. Upon filing of a complaint, it is the duty of the officer to investigate upon the matter and take corrective measures against the concerned establishment. The Grievance redressal officer is expected to maintain a record of all the complaints. If at all, the complainant is not satisfied by the actions of the Grievance redressal officer, then the he may approach the District level committee on disability, which has been mentioned in section 72 of the Act.

From the fourth Chapter of the Rights of Persons with Disability Act, 2016, we understand that the lawmakers of our country have given the much -deserved importance matters concerning the employment of the disabled citizens of India. The provisions are right and just, it seeks to empower the specially- abled people of our country. Now that the law has been made, the only challenge that lies ahead is to make the them aware of their own rights, to spread awareness

regarding the rights of disabled persons. The second main challenge is to make sure that the provisions are being followed properly.

## **DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS**

The Right of Persons with Disability Act, 2016 gives out certain instructions to the government so as to make the policies and schemes available in the Act accessible and also to spread awareness about the rights of the Disabled persons. These instructions are clearly laid down in the Eighth Chapter of the Act, from sections 39 to 48.

The appropriate government in consultation with the Chief Commissioner or State Commissioner as the case may be, shall conduct, support, encourage and promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act is secured. These campaigns and programmes are expected to promote values of inclusion, tolerance, empathy and respect for diversity. This will help to promote recognition of the work of the disabled people and their contribution to the society. Other than campaigns, the government is expected to spread awareness through several other methods such as orientation at schools, colleges and universities and ensure that the rights of the disabled are included in the curriculum.

The appropriate government shall make arrangements for the transportation for the disables in public, that is, facilities at the bus stop, railway stations and airports. The government shall also develop schemes to promote personal mobility of persons with disability.

### ***Disabled people as consumers:***

The various electronic goods, especially the ones that are used on a daily basis must be available in universal design, alongside the other consumer goods. As consumers of electronic media, they require the electronic media to be available in audio description, sign language interpretation and close captioning. Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for Persons with Disabilities.

***Public Buildings:***

It is the duty of the appropriate government to make sure that all the public buildings are handicap friendly. They do this by ensuring that all establishments are granted permission to build any structure only if they adhere to the rules set by this Act, for laying down the accessibility for the physical environment of disabled people (mentioned in section 40 of The Act). All existing infrastructure and premises are also expected to be made accessible in accordance with the rules formulated by the Central Government within a period of five years (starting from 2016).

***Human Resource development:***

- Human resource development must be made available to all disabled people without prejudice to any function and power of Rehabilitation Council of India constituted under Rehabilitation Council of India Act,1992, the appropriate Government is expected to endeavour to develop human resources and for that, the appropriate Government shall
- mandate training on disability rights in all courses for the training Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;
- The government must induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, paramedical personnel, social welfare officers, engineers, architects, other professionals and community workers;
- Initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;
- Ensure independent training for Persons with Disabilities to build community relationships and mutual contribution and respect;
- Conduct training for sports teachers with focus on games, sports and adventurous activities;

The Government is required to make way for other capacity development measures if required. In order to make sure that these orders are being followed accurately, the appropriate government must undertake a need-based analysis every five year and must formulate plans for the recruitment, induction, sensitization, orientation and training of suitable persons to undertake the various responsibilities under the Rights of Persons with Disabilities Act,2016.



### ***Social Audit:***

The aspect of Social Audit is very crucial as far as governance is concerned. It helps to measure the ethical standards of an establishment. It helps to reduce the gap between vision and goal, and therefore, naturally social auditing is an integral part of this Act too. Section 48 of the Act directs the government to undertake social audit of all general schemes involving the Persons with Disabilities to ensure that the schemes and policies do not have an adverse outcome on the beneficiaries.

## **CONCLUSION**

The Government of India has enacted the Rights of Persons with Disabilities Act, 2016 to formulate various schemes and policies to improve the lives of Persons with Disabilities. This thesis highlighted the provisions related to education and employment. Though Chapter III exclusively deals with the education of disabled persons, we feel that the Government should attempt to spread awareness, especially in the rural areas of the country. Despite having a considerable number of literate people among the disabled community, a large number of the disabled who are illiterate belong to the rural areas. Though they are physically disabled, we should give them a chance to contribute towards the growth of the society through their intellectual capacities, the only way to enhance their intellect is by educating them, and the appropriate government must make facilities for the same in all parts of all states of the country and not just the urban areas.

From the fourth Chapter of the Rights of Persons with Disability Act, 2016, we understand that the lawmakers of our country have given the much -deserved importance to matters concerning the employment of the disabled citizens of India. The provisions are right and just, it seeks to empower the specially- abled people of our country. Now that the law has been made, the only challenge that lies ahead is to make the them aware of their own rights, to spread awareness regarding the rights of disabled persons. The second main challenge is to make sure that the provisions are being followed properly.

As far as Chapter II and Chapter VIII are concerned, the Act aims to improve the overall living conditions of the disabled people by conferring upon them the same rights as that of the normal people. Chapter VIII gives out directions to the appropriate Governments to make sure certain

provisions under this chapter are followed properly so that the day to day life of the disabled people is made less difficult.

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