
THE RIGHTS OF PERSONS WITH DISABILITIES (RPWD) ACT, 2016

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ABSTRACT

Inclusive education aims to ensure that all learners, regardless of ability, background, language, or disability, have equitable access to quality education within mainstream settings. It is important to develop skills to each and every child according to their requirement. Inclusive education can lead to improved academic outcomes for all students. Law or Act was made so that disabled people can live with respect and get equal chances in school, college, job and society. India made his law after signing UN agreement 2006. Before 2016 Act we had The Persons with Disabilities (PWD) Act, 1995 and The National Trust Act, 1999. The Rights of Persons with Disabilities (RPWD) Act, 2016 says that Disabled people are equal. Give them respect, education, job and freedom to live independently.

Inclusive education promotes a culture of inclusion, where all students feel valued, supported and respected by everyone. It encourages active citizenship that is committed to promoting social justice and human rights.

KEYWORDS: Inclusive Education, Policies for inclusive education, The National Trust Act, 1999, The National Trust Act, 1999, Right to Education Act 2009, The Rights of Persons with Disabilities (RPWD) Act, 2016.

INTRODUCTION

In India, numerous government efforts are underway to provide education, training and rehabilitation to individuals with disabilities. These efforts are now taking a new direction. Programmes and policies are being developed to expand the available areas for individuals and disabilities. With new provisions for the disabled they are being brought back into the field of society. Disabled people are no longer weak and helpless, they are now capable.

People with disabilities in India are now striving to progress without discrimination. They are striving to develop themselves through various avenues and rules and regulations.

Law or Act was made so that disabled people can live with respect and get equal chances in school, college, job and society. India made his law after signing UN agreement 2006. Before 2016 Act we had The Persons with Disabilities (PWD) Act, 1995 and The National Trust Act, 1999.

The Rights of Persons with Disabilities (RPWD) Act, 2016 says that Disabled people are equal. Give them respect, education, job and freedom to live independently. It promotes equality and respect of the persons with disabilities. This act also makes the government and institutions more responsible for providing accessible facilities.

Before The Rights of Persons with Disabilities (RPWD) Act, 2016 was enacted in India, two The Persons with Disabilities (PWD) Act, 1995 and Later on, The National Trust Act, 1999 were also enacted as well as Right to Education Act 2009. These also addressed the education and rights of the persons of the disabilities, and a brief summary of these is presented below.

The Persons with Disabilities (PWD) Act, 1995

It was the first time that a serious effort was made for education, vocational training and employment of the handicapped. After that, the persons with disabilities (Equal opportunities, Protection of Right and Full Participation) Act, 1995 was passed by the Indian parliament on 22nd December 1995.

The act has several provisions to provide equal opportunities, protection of rights and full participation of handicapped in mainstream activities of the society. The act is concerned with the welfare of the following categories of disabilities: Blind, Low Vision, Leprosy, Hearing Impairment, Locomotor Disability, Mental Retardation and Mental Illness.

The National Trust Act, 1999

Later on, the national trust act, 1999 was passed by the parliament in 1999. The purpose of the act is to provide the constitution of a body at the national level for the care and welfare of disabled persons in four categories – 1) Autism; 2) cerebral palsy; 3) mental retardation; and 4) those with multiple disabilities. It may be mentioned that autism, cerebral palsy, multiple disabilities were not covered in the act on disability of 1995. Obviously, the national trust act, 1999 is a major step to include the above mentioned three categories of handicapped of severe nature.

The act of 1999 contains nine different chapters: Preliminary; the national trust for welfare of persons with autism, cerebral palsy, mental retardation and multiple disabilities; objects of the trust; power and duties of the board; procedure for registration; local level committees; accountability and monitoring; finance, accounts and audit and miscellaneous.

Right to Education Act 2009

The Right to Education Act commonly known as RTE Act 2009 is an act which aims to provide free and compulsory education to all children between the ages of 6 to 14 years in India under the Article 21(A) of the Indian Constitution.

Whereas the Act insures the Right of children with disabilities by:

- Providing free education from 6 to 18 years.
- Promoting their integration in normal schools.
- Bringing them in the mainstream with other children.
- Facilitating them with special training an appropriate environment.

As per the Amendment of 2012, it also mandates that, a child with multiple and /or severe disabilities have the right to opt for home-based education.

Importance of The Rights of Persons with Disabilities (RPWD) Act, 2016

The Rights of Persons with Disabilities (RPwD) Act, 2016 enacted on 28.12.2016 and came into force from 19.04.2017. Disability has been defined based on the evolving and dynamic. The Act replaces the PWD Act, 1995.

The Rights of Persons with Disabilities (RPwD) Act, 2016 recognises a wider range of disabilities than he earlier law. It also provides measures education, healthcare, security, rehabilitation and skill development.

Types of disabilities

The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are given below: -

1. Physical Disability

- Locomotor Disability
- Leprosy Cured Person
- Cerebral Palsy

- Dwarfism
- Muscular Dystrophy
- Acid Attack Victims
- **Visual Impairment**
- Blindness
- Low Vision
- **Hearing Impairment**
- Deaf
- Hard of Hearing
- Speech and Language Disability

2. Intellectual Disability

- Specific Learning Disabilities
- Autism Spectrum Disorder

3. Mental Behaviour (Mental Illness)

4. Disability caused due to Chronic Neurological Conditions such as

- Multiple Sclerosis
- Parkinson's Disease
- Blood Disorder
- Haemophilia
- Thalassemia
- Sickle Cell Disease

5. Multiple Disabilities

Main features The Rights of Persons with Disabilities (RPWD) Act, 2016

- Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.
- Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.
- Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.

- Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.

CONCLUSION

Policies and programmes are the reflections of the government's plan. The Rights of Persons with Disabilities (RPWD) Act, 2016 is an important step towards building an inclusive and equal India. Making the law successful requires awareness, proper implementation and cooperation from society. India's educational mandate is the principle of inclusive education, ensuring free and compulsory education for all children.

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