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RIGHTS ON PAPER, BARRIERS ON GROUND: A DECADE OF THE RPWD ACT

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ABSTRACT

The Rights of Persons with Disabilities Act, 2016 was a major step by India to ensure equality, dignity, and full participation for persons with disabilities (PwDs). It replaced the earlier 1995 law and expanded the list of recognised disabilities from 7 to 21, including conditions like autism, cerebral palsy, and thalassemia. The Act promised reservations in jobs and education, inclusive education, and accessible public spaces. However, even after almost a decade, the ground reality remains far from what was promised. Most buildings are still not accessible, schools and colleges lack inclusive practices, and employment quotas are rarely followed. The Act suffers from poor implementation, low awareness, and limited enforcement. This article looks at these gaps and suggests practical steps such as improving awareness, strong enforcement, better infrastructure, and collaborative efforts between the government and civil society. It also highlights how law students can play a role through legal aid, research, internships, and public engagement. The aim is to show that law must not remain only on paper but must bring real change. The RPwD Act holds great potential, but unless implementation is taken seriously, the rights it guarantees will remain unreachable for many.

RIGHTS ON PAPER, BARRIERS ON GROUND: A DECADE OF THE RPWD ACT

A child enters into examination centre in a wheelchair to give his exam and then he finds out that his examination hall is on third floor and the building does not have a lift. This is not only the problem which is faced by him but this problem echoes through the country, which provides for right to equality as a fundamental right.

After India signed with UNCRPD in the year 2007², the procedure of enacting a new legislation in place of the legislation we had before known as, Persons with Disabilities Act, 1995 (PWD Act, 1995), started in 2010 to make it in compliant with the UNCRPD. After series of consultation meetings and drafting process, the Rights of Persons with Disabilities Act, 2016 (RPWD Act,

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² <http://www.disabilityaffairs.gov.in/uploaad/uploadfiles/files/RPWD/ACT/2016.pdf>

2016) was passed by both of the houses of our Parliament and finally it was notified on December 28, 2016³ after receiving the presidential assent.

The PWD Act, 1995 was enacted to give an effect to the “Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.”⁴ The Act listed seven conditions of disabilities including, blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation, and mental illness.⁵ The Act adopted an approach of social welfare in respect of the affected persons with the main focus was on prevention and early detection of disabilities, education and employment of the PWD. The Act also provided 3% reservation in Government jobs and educational institutions.⁶

In the RPWD Act, 2016, the list of conditions was expanded to 21 from the earlier number 7 and it now also includes 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.⁷

The RPWD Act, 2016 provides that the 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.⁸ The Government is to take steps to utilize the capacity of the PWD by providing appropriate environment.

However, the implementation of it remains the major point and so this paper follows Between Paper and Pavement: A Decade Under the RPwD Act, 2016.

THE MAJOR PROMISES OF THE RPWD ACT, 2016

The section 2 (s) of the RPwD Act defines person with disability (PwD) as 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.⁹

³ www.disabilityaffairs.gov.in

⁴ www.disabilityaffairs.gov.in

⁵ The Rights of Persons with Disabilities Act, 2016: Does it address the needs of the persons with mental illness and their families - PMC

⁶ The Rights of Persons with Disability Act, 2016: Challenges and opportunities - PMC

⁷ The Rights of Persons with Disabilities Act, 2016: Does it address the needs of the persons with mental illness and their families - PMC

⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC5419007/#ref1>

⁹ [the_rights_of_persons_with_disabilities_act,_2016.pdf](#)

The RPWD Act, 2016 provides that the 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.¹⁰ The Government is to take steps to utilize the capacity of the PWD by providing appropriate environment.

The RPwD Act, 2016 expanded the definition of disability from seven to twenty-one¹¹ conditions, including conditions like autism, cerebral palsy, thalassemia, and mental illness. It guaranteed equal opportunity and non-discrimination in education, employment, healthcare, and public life.¹²

The Act also provided for 4% reservation in government jobs and 5% in higher education institutions, the formulation of equal opportunity policies, and the establishment of accessible infrastructure in public spaces.¹³

Importantly, the act also considered the social model of disability which framed disability as arising from the interaction between individuals with impairments and societal barriers. The Act sought to empower PwDs not as passive recipients of aid, but as active rights-holders.

On paper, the legislation stood as a bold commitment to inclusion and equality. However, as mentioned above, the major part it remains is the implementation of the provided provisions.

GROUND REALITY

Nearly after a decade, the ground tells a different story. Accessibility audits have repeatedly shown non-compliance across public buildings, schools, hospitals, and transportation systems.¹⁴ Despite the Accessible India Campaign (Sugamya Bharat Abhiyan)¹⁵, only a fraction of government buildings have become barrier-free.

In education, many schools and universities have failed to help students with disabilities, lacking required inclusive teaching methods and physical infrastructure.¹⁶ Similarly, employers are either unaware or indifferent to the reservation mandates.

¹⁰ The Rights of Persons with Disabilities Act, 2016: Does it address the needs of the persons with mental illness and their families - PMC

¹¹ The Rights of Persons with Disability Act, 2016: Challenges and opportunities - PMC

¹² <https://pmc.ncbi.nlm.nih.gov/articles/PMC5419007/#ref1>

¹³ The Rights of Persons with Disabilities Act, 2016: Does it address the needs of the persons with mental illness and their families - PMC

¹⁴ India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise | OHRH

¹⁵ Press Release: Press Information Bureau

¹⁶ India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise | OHRH

This is not only the issues which is standing as a hindrance, but also through the other vital aspects like, as evident from the research work published under Oxford Human Rights Hub, the effective implementation of objectives of the act.

