

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

1. Introduction — What Is This Act?

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into enforcement on **February 7, 1996**. It is a significant step which ensures equal opportunities for the people with disabilities and their full participation in the nation building.

In very simple words — this Act says that a person who has a disability is **not less than anyone else**. They have an equal right to go to school, get a job, use public spaces, and live with dignity. The government must ensure that nothing stops them from participating fully in society.

The Act provides for both the preventive and promotional aspects of rehabilitation and emancipation like education, employment and vocational training, reservation, research and manpower development, **creation of barrier-free environment**, rehabilitation of persons with disability, **unemployment allowance for the disabled**, special insurance scheme for the disabled employees and establishment of homes for persons with severe disabilities.

2. Why Was This Act Made? — Background

The meeting to launch the Asian and Pacific Decade of the Disabled Persons 1993–2002 was convened by the Economic and Social Commission for Asian and Pacific Region, held at Beijing on 1st to 5th December, 1992.

It adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and the Pacific Region. India is a signatory to the said Proclamation and it was necessary to enact suitable legislation.

Before this legislation, people with disabilities faced severe discrimination with limited legal protection. The Act represented India's first comprehensive attempt to recognize the rights of persons with disabilities and create a framework for their integration into mainstream society.

3. Extent and Applicability

This Act extends to the whole of India except the State of Jammu and Kashmir. In this Act, responsibilities are assigned to the Central and State Government, local corporations and municipalities so that they may provide the services and facilities to the disabled ones.

4. Who Is a "Person with Disability"?

a person is considered to have a benchmark disability if they have at least 40% or more of a specified disability as certified by a medical authority

So two things are needed: the disability must be at least **40% in degree**, and it must be **certified by a medical authority** through a proper disability certificate.

5. Seven Types of Disabilities Recognized

The Act listed seven conditions of disabilities which were blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation, and mental illness.

Let us understand each simply:

- **Blindness** — Complete inability to see
 - **Low Vision** — Severe visual impairment even after treatment/glasses
 - **Leprosy Cured** — A person who has been cured of leprosy but still has some physical effects
 - **Hearing Impairment** — Loss of 60 decibels or more in the better ear
 - **Locomotor Disability** — Disability of bones, joints or muscles leading to restricted movement of limbs
 - **Mental Retardation** — Arrested or incomplete development of mind, resulting in limited intelligence
 - **Mental Illness** — Any mental disorder other than mental retardation
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Main Objectives of the Act

The Act seeks:

- (i) to spell out the responsibility of the State towards the prevention of disabilities, protection of rights, provision of medical care, education, training, employment and rehabilitation of persons with disabilities;
- (ii) to create barrier-free environment for persons with disabilities;

(iii) to remove any discrimination against persons with disabilities in the sharing of development benefits.

7. Eight Main Provisions of the Act

The Act works in **eight major areas**:

Prevention and Early Detection of Disabilities (section 25)

- a) The government will **study and research** why disabilities happen and what causes them.
- b) The government will **find and promote ways** to stop or reduce disabilities from occurring.
- c) **Every child will be checked at least once a year** to find out if they are at risk of developing a disability.
- d) **Staff at Primary Health Centres (PHCs) will be trained** so they can better handle disability-related issues.
- e) The government will **spread awareness** about disabilities among common people through schools, pre-schools, PHCs, village workers, and Anganwadi workers.

In simple words — don't wait for disability to happen. Try to **prevent it** and catch it early through regular checkups and awareness campaigns.

B. Education (Sections 26 – 31)

Free Education: Every child with a disability has the **right to free education up to the age of 18 years**, either in regular (integrated) schools or special schools.

Support & Accessibility: The government will ensure:

- **Free transportation** for children with disabilities
- **Removal of physical barriers** (like stairs, narrow doors) in schools
- **Changes in exam systems** to make it easier and fair for disabled children

Free Study Materials: Children with disabilities will get **free books, uniforms, scholarships, and other learning materials**.

Vocational Training: Special schools will also have **vocational training facilities** so children can learn practical skills for future employment.

Non-Formal Education: Alternative ways of learning (outside regular schools) will also be promoted for children with disabilities.

Teacher Training: Special Teacher Training Institutions will be set up to prepare trained teachers who can teach children with disabilities.

Grievance Redressal for Parents: If parents are unhappy with the **placement or schooling decision** made for their disabled child, they have the right to **approach the appropriate authority** to resolve their complaint.

C. Employment (Sections 32 – 38)

The government will **identify which jobs can be given to disabled persons** and update this list every 3 years.

