# THE RIGHTS OF PERSONS WITH DISABILITIES ACT-2016, India

# **KNOW YOUR RIGHTS**



#### CHAPTER-1

- \* Definitions.
- \* Meanings

# CHAPTER-2.

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#### CHAPTER-7-

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# REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

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- registration.
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- act not to apply to institutions established or maintained by central or state government.
- assistance to registered institutions.

# CHAPTER-10-

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- 'Terms & conditions of service of Members.
- \* disqualification
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- \* meetings of state advisory board on disability.
- \* functions of state advisory board on disability
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# STATE FUND FOR PERSONS WITH DISABILITIES

\* State Fund for persons with disabilities.

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# **OFFENCES AND PENALTIES**

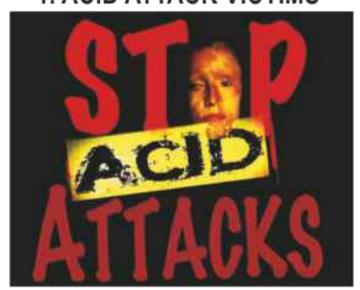
- \* Punishment for contravention of provisions of Act or rules or regulations made there under.
- \* Offences by companies.
- \* Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities
- \* Punishment for offences of atrocities.
- \* Punishment for failure to furnish information.
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- \* Alternative punishments.

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- \* Power to remove difficulties.
- \* Power to amend Schedule.
- \* Power of Central Government to make
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- Repeal and savings.

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# **DEFINITION AND SPECIFIED DISABILITY**

# 1. ACID ATTACK VICTIMS



5. INTELLECTUAL DISABILITY



Typical appearance of Parkinson's disease



2. VISUAL IMPAIRMENT

**DISABILITIES** 



10. Blood Disorder "HAEMOPHILIA"



3. HEARING IMPAIRMENT



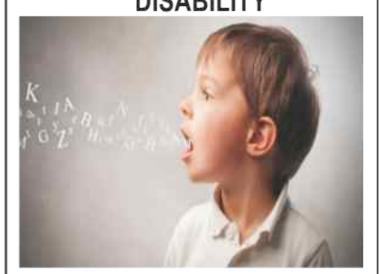
7. AUTISM SPECTRUM **DISORDER** 



11. THALASSEMIA



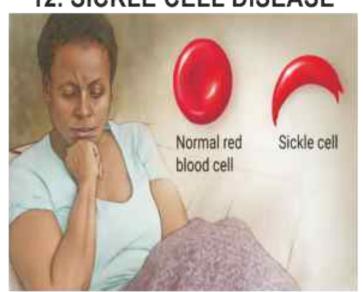
4. SPEECH AND LANGUAGE DISABILITY



8. MENTAL BEHAVIOR "MENTAL ILLNESS"



12. SICKLE CELL DISEASE



13. MULTIPLE DISABILITIES

9. PARKINSON'S

DISEASE



14. DWARFISM



15. MUSCULAR DYSTROPHY



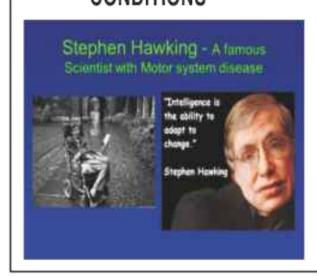
16. CEREBRALPALSY



17 LOCOMOTOR DISABILITY



18. CHRONIC NEUROLOGICAL CONDITIONS



19. LEPROSY CURED PERSON



20. LOSS OF SENSATION IN HANDS OR FEET



21. MANIFEST DEFORMITY



22. ANY OTHER CATEGORY AS MAY BE NOTIFIED BY THE CENTRAL GOVERNMENT.

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### **COMMON RIGHTS AND ENTITLEMENTS:**

\*access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

\*provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified; disability pension to persons with disabilities subject to such income ceiling as may be notified;

\* unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

# **ACCESS TO TRANSPORT**



The appropriate Government shall take \*access to all modes of transport that conform \* accessible roads to suitable measures to provide,

\* facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

the design standards, including retrofitting old address mobility modes of transport, wherever technically necessary for persons feasible and safe for persons with disabilities, with disabilities. economically viable and without entailing major structural changes in design;

# **ACCESS TO INFORMATION AND COMMUNICATION TECHNOLOGY.**



The appropriate Government shall take measures to ensure that,—

\*all contents available in audio, print and electronic media are in accessible format;



# APPEAL AGAINST A DECISION OF CERTIFYING AUTHORITY.

\*Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

# MANDATORY OBSERVANCE OF ACCESSIBILITY NORMS



not adhere to the rules formulated by the Central Government under section 40.

\* No establishment shall be \*No establishment shall be issued granted permission to build any a certificate of completion or structure if the building plan does allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government

# **CULTURE AND RECREATION**



- (a) facilities, support and sponsorships to artists disability to pursue their interests and talents;
- (b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;
- (c) making art accessible to persons with disabilities;
- (d) promoting recreation centres, and other associational
- (e) facilitating participation in scouting, dancing, art

- classes, outdoor camps and adventure activities;
- and writers with (f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;
  - (g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and
  - (h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

# **SOCIAL SECURITY**



\*The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with

disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

- \*The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.
- \*The schemes under sub-section (1) shall provide for,—
- (a) community centres with good living conditions in terms of safety, sanitation, health care and counseling;
- facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;
- (c) support during natural or man-made disasters and in areas of conflict; (i) care-giver allowance to persons with disabilities with high support needs;
- comprehensive insurance scheme for persons (j) with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government sponsored insurance schemes;
- any other matter which the appropriate (k) Government may think fit.

# **HOME AND FAMILY**



- separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.
- Where the parents are unable to take

care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or nongovernmental organization, as may be required.

# REPRODUCTIVE RIGHTS

- (1) No child with disability shall be (1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.
  - (2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

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# FOCUS GROUPS AND ACCESS TO LEGAL SUPPORT.

#### WOMEN WITH DISABILITY

5% Reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities.

Sexual and reproductive healthcare especially for women with disability

Support to women with disability for livelihood and for upbringing of their children

5% reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities children

#### YOUTH WITH DISABILITIES

#### REPRODUCTIVE RIGHTS. —

- The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.
- No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

#### ACCESSIBILITY IN VOTING.

The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the (2) electoral process are easily understandable by and accessible to them.

#### ACCESS TO JUSTICE. —

- The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of (1) disability.
- The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring (2) high support for exercising legal rights.
- The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 shall make provisions including reasonable The appropriate Government shall accommodation to ensure that persons with disabilities have access to any scheme, (i) programme, facility or service offered by them equally with others

#### ADULT EDUCATION

The appropriate Government and the local authorities shall take measures to promote, protect (ii) and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

#### Employment-EQUAL OPPORTUNITY POLICY.—

- (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.
- Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

#### MAINTENANCE OF RECORDS.

- Every establishment shall maintain records of the persons with disabilities in relation to the (a) matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.
- Every employment exchange shall maintain records of persons with disabilities seeking employment. —(3) The records maintained under sub-section (1) shall be open to (d) inspection at all reasonable hours by such persons as may be authorized in their behalf by (e) the appropriate Government.

# CULTURE AND RECREATION

The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in INCENTIVES TO EMPLOYERS IN PRIVATE SECTOR. recreational activities equally with others which include,—

- interests and talents:-
- establishment of a disability history museum which chronicles and interprets the historical SPECIAL EMPLOYMENT EXCHANGE. experiences of persons with disabilities;
- making art accessible to persons with disabilities;
- promoting recreation centres, and other associational
- facilitating participation in scouting, dancing, art classes, outdoor camps and adventure Special provisions activities:
- allocate funds for development of state of art sport facilities for training of persons with disabilities;
- promote and organize disability specific sporting events for persons with disabilities and (b) also facilitate awards to the winners and other participants of such sporting events.
- redesigning courses in cultural and arts subjects to enable participation and access for (c) persons with disabilities;

- (g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and
- ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

#### SPORTING ACTIVITIES.

- The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.
- The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents. (Also includes children)

#### RESERVATION IN HIGHER EDUCATIONAL INSTITUTIONS.

- All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. Seats for persons with benchmark disabilities.
- The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

#### IDENTIFICATION OF POSTS FOR RESERVATION

- identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;
- constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and
- (iii) undertake periodic review of the identified posts at an interval not exceeding three years.

