



## EDITORIAL: THE HINDU

**GENERAL STUDIES 2: SOCIAL JUSTICE**

**TOPIC: VULNERABLE RELATION**

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## CITIZENS WITH DISABILITIES, MAKING THEIR RIGHTS REAL

### Context

- The **Rights of Persons with Disabilities Act, 2016** (RPWD Act) aims to foster a human rights-based approach to disability inclusion in India.
- Despite progressive provisions like quasi-judicial **State Commissioners**, **implementation gaps** persist due to delayed appointments and lack of independent oversight.
- States like **Karnataka** demonstrate effective practices to ensure **disability-inclusive governance**.

### Prevalence of Disability in India

- According to the **2011 Census**, persons with disabilities constitute **2.21%** of the total population, a figure that is considered to be **underestimated**.
- The **2019 Brief Disability Model Survey** by the **WHO** reported the prevalence of **severe disability** among Indian adults at **16%**.
- India ratified the **UN Convention on the Rights of Persons with Disabilities** in **2007**, requiring national laws to align with the Convention.
- The **RPWD Act, 2016**, replaced the **1995 Act** to incorporate a **human rights-based model**.

### Role of the State Commissioner under the RPWD Act

- The **RPWD Act** mandates the creation of **State Commissioners for Disabilities** to ensure effective law enforcement, including review, monitoring, and quasi-judicial functions.
- **State Commissioners** possess powers equivalent to **civil courts** and their proceedings are judicial under Sections **193** and **228** of the **IPC**.
- Despite broad powers, many **State Commissioners** face **challenges** due to a lack of **state government support** and **delayed appointments**, as noted in **Seema Girija Lal vs. Union of India (2021)**.



## Challenges in Appointment

- **RPWD Rules** allow appointments of individuals with experience in **law, human rights, education, or social work**.
- However, most commissioners are **civil servants**, compromising their **independence** in holding governments accountable.
- As of **2021-22**, only **8 States** have appointed **non-civil service commissioners**.
- **Civil society representatives**, particularly qualified **women with disabilities**, should be considered for these roles to address **intersectional discrimination**.

## Functions and Limitations of State Commissioners

- **State Commissioners** can initiate **suo motu inquiries** into policies and practices violating the RPWD Act and recommend corrective actions.
- However, their **limited proactive action** and failure to address discriminatory practices erode **public trust** in these offices.
- Active engagement with **persons with disabilities** and their **representative organizations** is critical for identifying and addressing violations.

## A Case Study: Karnataka

- Karnataka's **State Commissioner's office** has adopted innovative approaches such as:
  - **Mobile adalats (courts)** to resolve grievances in remote areas.
  - Designating **District Magistrates as Deputy Commissioners** for disabilities to ensure local governance inclusivity.
  - Implementing **District Disability Management Reviews (DDMR)** to monitor program implementation and quota fulfillment.

## Need for Research and Collaboration

- **State Commissioners** are tasked with promoting research on **disability rights**.
- Collaborations with **UN entities** could foster research on issues like **disability-inclusive social protection** and the **impacts of climate change** on persons with disabilities.
- Such research could inform **more inclusive policies** and strengthen **disability rights** in India.

**Source:** <https://www.thehindu.com/opinion/lead/citizens-with-disabilities-making-their-rights-real/article68939410.ece>