

Bill Summary

The Rights of Persons with Disabilities Bill, 2014

- The Rights of Persons with Disabilities Bill, 2014 was introduced in the Rajya Sabha on February 7, 2013 by the Minister of Social Justice and Empowerment, Mr. Mallikarjun Kharge.
- The Bill repeals the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.
- **Definition of disability:** Disability is defined to include 19 conditions such as: autism; low vision and blindness; cerebral palsy; deaf blindness; haemophilia; hearing impairment; leprosy; intellectual disability; mental illness; muscular dystrophy; multiple sclerosis; learning disability; speech and language disability; sickle cell disease; thalassemia; chronic neurological conditions; and multiple disability. Persons with benchmark disabilities are defined as those with at least 40 per cent of any of the above specified disabilities.
- **Rights of persons with disabilities:** The Bill states that persons with disabilities shall have the right to equality and shall not be discriminated against on grounds of their disability. Rights of disabled persons include protection from inhuman treatment and equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters. All existing public buildings shall be made accessible for disabled persons within five years of the regulations being formulated by the National Commission for Persons with Disabilities. No establishment will be granted permission to build any structure, issued a completion certification or allowed to occupy a building, if the building does not adhere to the regulations formulated by the Commission.
- **Education, skill development and employment:** The Bill provides for the access to inclusive education, vocational training and self-employment of disabled persons. All government institutions of higher education and those getting aid from the government are required to reserve at least five percent of seats for persons with benchmark disabilities.
- The central and state governments have to identify posts in establishments under them to be reserved for persons with benchmark disabilities. At least five percent of the vacancies are to be filled by persons or class of persons with at least 40 percent of any of the disabilities. Of this, one per cent shall be reserved for persons with (i) blindness and low vision; (ii) hearing and speech impairment; (iii) locomotor disability; (iv) autism, intellectual disability and mental illness; and (v) multiple disabilities. The Bill provides that the reservation has to be computed on the basis of total number of vacancies in the strength of a cadre. The government may exempt any establishment from this provision.
- **Legal Capacity:** Disabled persons have the right, equally with others, to own and inherit movable and immovable property, as well as control their financial affairs.
- **Guardianship:** The Bill provides that if a district court finds that a mentally ill person is not capable of taking care of himself or of taking legally binding decisions, it may order guardianship to the person. The nature of such guardianship is also specified.
- **National and State Commissions for persons with disabilities:** The central and state governments are required to establish a National and State Commissions for Persons with Disabilities, respectively. The Commissions will be composed of experts and be required to (i) identify any laws, policies or programmes that are inconsistent with the Act; (ii) inquire into matters relating to deprivation of rights and safeguards available to disabled persons, (iv) monitor implementation of the Act and utilisation of funds disbursed by governments for the benefit of disabled persons.
- **Central and state advisory boards:** The central government and state governments shall constitute Central and State Advisory Boards on Disability. The boards shall advise governments on policies and programmes on disability and review the activities of organisations dealing with disabled persons.

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