Lack of Awareness, both people with disabilities and authorities have often remains unaware of their rights and responsibilities under the Act, hindering effective implementation.¹⁷

Accessibility Gaps, while the Act mandates accessibility in public spaces, transportation, and digital platforms, many buildings and facilities remain inaccessible, making it difficult for PwDs to participate in daily activities.¹⁸

Another one of the main issues is **Underestimation of Needs**, the number of people with disabilities are often underestimated which leads to shortage of resources and support.¹⁹

Informal sector, while the Act provides for reservation in government jobs, the informal sector, which employs a significant number of people, remains largely unregulated, resulting into limited options for the affected people.²⁰

Lack of Inclusive Education, many institutions lack knowledge and resources to accommodate PwD students in the classroom, hindering inclusive education.²¹

These are the major issues which remained hindrance to the effective implementation of the objectives of the act. And though what the act wanted to achieve wasn't fulfilled. Implementation gaps have plagued the Act from the beginning. Further, the representation of PwDs in policymaking remains minimal, violating the principle of "nothing about us without us."²² Judicial interpretations have occasionally advanced the cause, but structural failures persist due to insufficient training among judges, law enforcement, and government officials.²³

THE ROAD AHEAD: RETHINKING IMPLEMENTATION

Bridging the gap between law and life requires more than good intentions and on paper legislations. As, the problems remains majorly with the effective implementation of the provisions, mentioned under the act, the monitoring bodies must be strengthened with adequate funding, it should be

¹⁷ The Rights of Persons with Disability Act, 2016: Challenges and opportunities - PMC

¹⁸ The Rights of Persons with Disability Act, 2016: Challenges and opportunities - PMC

¹⁹ India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise | OHRH

²⁰ India's Rights of Persons with Disabilities Act 2016: An Unfulfilled Promise | OHRH

²¹ The Rights of Persons with Disability Act, 2016: Challenges and opportunities - PMC

²² The Slow March of Progress: An Overview of the History of Disability Legislation in India - AIF

²³ The Slow March of Progress: An Overview of the History of Disability Legislation in India - AIF

given autonomy in some of the required areas as to remain indifferent to the regional politics and influences and to deal with the issues more wisely, and also some due enforcement powers.

The implications should be made onto some vital aspects, that can help in achieving more fruitful results, like:

Increasing Awareness, as mentioned before, the lack of awareness is one of the major problem, raising awareness about the rights and duties among PwDs and relevant stakeholders is crucial for effective implementation of provisions mentioned under the act and help in achieving the objective.

Enhancing Accessibility, other essential requirement of the time being is creating a barrier-free environment in public spaces, transportation, and digital platforms for ensuring PwDs' participation in society.

Strong Enforcement, implementing a robust mechanism for enforcing the Act's provisions, including penalties for non-compliance, is necessary.

Collaborative Efforts, drafting collaboration between government agencies, private sector, and civil society organizations is also very important for achieving the Act's objectives.

Inclusive Education, providing necessary support and resources for inclusive education, including training of the teachers and accessible learning materials, is essential for ensuring PwDs' access to quality education.

These are the measures, not all but some major which needs to be undertaken by the authorities as to re-route the practice to the road towards destiny. Law students, as future advocates and policymakers must move beyond the courtroom to ensure the RPwD Act lives beyond its paperwork.

HOW LAW STUDENTS CAN HELP IN IMPROVING THE CONDITION

Law students can play an important role in improving the condition of the Rights of Persons with Disabilities (RPwD) Act, 2016 by leveraging their legal knowledge, advocacy skills, and access to institutional platforms. However, these aspects have always been sidelined. Other blogs and articles focuses mainly on the wider aspect but this blog includes the specific law arena, through which the problem can be looked upon and be strategized for greater good.

As future legal professionals, we can contribute by raising awareness of the rights enshrined in the Act among the individuals and marginalized communities, especially persons with disabilities who often remains unaware about their entitlements under the law.

By organizing legal aid camps and participating in university-run legal aid clinics, we can help disclose crucial information in accessible formats and regional languages, ensuring that the legal framework just don't become aspirational but also functional.

Furthermore, we can engage in critical research on the gaps and ambiguities in the Act's implementation, such as non-compliance with accessibility standards in public infrastructure or the lack of enforcement of employment quotas. This research can form the basis for policy briefs, reports, and a voice that can push for systemic reforms.

Law students can also collaborate with NGOs and disability rights organizations during our internship breaks to assist in strategic litigation and advocacy campaigns, thereby contributing to real-world impact beyond only classroom learning, as law is not a thing which can be learned in classroom and can be simply applied outside like most physics formulas but, the objective of reading law should be to integrate into the society and bring changes for greater good. By writing academic papers, blog posts, or participating in moot courts and debates focused on disability rights, we can keep the discourse alive and evolving within the legal academia. Ultimately, law students have the potential not only to support the implementation of the RPwD Act in the short term but also to shape a more inclusive legal culture in the long run.

CONCLUSION

A law is only as good as the difference it makes in real life. The RPwD Act, 2016 was a big step forward on paper, but even after so many years, many of its promises haven't reached the people they were meant for. From school buildings without ramps to jobs that don't follow the rules, persons with disabilities still face barriers every day.

But fixing this isn't just the job of the government. As law students, we also have a greater role to play. We can help in spreading awareness, ask the right questions to the authorities, and support the people and groups working to make this law a reality. Change doesn't always come from big actions—it starts with understanding, empathy, and the will to do something. If we see law not just as theory, but as a way to bring fairness into people's lives, then maybe the RPwD Act can finally start making the impact it was meant to do.