#### RESERVATION

- Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e) namely:-
- blindness and low vision;
- deaf and hard of hearing;
- locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- autism, intellectual disability, specific learning disability and mental illness
- multiple disabilities from amongst persons under clauses (a) to (d) including deafblindness in the posts identified for each disabilities: Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

The appropriate Government and the local authorities shall, within the limit of their economic facilities, support and sponsorships to artists and writers with disability to pursue their capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with

- (a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;
- five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;
- five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

**USEFUL CONTACTS** 

# 1. MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT. -

DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (VIKLANGJAN SASHAKTIKARAN VIBHAG) ROOM NO.: 515 NEW DELHI - 110003 (INDIA) Ph: 24369055(OFF.) EMAIL: SECRETARYDA-MSJE@NIC.IN

2. OFFICE OF THE STATE COMMISSIONER FOR Persons with Disabilities Act, 1995-KARNATAKA

Address:No.55, Abhaya Sankeema, 2nd Floor, Karnataka Slum Development Board Building, Risaldar Street (Plat Form Road), Sheshadripuram, Bangalore-560 020. Phone No: 91-80-23462659

Email: scdkarnataka@gmail.com Website: www.scd.kar.nic.in

# 3. CBR NETWORK -

No 134, 6th main road, 1st Block, BSK 3rd stage, Bangalore-560085

Phone: +91(80)26724221/26724273

Email: ideasianetwork2013@gmail.com | bucbr@hotmail.com

Website: www.cbr-network .org

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# PUNISHMENT FOR CONTRAVENTION OF PROVISIONS OF ACT OR RULES OR REGULATIONS MADE THERE UNDER.

Any person who contravenes any of the provisions of this Act, or of any rule made there 5.
 under shall for first contravention be punishable with fine which may extend to ten
 thousand rupees and for any subsequent contravention with fine which shall not be less
 than fifty thousand rupees but which may extend to five lakh rupees.

# **OFFENCES BY COMPANIES.**

- Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly
- 3. Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- 4. Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Whoever,—

- (a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;
- assaults or uses force to any person with disability with intent to dishonor him or outrage the modesty of a woman with disability;

having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

Voluntarily injures damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the pinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

	WHO IS RESPONSIBLE?	FOR WHAT?	WHOM TO CONTACT IF THERE IS ANY VIOLATION OF RPD ACT 2017?	HIGHER APPEAL
1. DISABILITY REGISTRATION AND CERTIFICATION	State government	1.Assessment of disability	District commissioner	1. State commissioner for RPD ACT 2016
		2.Issue of certificate/ID smart cards	Disability officers appointed by the state governments	2. National commission for RPD ACT 2016
				3.Appropriate Courts
2. SUPPORT DURING DISASTERS		To provide special support to persons with disabilities during disasters		
			Disability officers appointed by the state governments	
3. EMPLOYMENT	1.Department for labor	means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping (i) persons who seek to engage employees from amongst the persons with disabilities; (ii) persons with benchmark disability who seek employment; (iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;		
	2.Department for rural development		Disability officers appointed by the state governments	
	3.Department for urban development			
	4.Special Employment Exchange			
	<ol> <li>EQUAL OPPORTUNITY POLICY.</li> <li>Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.</li> <li>Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.</li> </ol>			
4. EDUCTAION	Education department			
5. HEALTH	Department of health and family welfare			
6. ACCESS TO JUSTICE	The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability			