

RAJYA SABHA
NOTICE OF AMENDMENTS
THE RIGHTS OF PERSONS WITH DISABILITIES BILL, 2014
(As introduced in the Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI THAAWAR CHAND GEHLOT:

1. That at page 2, line 1, for the word "Sixty-fifth", the word "Sixty-seventh" be substituted.

CLAUSE 1

BY SHRI THAAWAR CHAND GEHLOT:

2. That at page 2, line 4, for the figure "2014", the figure "2016" be substituted.
3. That at page 2, line 5, be deleted.

CLAUSE 2

BY SHRI THAAWAR CHAND GEHLOT:

4. That at page 2, line 9, after the words "notified under", the words and figures "sub-section (3) of section 13 or" be inserted.
5. That at page 2, line 19, after the word "social", the word "attitudinal" be inserted.
6. That at page 2, line 28, after the word "audio", the words ", video, visual displays, sign language" be inserted.
7. That at page 2, after line 31, the following be inserted, namely:-
'(ga) "discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation?'
8. That at page 2, for lines 32 to 35, the following be substituted, namely:-
'(h) "establishment" includes a Government establishment and private establishment;'

9. That at page 3, after line 1, the following be inserted, namely:-

‘(ia) “Government establishment” means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government;’.

18 of 2013.

10. That at page 3, line 4, for the word “accessing”, the words “to take independent and informed decision to access” be substituted.

11. That at page 3, after line 8, the following be inserted, namely:-

‘(ka) “information and communication technology” includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;’.

12. That at page 3, lines 15 and 16, be deleted.

13. That at page 3, line 24, for the words “which hinder”, the words “which, in interaction with barriers, hinders” be substituted.

14. That at page 3, after line 29, the following be inserted, namely:-

‘(sa) “private establishment” means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(sb) “public building” means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(sc) “public facilities and services” includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;’.

15. That at page 3, line 41, *for* the word “psychiatric”, the words “psychological, environmental” be substituted.
16. That at page 3, line 47, *for* the words “suffering from”, the word “with” be substituted.
17. That at page 4, *for* lines 5 and 6, the following be substituted, namely:-

‘(y) “transportation systems” includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.’.

CLAUSE 3

BY SHRI THAAWAR CHAND GEHLOT:

18. That at page 4, lines 15 and 16, the words “take special measures to protect the rights of women and children with disability and also” be deleted.
19. That at page 4, line 19, *for* the words “appropriate to achieve”, the words “a proportionate means of achieving” be substituted.
20. That at page 4, *after* line 21, the following be inserted, namely:-
“(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.”.

NEW CLAUSE 3A

BY SHRI THAAWAR CHAND GEHLOT:

21. That at page 4, *after* line 21, the following be inserted, namely:-

“3A.(1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

Women and children with disabilities.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.

CLAUSE 5

BY SHRI THAAWAR CHAND GEHLOT:

22. That at page 4, line 34, *for* the words “an Ethics Committee”, the words “a Committee for Research on Disability” be substituted.

CLAUSE 7

BY SHRI THAAWAR CHAND GEHLOT:

23. That at page 5, line 44, *for* the words "State Commission", the words "State Commissioner" be substituted.

CLAUSE 12

BY SHRI THAAWAR CHAND GEHLOT:

24. That at page 6, *after* line 37, the following be inserted, namely:-

"(1A) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law."

CLAUSE 13

BY SHRI THAAWAR CHAND GEHLOT:

25. That at page 7, *for* lines 6 to 35, the following be substituted, namely:-

'13.(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provision for
guardianship.

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.— For the purposes of this sub-section, "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.’.

CLAUSE 15

BY SHRI THAAWAR CHAND GEHLOT:

26. That at page 7, line 45, after the word “funded”, the words “or recognised” be inserted.

CLAUSE 16

BY SHRI THAAWAR CHAND GEHLOT:

27. That at page 8, line 16, after the words “school going children”, the words “in every five years” be inserted.
28. That at page 8, after line 18, the following be inserted, namely:-
“Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act.”.
29. That at page 8, line 23, after the word “education”, the words “at all levels of school education” be inserted.
30. That at page 8, line 25, after the word “institutions”, the words “at all levels of school education” be inserted.
31. That at page 8, lines 32 and 33, the words “and either free or at affordable cost, and thereafter” be deleted.

CLAUSE 17

BY SHRI THAAWAR CHAND GEHLOT:

32. That at page 8, line 42; after the word “promote”, the words “, protect and ensure” be inserted.

CLAUSE 18

BY SHRI THAAWAR CHAND GEHLOT:

33. That at page 9, line 3, for the figure "18", the figures and bracket "18. (1)" be substituted.

34. That at page 9, after line 5, the following be inserted, namely:-

“(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.”.

CLAUSE 19

BY SHRI THAAWAR CHAND GEHLOT:

35. That at page 9, line 6, for the word “establishment”, the words “Government establishment” be substituted.

36. That at page 9, for lines 11 and 12, the following be substituted, namely:-

“(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.”.

37. That at page 9, line 14, for the word “establishment”, the words “Government establishment” be substituted.

38. That at page 9, after line 20, the following be inserted, namely:-

“(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.”.

CLAUSE 20

BY SHRI THAAWAR CHAND GEHLOT:

39. That at page 9, line 24 and 25, for the words “National Commission or the State Commission”, the words “Chief Commissioner or the State Commissioner” be substituted.

CLAUSE 22

BY SHRI THAAWAR CHAND GEHLOT:

40. That at page 9, line 35, for the word "establishment", the words "Government establishment" be substituted.
41. That at page 9, line 36, for the words "National Commission or the State Commission", the words "Chief Commissioner or the State Commissioner" be substituted.

CLAUSE 24

BY SHRI THAAWAR CHAND GEHLOT:

42. That at page 10, for lines 39 and 40, the following be substituted, namely:-
“(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;”.

CLAUSE 28

BY SHRI THAAWAR CHAND GEHLOT:

43. That at page 11, line 45, the word "and" be deleted.
44. That at page 12, lines 2, for the word "activities", the words "activities; and" be substituted.
45. That at page 12, after line 2, the following be inserted, namely:-
“(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.”.

CLAUSE 29

BY SHRI THAAWAR CHAND GEHLOT:

46. That at page 12, line 22, after the word "disabilities", the words "and also facilitate awards to the winners and other participants of such sporting events" be inserted.

CLAUSE 30

BY SHRI THAAWAR CHAND GEHLOT:

47. That at page 12, line 28, for the words "if necessary", the words "of his choice" be substituted.

CLAUSE 32

BY SHRI THAAWAR CHAND GEHLOT:

48. That at page 12, for lines 38 to 41, the following be substituted, namely:-
- “(i) identify posts in the establishment 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 33;
- (ii) 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.”.

CLAUSE 33

BY SHRI THAAWAR CHAND GEHLOT:

49. That at page 12, for lines 42 to 45, the following be substituted, namely:-
Reservation.
- “33. (1) 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 per cent. 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:—”.
50. That at page 13, for line 2, the following be substituted, namely:-
- “(b) deaf and hard of hearing;”.
51. That at page 13, line 3, for the words “leprosy cured”, the words “leprosy cured, dwarfism, acid attack victims” be substituted.
52. That at page 13, line 5, for the words “intellectual disability”, the words “intellectual disability, specific learning disability” be substituted.
53. That at page 13, for lines 8 to 14, the following be substituted, namely:-
- “Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:
- Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the

type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.”.

54. That at page 13, for lines 25 and 26, the following be substituted, namely:-

“(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.”.

CLAUSE 38

BY SHRI THAAWAR CHAND GEHLOT:

55. That at page 14, lines 17 and 18, for the words “National Commission or the State Commission”, the words “Chief Commissioner or the State Commissioner” be substituted.
56. That at page 14, line 34, for the words “Universities and colleges”, the words “Universities, colleges and schools” be substituted.

CLAUSE 39

BY SHRI THAAWAR CHAND GEHLOT:

57. That at page 14, for line 35, the following be substituted, namely:-

“39. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with”.

CLAUSE 43

BY SHRI THAAWAR CHAND GEHLOT:

58. That at page 15, line 18, for the words “regulations formulated by the National Commission”, the words “rules formulated by the Central Government” be substituted.
59. That at page 15, lines 21 and 22, for the words “regulations formulated by the National Commission”, the words “rules formulated by the Central Government” be substituted.

