



Upholding Rights of Consumers With Disabilities

This editorial is based on [“Navigating life as a consumer with disability”](#) which was published in The Hindu on 17/04/2024. The article highlights the need for a robust legal framework and cooperation between businesses and the government. This collaboration is essential for safeguarding the rights of consumers with disabilities, ensuring they have equal opportunities in the marketplace and society.

For Prelims: [Consumer Protection Act, 2019](#), [National Consumer Rights Day](#), [National Consumer Disputes Redressal Commission](#), [Consumer Protection \(Direct Selling\) Rules, 2021](#), [E-Daakhil Portal](#), [National Consumer Helpline \(NCH\)](#), [United Nations Convention on Rights of Persons with Disability](#), [Rights of Persons with Disabilities Act, 2016](#).

For Mains: Safeguarding the Rights of Consumers with Disabilities and related issues, Challenges in Upholding the Rights of Disabled Consumers.

Every year, March 15 marks the observance of [World Consumer Rights Day](#), aimed at raising awareness about the rights and responsibilities of consumers globally. However, amidst the celebrations and discussions surrounding consumer rights, there is often a group of consumers who remain overlooked: those with [disabilities](#). Despite their significant presence within the consumer demographic, consumers with disabilities frequently find themselves marginalized in both the discourse and the practical implementation of consumer rights initiatives. This invisibility underscores the need for greater attention and inclusivity in addressing the specific challenges and barriers faced by consumers with disabilities in the marketplace.

Every single day, persons with disabilities face this struggle of seeking help for the most basic human activities, and the consequent loss of dignity, independence, and [privacy](#). The pervasive inaccessibility that they encounter as consumers not only undermines their right to lead an independent life but also prevents them from equally participating in society as others.

What are the Different Aspects Related to Consumers With Disabilities (CwDs)?

- **Demographic and Statistical Overview:**
 - According to the [World Health Organization \(WHO\)](#), over 1 billion people, or 15% of the global population, live with some form of disability. In India, the 2011 Census recorded 26.8 million persons with disabilities, accounting for 2.21% of the total population.
- **Rights of Consumers with Disabilities:**
 - **Equal Treatment:**
 - Consumers with disabilities have the right to equal treatment in the marketplace. This includes access to goods, services, and facilities on an equal basis with others, without discrimination based on their disability.
 - **Non-Discrimination:**

- Businesses are prohibited from discriminating against consumers with disabilities in the provision of goods, services, and employment opportunities. This includes refusing service, providing inferior service, or charging higher prices based on disability.



- **Accessibility:**
 - Consumers with disabilities have the right to accessible products, services, and public spaces. This includes physical accessibility (such as ramps and elevators), communication accessibility (such as sign language interpreters or accessible websites), and information accessibility (such as accessible formats of documents).
- **Accommodation:**
 - Businesses are required to make reasonable accommodations to ensure that consumers with disabilities can access their goods and services. This may include modifying policies, practices, or procedures to accommodate the needs of individuals with disabilities.
- **Privacy:**
 - Consumers with disabilities have the right to privacy and confidentiality in their interactions with businesses. Personal information related to their disability should be treated with sensitivity and protected from unauthorized disclosure.

▪ **International Legal Frameworks:**

- **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD):**
 - Adopted in 2006, the [UNCRPD](#) is a comprehensive international treaty that promotes the rights and dignity of persons with disabilities. It ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.
- **Standard Rules on the Equalization of Opportunities for Persons with Disabilities:**
 - Adopted by the [United Nations General Assembly in 1993](#), these rules provide a framework for countries to ensure the rights and inclusion of persons with disabilities. The rules cover areas like accessibility, education, employment, social security, and rehabilitation.

▪ **National Legal Frameworks - The Case of India:**

- **Rights of Persons with Disabilities Act, 2016:**
 - This is the primary law in India that safeguards the rights and entitlements of persons with disabilities. It defines 21 types of disabilities and mandates accessibility standards for built environments, transportation, information, and communication. [The Act](#) also provides for reservation in higher education and government employment, as well as social security measures.
- **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:**
 - This was the previous disability law in India, which was later replaced by the Rights of Persons with Disabilities Act, 2016. It recognized 7 types of disabilities and focused on prevention, rehabilitation, and creating a barrier-free environment.

