



Draft rules for the Rights of Persons with Disabilities Act

What is the issue?

\n\n

The draft rules for the Rights of Persons with Disabilities Act go against its spirit.

\n\n

What are the shortcomings?

\n\n

\n

- There is just one rule for a chapter as important as “Education”.

\n

- No rules have been proposed for many chapters, including crucial ones like “Social Security, Health, Rehabilitation and Recreation”.

\n

- Many provisions contained in the earlier draft rules were removed in the current version.

\n

- Of these, the most concerning was the **removal of the private sector from the rules**, including under the “equal opportunity policy”.

\n

- It is only after protests that the private sector was brought within its ambit.

\n

- The **clause 3(3) of the Bill** states that “No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is appropriate to achieve a legitimate aim”.

\n

- This clause is ambiguous and gives unrestrained power to the authorities to discriminate.

\n

- This has neither adequately addressed in the rules.

\n

- In case of misuse, **the burden of establishing whether the aim was “legitimate” or not rests on the affected party**, not on the authority

concerned.

\n

- The committee constituted to oversee the framing of the central rules had **just three representatives from the disability sector.**
- 14 conditions of disability are now being newly added to the existing seven. But there has been no representation from any of the newly recognised disabilities.

\n

\n\n

What should be done?

\n\n

\n

- The processes such as rule-framing have to be carried out more thoroughly and collectively.
- There should be the involvement of its primary beneficiaries, and not just as a means of tokenism.
- The department should abstain from coming out with half-baked rules.

\n

\n\n

\n\n

Source: The Indian Express

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative