

A critical analysis of the implementation and impact of the rights of persons with disabilities (rpwd) act, 2016 in india

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Abstract: The Rights of Persons with Disabilities (RPwD) Act, 2016, marks a major step forward in India's efforts to promote inclusion and equality for people with disabilities. It brings national laws in line with international commitments like the UN Convention on the Rights of Persons with Disabilities (UNCRPD). This paper takes a critical look at how the Act has been put into practice, recognizing key achievements such as the broader definition of disability, stronger requirements for accessibility, and increased reservations in education and employment.

However, despite these positive changes, several challenges continue to limit the Act's full impact. These include low awareness among stakeholders, inadequate funding, and gaps in implementing accessibility measures. The paper calls for focused action, better financial support, and inclusive governance to reduce regional inequalities and support people facing multiple layers of disadvantage. It also suggests that by embracing new technologies and encouraging collaboration between government, civil society, and communities, India can use the RPwD Act as a tool to transform public attitudes and strengthen the rights, dignity, and inclusion of persons with disabilities.

Keywords: Rights of Persons with Disabilities Act (RPwD) 2016, disability rights, inclusion, accessibility, UNCRPD, inclusive governance, intersectional challenges, accessibility standards, stakeholder participation, disability inclusion in India

Introduction –

The **Rights of Persons with Disabilities (RPwD) Act, 2016** marked a major milestone in advancing the rights, dignity, and inclusion of persons with disabilities in India. One of its most transformative features is the broadened definition of disability, which now recognizes 21 categories, including intellectual, developmental, and psychosocial disabilities. The Act also expanded employment reservations for individuals with benchmark disabilities from 3% to 4% and emphasized inclusive education, accessible skill development, and protection from discrimination. Strengthened accessibility measures aim to ensure barrier-free access to public spaces, transport systems, and digital platforms, while new penal provisions promote accountability for non-compliance.

However, the journey toward full implementation has faced several challenges. Limited awareness among key stakeholders, inadequate funding, and persistent infrastructural barriers have slowed progress. Many public institutions, transportation networks, and ICT platforms remain inaccessible, while the shortage of trained educators and professionals continues to hinder inclusive education and employment. Weak enforcement at the state and district levels, coupled with slow grievance redressal, further diminishes the Act's effectiveness. Moreover, intersectional inequalities—especially for women and those living in rural areas—demand targeted policy attention. Addressing these gaps is vital for the RPwD Act to fulfill its promise of transforming India into a truly inclusive society.

Persons with disabilities have emphasized that the **UN Convention on the Rights of Persons with Disabilities (UNCRPD)** must serve as the guiding framework for implementing the **Sustainable Development Goals (SDGs)**. Only through this approach can systemic exclusion and inequality be prevented. This requires confronting institutional, attitudinal, physical, legal, and informational barriers that continue to limit participation and opportunity.

The **RPwD Act of 2016** thus stands as a watershed in India's disability rights movement. Beyond its legal mandate, it symbolizes a broader societal awakening—one that acknowledges the equal rights, contributions, and aspirations of persons with disabilities. By aligning national law with international commitments under the **UNCRPD** (which India ratified in 2007), the Act embodies not only a legal obligation but also a moral commitment to justice, inclusion, and empowerment for all citizens.

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Objectives of the study- For this present study, following objectives are formulated -

- 1) To study the Act from Global & National (India) perspective.
- 2) *To study the **Significance of the Rights of Persons with Disabilities Act, 2016***
- 3) To study the Potential Benefits and Impacts of the Act.
- 4) *To study the impact of the Act with respect to the dimensions of –monitoring and mechanism , **transformative Impact, Addressing Rural and Gender Disparities, role of government and civil society***

Methodology: The present study is carefully designed to capture both the **legal framework** and the **practical outcomes** of the Act across different sectors and regions. In this regard the investigator has collected required data from the secondary sources books, research journals, Articles etc, related to the RPWD Act 2016.