▪ **Other Relevant Laws:**

- **The Rehabilitation Council of India Act, 1992** - Regulates and monitors the training of rehabilitation professionals.
- [The Mental Healthcare Act, 2017](#)- Protects the rights and dignity of persons with mental illness.
- **The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999** - Provides for the welfare and empowerment of persons with specified disabilities.

▪ **Policies and Schemes:**

- [Accessible India Campaign \(Sugamya Bharat Abhiyan\)](#) - Aims to enhance accessibility in the built environment, transportation, and information & communication.

- **Unique Disability ID (UDID) Project** - Creates a national database for persons with disabilities to enable better delivery of government benefits and services.

What are the Different Challenges Faced by Consumers with Disabilities (CwDs)?

▪ **Physical and Accessibility Barriers:**

- Inaccessible built environments, such as lack of ramps, elevators, and wide doorways, restricting their mobility and independent access to physical spaces.
- Inadequate accessible transportation options, hampering their ability to commute and access goods and services. Lack of assistive technologies and adaptive devices to aid their daily living and consumer activities.
 - The global market for assistive technologies is estimated to reach USD 26 billion by 2024, indicating the significant economic potential of this consumer segment.

▪ **Informational and Communication Barriers:**

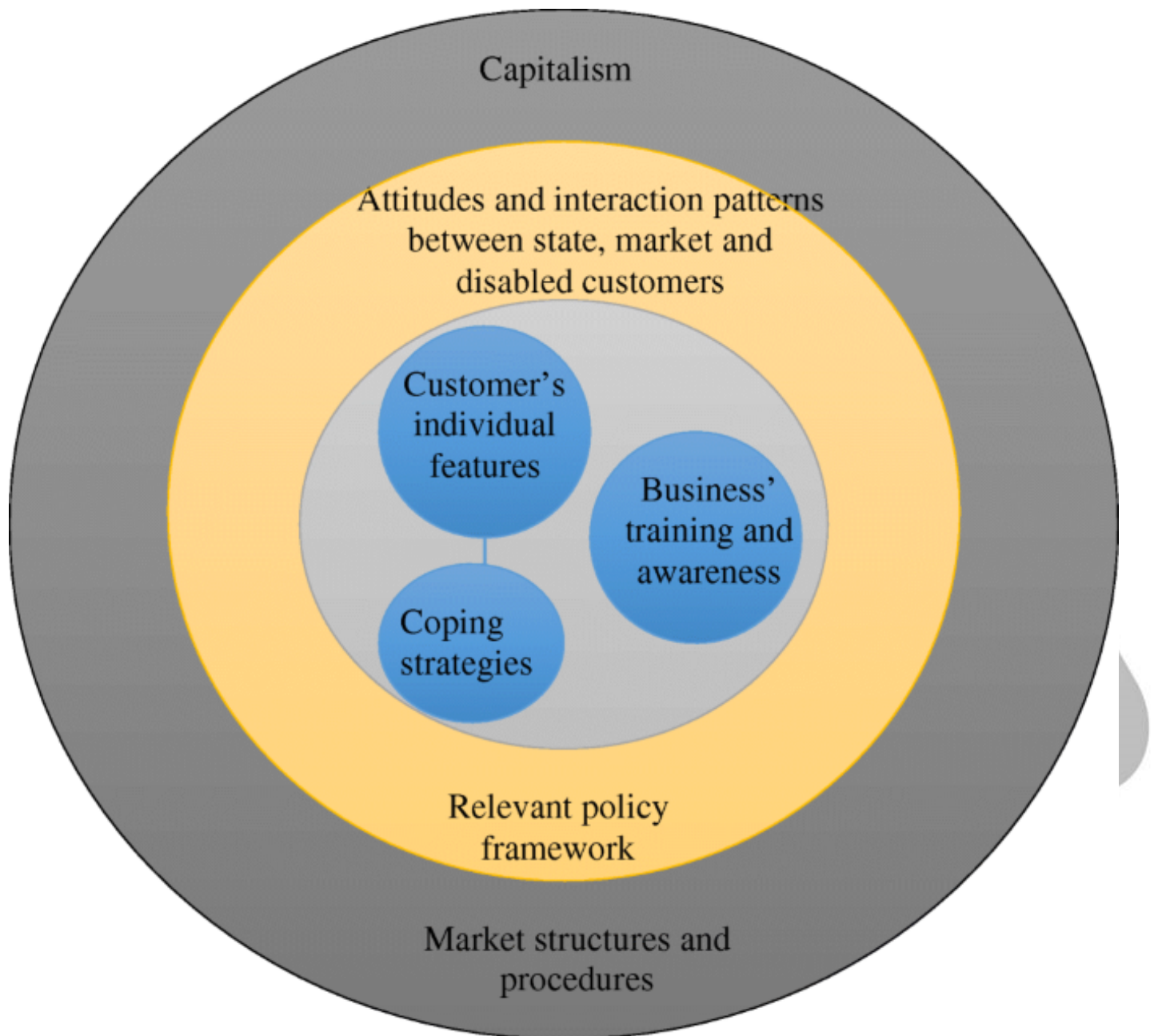
- Unavailability of information in alternative formats (e.g., Braille, audio, sign language) for CwDs with visual, hearing, or cognitive impairments. Websites and digital platforms that are not compliant with web accessibility standards, making them difficult to navigate and use.
 - Lack of clear and simple communication from businesses, making it challenging for CwDs to understand product information and make informed choices. 98% of U.S.-based webpages are not accessible to the disability community from a legal perspective, according to the 2020 Web Accessibility Annual Report.

