

**Opinion of Person with Disabilities towards the Rights of  
Person with Disability Act, 2016**

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**Abstract:**

After India signed and ratified the UNCRPD in 2007, the process of enacting a new legislation in place of the Persons with Disabilities Act, 1995. Persons with Disabilities Act, 1995 began in 2010 to make it compliant with the UNCRPD. After series of consultation meetings and drafting process, the Rights of PwD Act, 2016 (RPwD Act, 2016) was passed by both the houses of the Parliament. In the RPwD Act, 2016, the list of disabilities has been expanded from 7 to 21 conditions includes i.e. cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, hard of hearing, speech and language disability, specific learning disabilities, autism spectrum disorders, chronic neurological disorders such as multiple sclerosis and Parkinson's disease, blood disorders such as haemophilia, thalassemia, and sickle cell anaemia, and multiple disabilities. There are various discrepancies which kills the right of some genuine victims and raising their voices to dissolve such discrepancies. This paper mainly focuses opinion of disabled person towards different provisions of RPwD Act, 2016. Total 30 samples were selected from part of Uttar Pradesh for the present study. Percentage, t-test and 'F' test was applied for statistical analysis. No significant difference was found between male vs female and rural vs urban towards RPwD Act, 2016.

## Introduction

It is also a big challenge before the persons with disabilities that approximately ten years after India signed and ratified the UNCRPD in 2007, the process of enacting a new legislation in place of the Persons with Disabilities Act, 1995 which began in 2010 to make it compliant with the UNCRPD. After series of consultation meetings and drafting process, the Rights of PwD Act, 2016 (RPwD Act, 2016) was passed by both the houses of the Parliament. In the RPwD Act, 2016, the list has been expanded from 7 to 21 conditions and includes other remains disabilities i.e. cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, hard of hearing, speech and language disability, specific learning disabilities, autism spectrum disorders, chronic neurological disorders such as multiple sclerosis and Parkinson's disease, blood disorders such as haemophilia, thalassemia, and sickle cell anaemia, and multiple disabilities. The Act lays stress on non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of disabilities as part of human diversity and humanity, equal opportunity, accessibility, equality among society, respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to preserve their identities. The principle of the act reflects a paradigm shift in thinking about disability from a social welfare concern to a human rights issue.

*"Abled does not mean enabled. Disabled does not mean less abled"*

**Khang Kijarro Nguyen**

As per definition of PWD Act, 1995 defined (Chapter-I preliminary, section-2) disability means-(i) Blindness; (ii) Low vision; (iii) Leprosy-cured; (iv) Hearing impairment; (v) Locomotor disability; (vi) Mental retardation; (vii) Mental illness. In place of above seven criteria there is huge need to include several type and criteria of disability in old policy. Now the disability has been defined based on an evolving and dynamic concept. In the RPWD Act, 2016 (Chapter-I preliminary, section-2) the term "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others.

Now, type of disabilities expanded from seven to twenty-one. There are mainly five types of disability namely- Physical disability, Intellectual disability, Mental behaviour, Disability

cause due to some specific criteria and Multiple disabilities another sixth category may be notified by Government later.

**Types of Disability by RPwD Act, 2016**

1. Physical disability			
A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including-  (a) Leprosy cured person  (b) Cerebral palsy  (c) Dwarfism means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less;  (d) muscular dystrophy  (e) Acid attack victims means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.	B. Visual impairment-  (a) Blindness  (b) Low-vision	C. Hearing impairment-  (a) Deaf  (b) Hard of hearing	D. Speech and Language Disability
2. Intellectual disability-			
Intellectual disability			
(a) Specific learning disabilities		(b) Autism spectrum disorder	
3. Mental behaviour-			
Mental Illness			
4. Disability caused due to-			
(a) chronic neurological conditions, such as –  (i) Multiple sclerosis		(b) Blood disorder –  (i) Haemophilia	

(ii) Parkinson's disease	(ii) Thalassemia (iii) Sickle cell disease
5. Multiple Disabilities	
6. Any other category as may be notified by the Central Government	

As per RPWD Act -2016, special provisions for persons with benchmark disabilities section, every appropriate Government shall appoint in each and every Government establishment, not less than four percent of the total number of vacancies. One percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e), namely-

- (a) Blindness and low vision are (5,032,463 seeing disabled person by Census 2011);
- (b) Deaf and hard of hearing are (5,071,007 hearing disabled person by Census 2011);
- (c) Locomotor disabled are (5,436,604 movement disabled by Census 2011) including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- (d) Autism, intellectual disability, specific learning disability and mental illness;
- (e) Multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the posts identified for each disabilities. Since seeing, hearing and locomotor disabilities are more than 50 lakh in each category by Census 2011 while new policy includes cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy in locomotor disability without increasing percentage in reservation so far it is only one percent.