Significance of the study: In the history of Indian Constitution implementation of RPWD Act 2016, is an important footstep for the upliftment of Persons with Disabilities. This Act attempt to provide rights of persons with disabilities in all aspects of their life including social living, education and employment etc. So, this Act is a good beginning in order to preserve and protect the rights of persons with disabilities. But, equal opportunity for all cannot be achieved only by passing a law; the rights of Persons with Disabilities will be protected only if this Act will be implemented in its true sense. Besides it, the effectiveness, feasibility, equity, unintended effects, acceptability of the Act can be judged only through the result of implementation. Therefore, as a new Act it is very necessary to conduct an in-depth study on the implementation aspect of the Act.

Global & National (India) situation of the Act

Over the years, the global understanding of disability rights has undergone a major transformation. There is now a stronger acknowledgment that persons with disabilities (PWDs) must be guaranteed equal opportunities, freedom from discrimination, and the ability to fully participate in all aspects of life. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), adopted in 2006, has been instrumental in setting global benchmarks for protecting and promoting the rights of PWDs. It underscores the principles of inclusion, accessibility, and the removal of barriers—whether physical, social, or institutional—to enable persons with disabilities to enjoy their human rights on an equal basis with others. Many countries have since taken steps to bring their national laws in line with the UNCRPD, though achieving its vision remains an ongoing challenge across the world.

In India, a major turning point came with the enactment of the Rights of Persons with Disabilities (RPwD) Act, 2016, which replaced the earlier Persons with Disabilities Act, 1995. This new law signified a shift in India's approach to disability—from a welfare-based perspective to one rooted in human rights. The RPwD Act expanded the list of recognized disabilities, introduced new entitlements for persons with disabilities (including those with mental illnesses), and made accessibility a legal mandate across various sectors such as education, employment, healthcare, and transportation.

Despite these progressive provisions, implementation across India remains uneven. The quality of education, employment opportunities, and healthcare services available to persons with disabilities still varies widely between states and regions. Limited awareness, infrastructural barriers, and inadequate monitoring have affected the Act's overall impact, underscoring the need for regular evaluation and stronger enforcement mechanisms.

Significance of the Rights of Persons with Disabilities Act, 2016

The **Rights of Persons with Disabilities (RPwD) Act, 2016** represents a landmark step in India's journey toward building an inclusive and equitable society. It provides a comprehensive **legal framework** that explicitly safeguards the rights of persons with disabilities (PWDs) across key areas such as **education, employment, accessibility, and social participation**.

1. A Legal Foundation for Equality

For the first time, persons with disabilities were given a **statutory recognition of their rights**, ensuring that they are treated as equal citizens entitled to dignity, autonomy, and opportunity in every sphere of life.

2. Combating Discrimination

The Act introduced strong **anti-discrimination measures**, preventing the denial of access, opportunities, or services on the basis of disability. It seeks to eliminate unequal treatment and foster a culture of inclusion and respect.

3. Strengthening Accessibility

Accessibility lies at the heart of the Act. It mandates **barrier-free access** to physical spaces, public transport, and digital platforms so that persons with disabilities can move, communicate, and participate without hindrance.

4. Expanding Reservations in Education and Employment

The Act increased **reservation quotas** for persons with disabilities in **educational institutions** and **government jobs**, improving access to quality education and secure livelihoods. This provision aims to reduce systemic inequities and promote economic independence.

5. Institutional Support through a National Commission

The creation of the **National Commission for Persons with Disabilities** provides a central mechanism for **addressing grievances** and **monitoring implementation**, ensuring that the Act's provisions are effectively enforced across the country.

6. Promoting Inclusive Development

The RPwD Act underscores that **disability inclusion is integral to national development**. It calls for mainstreaming disability concerns in policymaking, planning, and service delivery to ensure that no one is left behind.