▪ **Attitudinal and Sociocultural Barriers:**

- Societal stigma, discrimination, and lack of awareness about the diverse needs and capabilities of CwDs. Exclusion from mainstream consumer experiences and limited consideration of CwDs' preferences and requirements in product and service design. Misconceptions about the purchasing power and market potential of CwDs, leading to their marginalization.
 - According to a survey by the National Centre for Promotion of Employment for Disabled People in India, around 73% of persons with disabilities faced barriers in accessing public spaces and facilities.

▪ **Economic and Financial Barriers:**

- Higher costs of living for CwDs due to the need for specialized assistive devices, healthcare, and personal support services. Limited access to adequate financial resources, employment opportunities, and social security measures, constraining their consumer purchasing power.
 - The global market for hearing aids is projected to grow from USD 7.2 billion in 2020 to USD 10 billion by 2027, driven by the increasing demand from consumers with hearing disabilities.



▪ **Policy and Regulatory Barriers:**

- Ineffective implementation and enforcement of accessibility standards and non-discrimination laws for CwDs as consumers. Insufficient incentives and support mechanisms for businesses to invest in inclusive design and accessibility features. Fragmented and uncoordinated efforts across different government agencies and stakeholders in addressing the multifaceted challenges faced by CwDs.
 - In developing countries, 80% to 90% of persons with disabilities of working age are unemployed, whereas in industrialized countries the figure is between 50% and 70%.

Note

Real Life Examples of Challenges Faced by CwDs:

- Imagine oneself in the place of a person with visual impairment heading to the supermarket to buy a toaster:
 - One starts by booking a cab ride through a mobile app, but since the app is not accessible, you seek external help to book the ride.
 - At the supermarket, there are no tactile pavements in the building, so one seeks external

- help to reach the electronic appliance section and buy a toaster.
- When the person reaches home, s/he realizes the toaster is defective and try to contact the customer support of the toaster company.
 - But since the contact details are printed on the outer pack, one seeks external help to read them.
- Discovering that the company only accepts written complaints via postal mail, once again the person seeks external help to send a complaint to the company.

What are the Various Ways to Alleviate the Conditions of CwDs?

▪ **Businesses as the Starting Point:**

- Businesses could be a starting point. Businesses generally don't perceive persons with disabilities as their target consumers. This is evidenced by their inaccessible offerings, which are typically designed for 'mainstream' consumers. In India, persons with disabilities account for 5-8% of the population ([World Bank, 2009](#)). Therefore, if not out of generosity, businesses could consider making their offerings accessible just to broaden their customer reach.

