

**Press Information Bureau
Government of India
Ministry of Social Justice & Empowerment**

03-December-2016 18:28 IST

Rights of Persons With Disabilities (RPWD) bill provides for penalties for offences committed against Persons With Disabilities

Types of Disabilities have been increased from existing 7 to 21 and Central Government will have power to add more types of Disabilities

Shri Thaawarchand Gehlot addresses the Press Conference

Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment has said that in the “Rights of Persons With Disabilities (RPWD) Bill, the Disability has been defined based on an evolving and dynamic concept and 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. Addressing a Press Conference on the occasion of “International Day of Persons with Disabilities (3rd December)” here today, he said that Speech and Language Disability and Specific Learning Disability have been added for the first time. Acid Attack Victims have been included. Dwarfism, muscular dystrophy have has been indicated as separate class of specified disability. The New categories of disabilities also included three blood disorders, Thalassemia, Hemophilia and Sickle Cell disease.

Shri Gehlot informed the media persons that the Bill provides for penalties for offences committed against persons with disabilities. Designated special Courts have been proposed to handle cases concerning violation of rights of PwDs.

The Minister said that the additional benefits 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.

He said that it has been proposed to increase reservation from 3% to 4% in Government jobs for certain persons or class of persons with benchmark disability.

The Minister further said that strengthening of the Office of Chief Commissioner of Persons with Disabilities and State Commissioners of Disabilities has been proposed, which will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising of experts in various disabilities. Creation of National and State Fund has been proposed to provide financial support to the persons with disabilities.

“Rights of Persons With Disabilities (RPWD) Bill :

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is the principal Act for the empowerment of Persons with disabilities. The Act was enforced 20 years back. Meanwhile, there has been drastic changes in disability sector such as understanding disability and its social model of definition, new technology and process of rehabilitation etc.

Further, India signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and subsequently ratified the same on 1st October, 2007. The Convention came into effect on 3rd May 2008. Being a signatory to the Convention, India has an international obligation to comply with the provisions of the Convention.

Keeping in view the fact that the existing Act of 1995 is not fully in conformity with the UNCRPD, a need was felt to have a rights-based legislation with a strong institutional mechanism.

The Bill had been mooted by the Ministry of Social Justice and Empowerment after extensive consultation with various stakeholders, State Governments/UTs and concerned Central Ministries and Departments and was introduced in the Rajya Sabha on 7.2.2014, which was referred to the Parliamentary Standing Committee.

The Standing submitted its recommendations on 7.5.2015. The Recommendations of the Standing Committee were also shared with the States/UTs as well as all concerned Central Ministries/Departments. Based on these consultations, amendments to the Bill have been proposed which would widen the scope of new Law and also provide a framework to enable the Persons with Disabilities to enjoy their enjoyment rights equally with others.

The Union Cabinet in its meeting held on 30.11.2016 approved the proposal of the Department of Empowerment of Persons with Disabilities (Divyangjan) to incorporate these amendments in the **Rights of Persons with Disabilities Bill, 2014** during the ongoing winter Session of Parliament. The new Bill with amendments proposes to repeal the existing Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

The salient features of the proposed Bill with incorporation of the amendments are:

i. 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.

ii. Disability has been defined based on an evolving and dynamic concept.

iii. 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. Blindness
2. Low-vision
3. Leprosy Cured persons
4. Hearing Impairment (deaf and hard of hearing)
5. Locomotor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental Illness
9. Autism Spectrum Disorder

10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability
16. Thalassemia
17. Hemophilia
18. Sickle Cell disease
19. Multiple Disabilities including deafblindness
20. Acid Attack victim
21. Parkinson's disease

iv. Speech and Language Disability and Specific Learning Disability have been added for the first time. Acid Attack Victims have been included. Dwarfism, muscular dystrophy have has been indicated as separate class of specified disability. The New categories of disabilities also included three blood disorders, Thalassemia, Hemophilia and Sickle Cell disease.

v. Additional benefits have been provided for persons with benchmark disabilities and those with high support needs.

vi. Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.

vii. For strengthening the Prime Minister's Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

viii. It has been proposed to increase reservation from 3% to 4% in Government jobs for certain persons or class of persons with benchmark disability.

ix. The Bill provides for grant of guardianship by District Court under which there will be joint decision – making between the guardian and the persons with disabilities.

x. Broad based Central & State Advisory Boards on Disability have been proposed to be set up as policy making bodies.

xi. Strengthening of the Office of Chief Commissioner of Persons with Disabilities and State Commissioners of Disabilities has been proposed, which will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising of experts in various disabilities.

xii. Creation of National and State Fund has been proposed to provide financial support to the persons with disabilities.

xiii. The Bill provides for penalties for offences committed against persons with disabilities.

xiv. Designated special Courts have been proposed to handle cases concerning violation of rights of PwDs.

It is expected that the proposed rights based legislation with more Rights and Entitlements and strong monitoring agencies at the National and State Levels will achieve empowerment and inclusion of Persons with Disabilities in the society in a satisfactory manner.

Sanjay Kumar/MoSJ&E/03.12.2016

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