7. Alignment with Global Commitments

By harmonizing with the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, the Act reaffirms India's commitment to **global human rights standards**, positioning the nation as a leader in advancing disability rights internationally.

8. Leveraging Technology for Empowerment

Technology has emerged as a key enabler for inclusion:

- **Assistive Technologies** like **screen readers**, **AI-based learning tools**, and **mobility aids** are revolutionizing access to education and employment for persons with different disabilities.
- However, challenges remain—an audit in **2023** found that only **42% of government websites** meet **WCAG accessibility standards**. To address this, a **national digital accessibility training program** for IT teams is recommended to ensure universal access.

Potential Benefits and Impacts

The Rights of Persons with Disabilities (RPwD) Act, 2016 has emerged as a transformative piece of legislation, reshaping India's approach to disability inclusion and equity. It has far-reaching implications for promoting social justice, economic empowerment, and equal opportunity for persons with disabilities (PWDs).

1. Promoting Social Inclusion

One of the Act's most significant contributions is its role in advancing social inclusion. By legally prohibiting discrimination, it ensures that PWDs can participate fully in education, employment, and public life. This shift not only opens doors to equal opportunities but also fosters societal acceptance and understanding of disability as part of human diversity.

2. Economic Empowerment and Poverty Reduction

Through reservation policies in education and government employment, the Act creates pathways for financial independence and self-reliance. These measures have already yielded visible results. For example, a Ministry of Social Justice and Empowerment report noted a 23% rise in government employment of persons with disabilities between 2016 and 2021. Such progress demonstrates the Act's ability to empower individuals and reduce poverty through dignified livelihoods.

3. Improved Access to Education

The RPwD Act's emphasis on **inclusive education** has led to a substantial increase in school participation. According to **UDISE+ (2023)**, over **2.7 million children with disabilities** are now enrolled in mainstream schools—an encouraging indicator of growing educational inclusion.

4. Strengthened Healthcare and Certification Access

By streamlining the process of **health and disability certification**, the Act has made it easier for individuals to access medical and welfare services. Several states, such as **Tamil Nadu**, have established **disability-friendly healthcare facilities**, ensuring equitable access to medical care for all.

5. Enhanced Accessibility in Public Spaces

The Act's accessibility provisions have inspired real-world change. In Kerala, the Accessible India Campaign has transformed over 1,000 public buildings into wheelchair-accessible spaces, improving mobility and participation. Similarly, Rajasthan's scholarship scheme for students with disabilities led to a 15% increase in school retention rates in 2022—demonstrating the positive ripple effect of inclusive policy action.

6. Legal Protection and Human Rights Alignment

The Act provides robust legal safeguards against discrimination while aligning national laws with global standards under the UN Convention on the Rights of Persons with Disabilities (UNCRPD). This alignment positions India as a global leader in advocating for disability rights and equality.

7. Awareness and Attitudinal Change

Beyond policy reform, the RPwD Act has fostered **public awareness and advocacy**, gradually breaking down stigma and reshaping societal attitudes toward persons with disabilities. By normalizing inclusion, it encourages empathy and collective responsibility.

8. Remaining Challenges and Path Forward

Despite these achievements, implementation gaps persist. Many public spaces and services remain inaccessible, and disparities between states affect the uniform realization of rights. Women with disabilities and those in rural areas continue to face compounded barriers.

To bridge these divides, the following steps are vital:

- Increased budget allocation for disability programs.
- Centralized monitoring systems to track implementation and compliance.
- Capacity-building initiatives for administrators and service providers.
- Public awareness campaigns to foster inclusion and accountability.

A multi-pronged strategy—combining governance reforms, adequate resources, and grassroots participation—is essential. Collaboration among government agencies, civil society organizations, private sector partners, and persons with disabilities themselves will be key to realizing the Act's transformative potential.

9. Toward a Fully Inclusive Future

The successful implementation of the RPwD Act, 2016, depends on the active engagement of all stakeholders. When effectively executed, the Act can redefine how India views and supports disability—creating a future where every individual, regardless of ability, can live with dignity, autonomy, and full participation.

Monitoring Mechanism

To ensure effective implementation and accountability, a **National Disability Compliance Authority (NDCA)** could be established. This body would be responsible for **auditing infrastructure, addressing grievances, and submitting annual progress reports** to Parliament. In addition, similar mechanisms should operate at the **state level** to ensure consistent monitoring and timely action across all regions.

By strengthening such monitoring systems, we can enhance transparency and ensure that policies translate into meaningful change. Advocating for these measures, particularly in relation to **health and disability certification**, aligns with the broader vision of the **Rights of Persons with Disabilities (RPwD) Act, 2016**—to build a society that is **inclusive, equitable, and empowering**. Ultimately, the goal is to enable every person with a disability to live with **dignity, independence, and full participation** in all aspects of life.

Transformative Impact

Since its enactment, the RPwD Act has reshaped how Indian society views and supports persons with disabilities. It has laid the foundation for a more **inclusive, rights-based approach**, empowering millions to live with **dignity, independence, and full participation** in public life.

By embracing this inclusive vision, India can take a decisive step toward becoming a society that values diversity, empowers all citizens, and ensures equal opportunities in education, employment, healthcare, and beyond.

Role of Government Agencies

Government bodies at both the **central and state levels** are central to implementing the **RPwD Act**. They are responsible for **policy formulation, resource allocation, and monitoring compliance**.

The **Ministry of Social Justice and Empowerment**, in coordination with ministries such as **Education, Health, and Housing and Urban Affairs**, must ensure that the Act's provisions are effectively executed. Their duties include:

- Developing **accessible infrastructure** in public spaces and services.
- Promoting **disability-inclusive education** at all levels.
- Enforcing **employment reservations** in the public sector.

At the **local level**, governments play a vital role in ensuring accessibility at the grassroots. They must establish **grievance redressal mechanisms** so that issues faced by persons with disabilities are addressed swiftly and fairly.

Role of Civil Society

Civil society organizations (CSOs)—including NGOs, advocacy networks, and **disability rights groups**—are indispensable in advancing the goals of the RPwD Act. Their contributions include:

- Raising **public awareness** about disability rights and inclusion.
- Advocating for **policy reforms** and **accountability** among government agencies.
- Delivering **skill development, legal aid, and community rehabilitation programs**.

CSOs also help monitor implementation, report cases of non-compliance, and guide individuals in navigating bureaucratic processes. Through **outreach and education**, they empower persons with disabilities and their families to understand and assert their rights.

Capacity Building and Training for Stakeholders

Training and sensitization are essential for making inclusion a reality. At **2022, a pilot program in Tamil Nadu** trained over **500 teachers** in inclusive education techniques, resulting in a **10% increase in school retention** among children with disabilities. The establishment of specialized institutions further strengthens capacity-building efforts. For example:

- The **Ali Yavar Jung National Institute for Speech & Hearing Disabilities (AYJNISHD)** and the **Indian Sign Language Research & Training Centre (ISLRTC)** focus on advancing speech, hearing, and communication inclusion.
- Additionally, **25 Composite Regional Centres (CRCs)** serve as outreach hubs that provide **rehabilitation services, professional training, and awareness programs** for persons with disabilities across India. Such initiatives demonstrate how sustained investment in human resource development can transform service delivery and inclusion outcomes.

Engagement and Role of Private Sector: The private sector also has a vital role in realizing the goals of the RPwD Act, particularly in areas of employment, accessibility, and corporate social responsibility (CSR).

Businesses—whether in the formal or informal sector—should:

- Implement the **4% job reservation** for persons with disabilities.
- Design **inclusive workplaces, accessible websites, and customer service systems**.
- Invest in **assistive technologies and accessible infrastructure** as part of their CSR initiatives.