▪ **Bridging Gap in Sensitization Among Businesses:**

- The gap in sensitisation among businesses can be abridged through effective policy measures. For example, [FSSAI](#) in October 2023 issued an advisory to all food business operators for incorporating [QR codes](#) containing product information on all food products. This simple yet effective step will allow people with visual impairment to ascertain crucial product information on their own.

▪ **Active Support from the Government:**

- Another entity capable of making a difference is the government. The government could consider bringing comprehensive accessibility guidelines for all goods and services. India can build on the lessons from the initiatives in countries such as Australia, the U.S., and Canada and integrate similar strategies into its policies.

▪ **Empowering Disability Commissions:**

- Legal reforms Persons with disabilities are also empowered by laws that safeguard their rights and interests as consumers. The primary legislation in this regard is the Rights of Persons with Disabilities Act (RPWDA), 2016.
- In particular, the Act includes provisions for universally designed consumer goods and accessible services (Sections 43 and 46). The Rules notified under the RPWDA also require all [Information and Communications Technology \(ICT\)](#) goods and services to be accessible in accordance with the [BIS standards](#).
- In case of a violation of these rights, a consumer with disability can file a complaint with the Disability Commissions established under the Act. However, Disability Commissions only issue recommendatory directions. So, they frequently do not offer adequate remedies, highlighting the need for the commission to be empowered to enforce punitive measures.

▪ **Aligning Consumer Protection Act, 2019 with RPWDA:**

- Another avenue is the [Consumer Protection Act \(CPA\), 2019](#) which not only details various consumer rights but also empowers Consumer Commissions to impose penalties and award compensation against consumer complaints. Consumers with disabilities have successfully obtained such remedies in numerous cases brought before Consumer Commissions.
 - For example, in **S. Suresh v. The Manager i/c, Gokulam Cinemas**, a person with locomotor disability who encountered inaccessibility at a cinema hall was awarded a compensation of ₹1,00,000.
- Unlike the RPWDA, the CPA has strong enforcement and compliance mechanisms. However, it lacks any dedicated rights for consumers with disabilities contrary to the RPWDA, which may deter them from filing complaints with Consumer Commissions. Hence, it becomes imperative to align the CPA with the RPWDA.

▪ **Raising Awareness with Focus on Consumers with Disabilities:**

- It is crucial to raise awareness about the existing rights and resources available to consumers with disabilities under the two chief legislations. While consumer awareness has

been a key focus of the state, particularly with the launch of the flagship Jago Grahak Jago Campaign, consumers with disabilities have never received attention.

What are the Initiatives for Consumer Protection?

- [Consumer Welfare Fund](#)
- [Central Consumer Protection Council](#)
- [Consumer Protection Rules, 2021](#)
- [Consumer Protection \(E-Commerce\) Rules, 2020](#)
- [National Consumer Day](#)

Conclusion

Ensuring the rights of consumers with disabilities is not just a legal obligation but a moral imperative. By promoting accessibility, non-discrimination, and equal treatment, societies can create a more inclusive and equitable marketplace for all. It is essential for businesses and governments to work together to address the unique challenges faced by consumers with disabilities and to ensure that they can fully participate in the economy and society. Only through concerted efforts and a commitment to inclusivity can we build a world where every consumer, regardless of their abilities, is treated with dignity and respect.

Drishti Mains Question:

Discuss the challenges faced by consumers with disabilities in accessing goods and services. Suggest policy measures for inclusive consumption in society.

UPSC Civil Services Examination Previous Year Question (PYQ)

Q1. With reference to 'consumers' rights/privileges under the provisions of law in India, which of the following statements is/are correct ? (2012)

1. Consumers are empowered to take samples for food testing.
2. When a consumer files a complaint in any consumer forum, no fee is required to be paid.
3. In case of death of consumer, his/her legal heir can file a complaint in the consumer forum on his/her behalf.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (c)

Q2. India is home to lakhs of persons with disabilities. What are the benefits available to them under the law? (2011)

1. Free schooling till the age of 18 years in government run schools.
2. Preferential allotment of land for setting up business.
3. Ramps in public buildings.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

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