**Review of related literature:**

As per the RPWD Act, 2016, every government establishment shall reserve 1% of the total number of vacancies for persons with benchmark disabilities arising of autism, intellectual disability, SLD, and mental illnesses (Section 34). The law maker combined intellectual disability and mental illness into one category and allotted only one percent. The policy-makers and experts, on the one hand, acknowledge the disability due to mental illness, and on the other hand, they also hold the opinion that PMI will not be able to meet the professional competence required for the job. There is also a huge need to identify certain jobs and reserve them for Persons with Mental Illness (PMI). Mental health professionals

should now come out and defend the rights of PMI. Similarly, 5% of seats are reserved in the higher educational institutions for persons with benchmark disability (Sec 32), which is commendable.

For the World Report on Disability (2011), the International Classification of Functioning, Disability and Health (ICF) described disability as a dynamic interaction between health conditions and contextual factors that include attitudinal and environmental barriers. Disability encompasses both the medical model while disability lies in the individual's body, mind and the social model which holds that societal barriers cause disability.

World Health Organization (2011), World Report on Disability, Geneva has emphasizes on understanding of disability as biological, psychological, and social which is quite fitting for mental disorders that are caused by a complex interaction of biological, social, environmental, cultural, and economic factors. In some developing countries like India, the rampant poverty, illiteracy, unemployment, and lack of access to resources contribute to the causation of and recovery from mental disorders. Some mental illness problems are associated with substance abuse, homelessness, violence, crime, and trauma. As per report of the National Mental Health Survey (2015–2016) which was conducted in 12 states from six regions in India; the result was found that 10.6% of the population suffers from mental illness. It was also found that Three out of four persons with a severe mental disorder were experience significant disability in work and social and family life. The RPwD Act has important implications for the rights of persons with mental illness, who are vulnerable to exploitation and violation of their rights. This article attempts to examine the implications of the Act, particularly from the mental health standpoint.

### **Need of the study**

Right of persons with disabilities act 2016 is new act which enforce to both persons with and without disabilities towards education and rehabilitation of persons with disabilities. Prominent rehabilitation professional and individual with disabilities are curious to investigate the various beneficial provision as well as the adversely impact on life of persons with disabilities. There is a big heterogeneity in the nature of sample so very few professional takes interest to attempt the research. The RPwD act is a debatable issue on national level which shows crucial need to do research on the current issues.

## Objective of the study

The main objectives of this paper are as follows-

- To find out the opinion of Persons with Disabilities towards RPwD Act
- To find out opinion of urban and rural PwD's about RPwD Act, 2016.
- To find out opinion about different legislation related to disabled person.

## Hypothesis

Ho1- There will be no significance difference in opinion of Person with Disabilities towards RPwD Act, 2016

Ho2- There will be no significance difference in opinion of urban and rural disabled person towards RPwD Act, 2016

Ho3- There will be no significance difference in opinion on the basis of disability of disabled person towards RPwD Act, 2016

## Methodology

Methodology is the core area of research which consists the following points-

(i) Design of the study: The present study focuses on opinion of disabled person towards different provisions of RPwD Act, 2016. The Investigator has selected survey design especially under non-experimental study.

(ii) Population of the study: All Hearing Impaired, Visually Impaired and Locomotor persons with disabilities of Uttar Pradesh who have completed 18 years of age and enrolled in any institute are the population of the study. The population for the present study comprised disabled person studying and working in various settings of Uttar Pradesh.

(iii) Sample of the study: For the present study there were selected 10 samples from each three type of disability like visual impairment, hearing impairment and physically challenged. The total 30 samples were taken for the study. Opinion of disabled person towards RPwD Act, 2016 was the dependent variable and gender, locality disability of respondent is the independent variables.

**Sample**

Disability	Gender				Total
	Male		Female		
	Urban	Rural	Urban	Rural	
Visual Impairment	3	1	5	1	10
Hearing Impairment	1	4	3	2	10
Physically Challenged	5	1	1	3	10
Total	9	6	9	6	30
Grand total	15		15		

(iv) Sampling Procedure: Particular subsets of people are generally used to conduct studies and these subsets are called samples. The researcher followed inclusion and exclusion criteria for the present study. The samples were taken purposively from Uttar Pradesh.

(v) Tools used for the study: Likert 5 point opinionnaire was made by researcher on the basis of different provision of RPwD Act, 2016. Total 30 statements were compiled at the first level of constructing the scale of accretion. After the feedback of the subject experts on the above scale, 22 statements were finally selected.

