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Rajya Sabha on Wednesday passed The Right of Persons with Disabilities Bill, 2014 with amendments. The bill will now go back to Lok Sabha and once cleared, will replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The legislation, which has been pending in Rajya Sabha since 2014, was drafted on the basis of the recommendations of the Sudha Kaul Committee, under the Ministry of Social Justice and Empowerment. According to the 2011 Census, the number of disabled in India stands at 2.68 crore, or 2.21 per cent of the population. The Bill is more likely to make a larger number of people eligible for rights and entitlements by reason of their disability since it recognises more disabilities as compared to the 1995 Act. Apart from this, the Bill also complies with the UN Convention on Rights of Persons with Disabilities.



Key highlights of the Bill

#One of the major highlights of the new bill is that it covers 19 conditions, instead of seven disabilities specified in the Act. While the 1995 Act recognised 7 disabilities — blindness, low vision, leprosy-cured, hearing impairment, locomotor disability, mental retardation and mental illness, the 2014 Bill was expanded to cover 19 conditions— including cerebral palsy, haemophilia, multiple sclerosis, autism and thalassaemia among others. The amended version also recognises two other disabilities — resulting from acid attacks and Parkinson’s Disease. Apart from listing these disabilities, the Bill has also laid down provisions to allow the central government to notify any other condition as a disability.

The Bill also mentions that individuals with at least 40 per cent of a disability are entitled to benefits like reservations in education and employment, preference in government schemes and others. While the 1995 law had 3 per cent reservation for the disabled in higher education institutions and government, the 2014 Bill raised the ceiling to 5 per cent, adding 1 per cent each for mental illnesses and multiple disabilities.

Several rights and entitlements — including disabled friendly access to all public buildings — are conferred on the disabled individuals. Speaking to the Indian Express, a Ministry of Social Justice official said: “The amendments include private firms in the definition of ‘establishments’, which previously referred to only government bodies. All such establishments have to ensure that persons with disabilities are provided with barrier-free access in buildings, transport systems and all kinds of public infrastructure, and are not discriminated against in matters of employment.”

#The Bill has laid down provisions in matters of guardianship of mentally ill persons. According to the Bill, the District courts may award two types of guardianship. While a limited guardian is to take joint decisions with the mentally ill person, the plenary guardian takes decisions on behalf of the mentally ill person, without consulting them.

#One of the most significant highlights is the addition of penalty for violating the rules of the Act. While the 1995 Act itself has no penal provision, the 2014 Bill had made violation of any provision of the Act punishable with a jail term of up to 6 months, and/or a fine of Rs 10,000. Subsequent violations could attract a jail term of up to 2 years and/or a fine of Rs 50,000 to Rs 5 lakh. The current amendments to the Bill, however, propose to remove the jail term entirely, and only keep fines for breaking the law.

— *With inputs from Shalini Nair.*

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