

Role of Government and Non-Government Organizations, and Family Members in Implementation of RPwd Act, 2016

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Abstract – The Rights of Persons with Disabilities Act, 2016 is a real change over PwD Act; 1995. Its basic aim is to provide social justice, equality and opportunity to all persons with disabilities of India. For this it covers features like reservation increment from 3 to 4%, special rights to women and children with disabilities. It also covers fine registration of private institutions for persons with disabilities. There is also provision of special courts to tackle cases of cruelty. To fulfill these aims various organizations either government or non-government play a vital role. Government can make ensure that all objectives of the act must be taken into account within time. It also should make a check on non-government organizations for smooth working of the act. With these, different professionals are also contributing a lot in the implementation of this act. No doubt, the role of family members in the life of disable person as well in the success of this act cannot be neglected. Next role of stakeholders is also at its worth. So, for the implementation of the act at its high and progressive level all these agencies should work hand in hand with firm determination and honesty.

Key Words: RPwD Act, 2016, Role of Government and Non-Government Organizations and Family Member.

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INTRODUCTION

The Rights of Persons with Disabilities Act, 2016 is the disability legislation passed by the Indian Parliament to fulfill its obligation to the United Convention on the Rights of Persons with Disabilities, which India ratified in 2007. The Act replaces the existing Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995. The act is definitely a good change as it covers some special benefits for the persons with disabilities. The basic purpose of the act is to provide social justice, equality and opportunity to the people with disabilities. In this act types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty help schemes (5% allotment) etc. have been 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. The Act provides penalties for offences committed against persons with disabilities and also violation of the provisions of the

new law. Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs. The act gives special rights to women and children with disabilities like freedom, expression and special vocational training to make them totally independent and many more.

ROLE OF DIFFERENT AGENCIES IN THE IMPLEMENTATION OF RPWD ACT, 2016

Various agencies have given major role in the implementation of the act. Government and non-government agencies, parents, stake holders, different medical professionals also try to do have their best for the persons with disabilities.

1) Role of government organizations

The RPWD Act, 2016 provides that “the appropriate Government shall ensure that the PWD enjoy the right to equality, life with dignity, and respect for his or her own integrity equally with others.” The Government is to take steps to utilize the capacity of the PWD by providing appropriate environment.

It is also guarantee in the section 3 that no PWD shall be discriminated on the ground of disability. Living in the community for PWD is to be ensured

and steps are to be taken by the Government to ensure reasonable accommodation for them. Special measures are to be taken to ensure **women and children with disabilities** enjoy rights equally with others. Measures are to be taken to protect the PWD from being subjected to cruelty, inhuman, and degrading treatments and from all forms of abuse, violence, and exploitation.

Under section 7(2) of the Act, any person or registered organization, who or which has reason to believe that an act of abuse, violence, or exploitation has been, is being or likely to be committed against any PWD, may give information to the local Executive Magistrate who shall take immediate steps to stop or prevent its occurrence and pass appropriate order to protect the PWD. The police officer shall also inform about particulars of nearest organization working for the rehabilitation of the PWD, right to free legal aid, and right to file complaint under the provisions of this Act or any other law dealing with such offence.

Equal protection and safety in situations of risk, armed conflict, humanitarian emergencies, and natural disasters are to be provided to PWD. Accessibility in voting and access to justice without discrimination to the PWD are to be ensured. Public documents are to be made available in accessible formats. It is also provided that a PWD with benchmark disability who consider himself to be in need of high support, he/she or any other person or organization in his behalf may apply to the authority appointed by the Government for the same and the authority shall take steps to provide support accordingly (Sec 38). However, the PWD would have the right to alter, modify, or break down the support system and in case of conflict of interest, the supporting person would withdraw from providing the support [sec 13(4&5)].

The appropriate government shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer: Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer. The appropriate government shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time. While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act. The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

ROLE OF NON-GOVERNMENT ORGANIZATION

While the applicability of the 1995 act was restricted to government controlled/aided establishments, the Act has now brought private establishments within its limit. The definition of private establishment under the Act is also quite broad and includes companies, firms, co-operative or other societies, associations, trusts, agencies, institutions, organizations, unions and factories. Some key obligations cast on private establishments include:

- (a) An equal opportunity policy, this policy describes the affability to be provided to PwD to enable them to discharge their duties effectively. If there are 20 or more employees, the policy should also set out the job roles within the establishment that are identified as suitable for PwD, the recruitment process for such roles, trainings provided for these roles, preference in transfer and posting, special leave that PwD can avail, assistive devices provided for PwD and measures taken to ensure barrier-free accessibility.
- (b) **Appointing a liaison officer** to supervise recruitment of PwD and provision of essential facilities if the establishment has 20 or more employees. The details of the liaison officer should be included in the policy as well.
- (c) **Maintaining records** containing details around the number of PwD employed, their date of joining, names, gender and addresses, nature of their disabilities, nature of work performed by them, and the facilities provided to them.
- (d) The standards of accessibility relating to physical environment, transport and information and communication technology. These standards are announced by various governmental departments and include website standards guidelines. Existing establishments must conform with the standards within five years.

ROLE OF FAMILY MEMBERS

It is observed that though mental illness has been included as a condition of disability, special needs of persons with mental illness (PMI) and their families have not been properly addressed. PWD with mental illness require special and different types of attention and care due to the nature of their illnesses. Frequently, persons with severe mental illness are not in a position to be aware of their illness because of the lack of insight. In these circumstances, their families are great asset in providing them care and support. In our country, where personnel resources

in mental health care are extremely scarce, family is a very important asset in the management of mental illness. Family members need to be involved to the greatest extent in the mental healthcare and family support should be encouraged as it provides moral, emotional, and physical support to the PMI. However, the provisions of the section 7(2) of the Act may result in a situation, in which the family members and other caregivers may be less willing to be proactive and rather be scared to provide the required help.

In this way it can be said that RPwD Act, 2016 is praiseworthy step to ensure the aim is to provide social justice, equality and opportunity to all persons with disabilities of India. To fulfill these aims various organizations either government or non-government play a vital role. So, for the implementation of the act at its high and progressive level all these agencies should work hand in hand with firm determination and honesty.

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