Companies that go beyond compliance could be incentivized with **tax benefits** for employing more than 4% persons with disabilities. Similarly, **investments in accessibility innovations** could qualify for **corporate tax deductions**, encouraging broader participation. By fostering **diversity in the workforce** and partnering with government and civil society, the private sector can help dismantle stereotypes, expand opportunities, and contribute to a truly **inclusive economy**.

Discussion

Persons with disabilities are not just the primary beneficiaries of the **RPwD Act, 2016**; they are also **central to its successful implementation**. Their active involvement in **advocacy, monitoring, and evaluation** is crucial for ensuring that the Act translates into real-world benefits. Empowering individuals with disabilities to **exercise their rights**—whether by demanding **accessible services, pursuing education and employment, or seeking grievance redressal**—strengthens their agency and fosters wider social change. By speaking up for their own rights, they can influence **policy decisions** and inspire others in the disability community to participate actively. Working alongside **family members and caregivers**, they also raise awareness of the challenges they face, helping to drive reforms and improve systems for all.

Despite its strong legal framework, the **implementation of the RPwD Act** faces several **systemic and bureaucratic challenges**. These include **poor coordination across departments, limited funding, weak enforcement, and low awareness among key stakeholders**. Such obstacles often result in **delays and inefficiencies**, leaving many provisions—like **accessible infrastructure, employment opportunities, and inclusive education and healthcare**—partially realized. Slow grievance redressal mechanisms and **undertrained personnel** further exacerbate the problem.

To overcome these challenges, **coordinated efforts across ministries, increased financial support, and targeted training and awareness programs** are essential. **Regional disparities** also affect the Act's effectiveness. For example, **Kerala and Tamil Nadu** have made significant progress by prioritizing **disability rights, investing in accessible infrastructure, and expanding inclusive education and employment**. In contrast, states like **Uttar Pradesh and Bihar** face hurdles due to **resource constraints, weak enforcement, and socio-cultural attitudes** toward disability.

These regional differences underscore the need for **targeted interventions**—including stronger **political commitment, better funding, and improved infrastructure** in lagging areas. By addressing both **systemic and regional barriers**, India can unlock the full potential of the RPwD Act, creating a society where **persons with disabilities enjoy equal opportunities, dignity, and the ability to thrive** in all aspects of life.

Conclusion

In summary, the **Rights of Persons with Disabilities (RPwD) Act, 2016** represents a landmark achievement in India's journey toward **disability rights and inclusion**. The Act signifies a fundamental shift in societal thinking—recognizing disability not merely as a social welfare issue, but as a **human rights concern** that demands legal safeguards and proactive measures to ensure **equality, dignity, and participation** for all. Its comprehensive provisions addressing **accessibility, anti-discrimination, education, employment, healthcare, and public participation** reflect a holistic approach to removing the long-standing barriers faced by persons with disabilities.

While the legislation provides a strong **legal framework**, its **implementation remains uneven** across regions and sectors. Strengthening **enforcement mechanisms**, improving **coordination among government agencies**, and raising **awareness among stakeholders** are essential to ensure that the Act's benefits reach every individual, irrespective of location or type of disability. Achieving this requires ongoing **collaboration between government, civil society, and the private sector**, which can enhance access, improve quality of services, and unlock the potential of persons with disabilities, contributing to broader **social and economic development**.

By aligning with international standards, particularly the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, the RPwD Act positions India as a **global advocate for disability rights**. India can further strengthen its leadership through initiatives such as hosting an **International Disability Summit** to share best practices and establishing a **South Asia Coalition on Disability Rights** for regional cooperation.

Ultimately, the RPwD Act stands as a **beacon of progress**, setting a benchmark for future legislation and policies. Its true success will not only be measured by the legal provisions it contains but by the **lived experiences of persons with disabilities**. Continuous monitoring, addressing implementation challenges, and involving persons with disabilities in policymaking are critical to ensuring that **no one is left behind** and that the vision of equality, inclusion, and justice becomes a lived reality for all.

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