



Two Years of The Rights of Persons with Disabilities (RPWD) Act 2016 - Status of implementation in the States and UTs of India

Summary of Findings

The Rights of Persons with Disabilities (RPWD) Act was passed by both houses of the Parliament on 16th December 2016. The Act has several provisions, which if implemented, could be a “game changer” for people with disabilities in India. It will now be two years in December 2018 since the passage of the Act. Therefore, Disability Rights India Foundation (DRIF) in collaboration with National Centre for Promotion of Employment for Disabled People (NCPEDP) and National Committee on the Rights of Persons with Disabilities (NCRPD) with the support of Titan Company Limited decided to undertake a Study to evaluate the progress made vis-a-vis the implementation of The RPWD Act in the States and Union Territories of India.

As this was the first study on the Act, we decided to focus on the State’s administrative machinery i.e. rules, administrative structures, notifications, funds, appointments, etc., which facilitate the implementation of the Act. The Questionnaire comprised of 19 questions relating to the system/machinery for implementing The RPWD Act in the States and UTs.

We received responses from 24 States and UTs (66.6% response rate)¹

The States and UTs that participated in the Study are given below.

1. Andaman & Nicobar Islands
2. Andhra Pradesh
3. Assam
4. Bihar
5. Chandigarh
6. Delhi
7. Goa

¹ Jammu and Kashmir is yet to enact the Act in their State.

8. Haryana
9. Himachal Pradesh
10. Jammu & Kashmir¹
11. Kerala
12. Madhya Pradesh
13. Manipur
14. Meghalaya
15. Nagaland
16. Odisha
17. Puducherry
18. Punjab
19. Tamil Nadu
20. Telangana
21. Tripura
22. Uttar Pradesh
23. Uttarakhand
24. West Bengal

Based on the responses from 24 States and UTs, the major findings were:

1. Majority of the States (58.3%) have not notified the State Rules, inspite of the Act mandating that it should be notified within six months of the enforcement of the Act.
2. Government has translated the Act *only* in two languages i.e. Hindi and Odiya, out of 21 official languages. (The Act has been translated by NCPEDP in 9 languages and in Sign Language.)
3. 50% of the States and UTs have not constituted State Advisory Boards (SAB) and 83.3% have not constituted the District Committees.
4. 37.5% of the States have not appointed Commissioners for Persons with Disabilities. Even in the 62.5% of the States where there are Commissioners, the progress has not been substantial. The reason could be that many States do not have full time commissioners. Only 3 States (12.5%) have constituted Advisory Committees, comprising of experts, to assist the State Commissioner.
5. 79.2% of the States have not constituted the State Fund for implementing the Act.
6. Only 4 States (16.7%) have appointed a Nodal Officer in the District Education Office to deal with all matters relating to admission of children with disabilities.

7. 58.3% of the States have not notified Special Courts in the Districts for the purpose of trying offences under the Act and 87.5% have not appointed Special Public Prosecutors as mandated by the law.
8. 87.5% of the States do not have Designated Authorities to decide the nature and manner of support to persons with high support needs for exercising their legal capacity.
9. As per the Act, every establishment (private and government) has to formulate an EO Policy and register it with the Disability Commissioner. However, 91.7% of States have reported NIL to the question as to how many EO policies that they have received from the Government. Only two States - Delhi and Himachal Pradesh have reported they have received 1244 and 1 EO policy respectively from the establishments. 54.2% have not issued notifications for increasing reservation in employment from 3% to 4% in the government and public sectors.
10. Only one State has taken some action with regard to providing increased quantum of assistance by (at least twenty-five per cent) for people with disabilities in social security schemes. Only 50% Of the States have started issuing disability certificates pertaining to the new disabilities that have been added in the Act.

Out of the 24 States/UTs, Madhya Pradesh and Odisha have scored the highest i.e they have answered in affirmative for 12 out of 19 questions (63.2%) regarding the existence of state machinery for implementing the Act. 10 States/UTs have scored extremely low i.e. that is they have answered in the affirmative for less than 25% of the questions, indicating that very few of the systems required for implementing the Act are in place.

Comprehensive Scores

S. No.	State/UT	Score (out of 19)	Percentage
1	Madhya Pradesh	12	63.2%
2	Odisha	12	63.2%
3	Meghalaya	11	57.9%
4	Himachal Pradesh	9	47.4%
5	Tamil Nadu	8	42.1%
6	Telangana	6	31.6%

7	Assam	6	31.6%
8	Puducherry	6	31.6%
9	Punjab	6	31.6%
10	Uttarakhand	6	31.6%
11	Chandigarh	6	31.6%
12	Delhi	5	26.3%
13	Manipur	5	26.3%
14	Tripura	4	21.1%
15	Uttar Pradesh	4	21.1%
16	Goa	4	21.1%
17	West Bengal	3	15.8%
18	Kerala	3	15.8%
19	Bihar	2	10.5%
20	Haryana	2	10.5%
21	Nagaland	1	5.3%
22	Andhra Pradesh	1	5.3%
24	Andaman and Nicobar Islands	0	0.0%
23	Jammu & Kashmir	0	0.0%

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