Positive statement	1,2,3,4,5,6,7,8,9,10,11
Negative statement	12,13,14,15,16,17,18,19,20,21,22

(vi) Data scoring Procedure: For positive statements, the respondent who marked the correct mark in the box with strongly agree was given 5 marks, the one who marked agree was given 4 marks, and the mark with not sure, disagree and strongly disagree respectively was given 3, 2, 1. Similarly, on negative statements, Strongly Disagree, Disagree, not sure, Agree and Strongly Agree were given 1, 2, 3, 4, 5 points respectively. The minimum score by a sample is 22 and maximum is 110. As per Johns W. Best consolidated 60 percent or more shows positive opinion. Thus for this study 66 or more score shows positive opinion.

(vii) Statistical analysis procedure: Under the statistical analysis percentage was used for find out the opinion of persons with disabilities. Opinion of the persons with disabilities was also compared by t-test and F-test.

Inclusion and Exclusion criteria:

Inclusion criteria: The following benchmark disabilities were considered for the inclusion criteria-

- Persons with locomotor disability
- Persons with Visual Impairment
- Persons with Hearing Impairment

Exclusion criteria: The following disabilities were considered for the exclusion criteria-

- Persons with intellectual disability
- Persons with Mental illness
- Persons with Multiple disability & others

Limitations of the study: The following points limits the study-

- Only three benchmark disabilities were taken for the study.
- Only 30 samples were selected for the study.
- The respondents were taken only from Uttar Pradesh.

**Result and discussion:**

**Table-1-** Opinion of disabled person towards different provisions of RPwD Act:

There are 20 sample have scored 66 and more while 10 scored 65 or less. These shows 66.66 percent population have positive opinion while 33.33 percent population have negative opinion towards RPwD Act, 2016. It means the most of the persons with disabilities are in favour of review the discrepancies mentioned in RPwD Act-2016.

The average score of a sample is 71.57 and percentage of score 65.06% which shows positive opinion of persons with disabilities towards RPwD Act, 2016.

Table-1 Percentile

10th	53.1
25th	60.75
50th	71
75th	81.75
90th	91

**Table-2-** Comparative statement on the basis of gender (male/female) in the opinion of disabled person towards RPwD Act, 2016

Table-2 Comparison of opinion gender wise

S.N.	Gender	N	Mean	SD	't'	df
1	Male	15	74.00	13.3524	0.9506	28
2	Female	15	69.13	14.6574		

It is clear from Table-2 that the obtained 't' value is 0.9506 which is less than the required tabulation value 1.96 at 0.05 level. Hence the related null hypothesis is accepted. It means there is no significance difference in opinion of male and female disabled person towards RPwD Act, 2016. So, there is a similarity in the opinion.

**Table-3-** Comparative statement on the basis of habitat (urban/rural) in the opinion of disabled person towards RPwD Act, 2016

Table-3 Comparison of opinion on the basis of habitat

S.N.	Locality	N	Mean	SD	't'	df
1	Urban	18	70.2778	14.519	0.5769	28
2	Rural	12	73.3333	13.7268		

It is clear from Table-3 that the obtained 't' value is 0.5769 which is less than the required tabulation value 1.96 at 0.05 level. Hence the related null hypothesis is accepted. It means there is no significance difference in opinion of urban and rural disabled person towards RPwD Act, 2016. So, there is a similarity in the opinion.

**Table-4-** Comparative statement of opinion on the basis of disability of disabled person towards RPwD Act, 2016

Table-4 Comparison of opinion on the basis of Disability

Source	SS	df	MS	'F'
Between-treatment	125.0667	2	62.5333	0.30387
Within-treatment	5556.3	27	205.7889	
Total	5681.3667	29		

It is clear from Table-4 that the obtained 'F' value is 0.30387 which is less than the required tabulation value at 0.05 level. Hence the related null hypothesis is accepted. It means there is no significance difference in opinion on the basis of disability of disabled person towards RPwD Act, 2016. So, there is a similarity in the opinion.

### Conclusion and Suggestions:

RPwD is a big weapon for various excluded people and victims who have now become a part of legal beneficiaries. Right of Persons with Disabilities Act, 2016 has really paved the way for the deprived persons to develop themselves and become a part of mainstream. It is also a major problem that most of the people are not aware about the disabilities and their consequences. The appropriate Govt. and concerned educational and rehabilitation agencies should take it as serious concern and conduct comprehensive awareness programme in community level with the help of Government and non- Government organisation. So there is huge need to logically review the RPwD Act and provide minimum height criteria for both the genders. This Act is silent on how the vast support system would be built for such a large country with millions of persons suffering from severe mental illness. Even if any support system is actually built in urban and semi-urban areas, how can be it imagined that the PMI living in remote villages would get access to them where even the most basic health facility is not available? Disproportionately, lower number of jobs reserved for persons living with mental illness, persons with intellectual impairment, autism, specific learning disability and multiple disability (1% for all five taken together). Education, vocational, and self-employment are silent on the specific measures that need to be taken to ensure the realization of the rights for PMI.

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