

**RIGHTS OF PERSONS WITH  
DISABILITIES ACT, 2016  
- AN OVERVIEW**



# RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 - AN OVERVIEW

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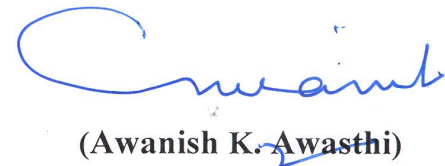
भारत सरकार  
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## FOREWORD

It gives me a great pleasure to know that NASSCOM has decided to launch a Summarized version of Rights of Persons with Disabilities Act, 2016 – an Overview' during the NASSCOM Diversity & Inclusion Summit.

India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the passage of the Act will ensure rights based approach for all PwDs. I am also happy that this summarised version is prepared by Shri P.K.Pincha, whose depth of knowledge in this area will surely help in taking this mission forward through this guide. I congratulate NASSCOM Foundation and the entire team for this endeavour and I look forward to inputs from the experts to further fine tune the efforts in this area.



(Awanish K. Awasthi)





— Shrikant Sinha, CEO —

The enactment of rights of persons with disabilities act, 2016 by the Indian parliament institutionalizes a much-awaited robust rights regime for all persons with disabilities in the country. This progressive legislation has come in the aftermath of India signing and ratifying the United Nations Convention on the Rights of Persons with Disabilities a human rights treaty.

Census 2011 puts the population of persons with disabilities at 2.13% of the total population of the country although non-official estimates are much higher. Even going by the official statistics, in absolute numbers, the total population of persons with disabilities in the country is over two crore sixty-eight lakhs. Whatever be the statistics, it can safely be said that the population of persons with disabilities is sizeable; and that these figures would be much higher when one counts the population of such persons based on the categorization of persons with disabilities given in the current act.

The national policy on persons with disabilities 2006, recognizes persons with disabilities as a valuable human resource. It is therefore important that this untapped human resource is harnessed and put to use in the task of nation building. It goes without saying that persons with disabilities have proved beyond any doubt that given equality of opportunity, they have the inherent potential of becoming active agents of change rather than remaining passive recipients of benefits.

## MESSAGE FROM THE CEO

It is against the above backdrop that the enactment of the RPD Act, 2016 assumes utmost relevance. This is an enabling legislation aimed at ensuring to all persons with disabilities human rights and fundamental freedoms on an equal basis with others.

It is with an abiding sense of both duty and satisfaction that NASSCOM presents this small document containing a brief narrative and overview of the act with a view to enabling the corporates, social workers, human rights activists, rehabilitation professionals, academia etc. to acquire an overall understanding of this important legislation so that they are able to do their bid in the matter of its implementation. The narrative also contains a segment that focuses on the role and obligations of the private sector.

I would like to stress upon the need for coordinated and concerted efforts amongst the government, the corporate/private sector, civil society organizations etc. Who have to work in tandem to see that the provisions of this act translate on ground as a living reality. There will be obstacles; but there will also be opportunities; and, together, we can overcome the obstacles and make the most of the opportunities.



## STRUCTURE

This brief narrative has been divided into seven parts or segments.

Part one gives the background in an attempt to contextualise the enactment of this new piece of legislation which seeks to replace the Persons with disabilities [Equal Opportunities, protection of Rights and Full Participation] Act, 1995. Part two discusses some salient features of this new legislation and briefly alludes to some basic points of comparison between the new legislation and the outgoing Act of 1995. Part three dwells upon the categorization of persons with disabilities vide the new legislation and also refers to some important definitions given in the said Act. Part four contains the composition and a Bird's eye view of the Act. Part five highlights illustrative glimpses of some specific provisions across diverse thematic areas for persons with certain specified categories of disabilities. Part six mentions the regulatory, monitoring and grievance redressal mechanisms as envisaged in the Act. Part seven discusses the role of the private sector vis-a-vis the Act.

The schedule appended to the RPD Act, 2016 containing definitions of different 'specified disabilities' is also appended to this brief narrative.

## CLARIFICATION

It is hereby clarified that this narrative is intended to give to the reader only a broad idea of the Rights of Persons with Disabilities Act, 2016 together with some specific focus on the role of the private sector. Thus, it does not contain a thorough, threadbare and comprehensive discussion and nuanced and critical analysis of the legislation.