Every government establishment and government-aided educational institutions must reserve at **least 3% jobs** — 1% each for persons suffering from: Blindness or Low Vision, Hearing Impairment, and Locomotor Disabilities and Cerebral Palsy.

not filled jobs are carried forward to the next year and only given to a non-disabled person when no disabled candidate is available at all.

proper **records of disabled employees** in the prescribed format, open for inspection at any time

The **government will give incentives to employers to ensure at least 5%** of their total workforce consists of persons with disabilities.

Special Employment Exchanges are set up specifically for persons with disabilities to help them find jobs.

Affirmative Action (Sections 39 – 42)

Aids and appliances shall be made available to people with disabilities. Allotment of land shall be made at **concessional rates to people with disabilities**.

Aids, Appliances and Land Allotment: The government will create schemes to provide aids and appliances to persons with disabilities, and also allot land at concessional (discounted) rates for

- building houses, setting up businesses, recreation centers, special schools, research centers, and factories owned by entrepreneurs with disabilities.

Non-Discrimination (Sections 44 – 47)

Non-Discrimination in Transport, Roads and Buildings: Transport, roads, and public buildings must be made accessible for disabled persons through ramps, adapted toilets, auditory signals, braille markings, curb cuts, and wheelchair-friendly facilities.

Non-Discrimination in Employment: No government employee can be dismissed, demoted, or denied promotion simply because they acquire a disability during service — they must be adjusted to a suitable post with the same pay and benefits.

Research and Manpower Development (Sections 48 & 49)

Promotion of Research and Financial Assistance to Institutions:

The government will promote and **fund research in areas such as prevention of disability, rehabilitation, development of assistive devices**, job identification, and workplace modifications in offices and factories.

Financial assistance will also be provided to universities, higher education institutions, professional bodies, and non-governmental research organizations to encourage and support such research.

G. Social Security (Sections 66 – 68)

Govt would provide **financial assistance to non-government organisations** for the rehabilitation of persons with disabilities;

insurance coverage for the benefit of government employees with disabilities;

and unemployment allowance to people with disabilities who are registered with the special employment exchange for more than a year and could not find any gainful occupation.

H. Grievance Redressal (Sections 57 – 65)

Grievance Redressal under the Persons with Disabilities Act, 1995:

Any person with a disability can file a complaint before the **Chief Commissioner** (central level) or **State Commissioner** (state level) if their rights are violated. These commissioners have the power to investigate complaints, call for records, recommend corrective action, and submit annual reports to the government.

At the central level, the **Central Coordination Committee (CCC)** headed by the Minister of Welfare coordinates policies, while the **Central Executive Committee (CEC)** headed by the Chief Commissioner implements them.

Similarly, **at the state level**, the **State Coordination Committee (SCC)** headed by the State Welfare Minister coordinates policies, while the **State Executive Committee (SEC)** headed by the State Commissioner executes them on the ground. Together, these committees act as watchdogs ensuring proper implementation of the Act and protection of rights of persons with disabilities.

They also publish annual reports to Parliament and State Legislatures.

9. Disability Certificate

A Disability Certificate shall be issued by a Medical Board duly constituted by the Central and the State Government. The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/visual including low vision/hearing and speech disability, and mental retardation.

This certificate is the **proof** that entitles a person to all the benefits and protections under this Act.

12. Replacement by the 2016 Act

This Act was repealed by the Rights of Persons with Disabilities Act, 2016.

In the RPWD Act, 2016, the list of disabilities has been expanded from 7 to 21 conditions. 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, and blood disorders.

The 2016 Act was passed after India ratified the **UN Convention on the Rights of Persons with Disabilities (UNCRPD)** in 2007, which demanded a stronger and more comprehensive law.

Quick Revision Summary Table

Feature	Details
Full Name	Persons with Disabilities (Equal Opportunities,

Feature	Details
	Protection of Rights and Full Participation) Act, 1995
Act Number	Act No. 1 of 1996
Passed by Lok Sabha	12 December 1995
Came into Force	7 February 1996
International Basis	Beijing Proclamation 1992, Asian-Pacific Decade of Disabled Persons 1993 – 2002
Definition of Disability	40% or more disability, certified by Medical Board
Disabilities Covered	7 types (blindness, low vision, leprosy cured, hearing impairment, locomotor, mental retardation, mental illness)
Education Right	Free education up to 18 years
Seats Reserved (Education)	3% in govt. educational institutions
Jobs Reserved	3% in govt. jobs (1% each for 3 categories)
Job Protection	Cannot be dismissed if disabled during service
Poverty Schemes	3% reserved for disabled persons
Grievance Authority	Chief Commissioner (Central) + Commissioner (State)
Replaced by	Rights of Persons with Disabilities Act, 2016 (21 disabilities now covered)

This covers everything needed for a complete 15-mark answer — background, definitions, types of disabilities, all eight major provisions, institutional structure, important cases, criticism, and replacement by the 2016 Act — all in simple, clear language.