CLAUSE 44

BY SHRI THAAWAR CHAND GEHLOT:

60. That at page 15, line 24, for the words “regulations formulated by the National Commission”, the words “rules formulated by the Central Government” be substituted.
61. That at page 15, line 25, for the word “regulations”, the word “rules” be substituted.

CLAUSE 45

BY SHRI THAAWAR CHAND GEHLOT:

62. That at page 15, for lines 33 to 38, the following be substituted, namely:-

“45. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 39 within a period of two years from the date of notification of such rules:

Time limit
for
accessibility
by service
providers.

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.”

CLAUSE 50

BY SHRI THAAWAR CHAND GEHLOT:

63. That at page 16, line 37, after the words “registration to the applicant”, the words “within a period of ninety days of receipt of application” be inserted.

CLAUSE 57

BY SHRI THAAWAR CHAND GEHLOT:

64. That at page 18, after line 22, the following be inserted, namely:-

“(3) The certificate of disability issued under this section shall be valid across the country.”

CLAUSE 59

BY SHRI THAAWAR CHAND GEHLOT:

65. That at page 19, line 7, for the words “Planning Commission”, the words “National Institute for Transforming India (NITI) Aayog” be substituted.

CLAUSE 73

BY SHRI THAAWAR CHAND GEHLOT:

66. That at page 23, for lines 34 to 45, the following be substituted, namely:-

‘CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER
FOR PERSONS WITH DISABILITIES

73.(1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the “Chief Commissioner”) for the purposes of this Act.

Appointment of
Chief
Commissioner
and
Commissioners.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.'.

CLAUSE 73

BY SHRI THAAWARCHAND GEHLOT:

67. That at pages 24, lines 1 to 24, be deleted.

CLAUSE 74

BY SHRI THAAWARCHAND GEHLOT:

68. That at page 24, for lines 25 to 46, the following be substituted, namely:-

“74.(1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

Functions of
Chief
Commissioner.

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.”

69.

That at pages 25, lines 1 to 4, be deleted.

CLAUSE 75

BY SHRI THAAWARCHAND GEHLOT:

70. That at page 25, for lines 5 to 14, the following be substituted, namely:-

“75. Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 74, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Action by appropriate authorities on recommendation of Chief Commissioner.

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.”

CLAUSE 76

BY SHRI THAAWARCHAND GEHLOT:

71. That at page 25, for lines 15 to 27, the following be substituted, namely:-

“76. The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

Powers of Chief Commissioner.

5 of 1908.

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.”

45 of 1860.

2 of 1974.

CLAUSE 77

BY SHRI THAAWARCHAND GEHLOT:

72. That at page 25, for lines 28 to 38, the following be substituted, namely:-

“77.(1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.”

Annual and special reports by Chief Commissioner.

CLAUSE 78

BY SHRI THAAWARCHAND GEHLOT:

73. That at page 25, for lines 39 to 44, the following be substituted, namely:-

‘78.(1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the “State Commissioner”) for the purposes of this Act.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

Appointment of State Commissioner in States.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

CLAUSE 79

BY SHRI THAAWARCHAND GEHLOT:

74.

That at page 26, for lines 1 to 8, the following be substituted, namely:-

“79. The State Commissioner shall—

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefit of persons with disabilities; and

Functions of
State
Commissioner.

(i) perform such other functions as the State Government may assign.”

CLAUSE 80

BY SHRI THAAWARCHAND GEHLOT:

75. That at page 26, for lines 9 to 15, the following be substituted, namely:-

“80. Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 79, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.”

Action by appropriate authorities on recommendation of State Commissioner.

CLAUSE 81

BY SHRI THAAWARCHAND GEHLOT:

76. That at page 26, for lines 16 to 26, the following be substituted, namely:-

“81.(1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the State Commissioners shall be deemed to a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.”

Powers of State Commissioner.

5 of 1908.

45 of 1860.

2 of 1974.

CLAUSE 82

BY SHRI THAAWARCHAND GEHLOT:

77. That at page 26, for lines 25 to 37, the following be substituted, namely:-

“82. (1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.”.

Annual and special reports by State Commissioner.

CLAUSE 83

BY SHRI THAAWARCHAND GEHLOT:

78. That at pages 26, lines 38 to 44, be deleted.

CLAUSE 84

BY SHRI THAAWARCHAND GEHLOT:

79. That at pages 26, lines 45 to 48, be deleted.

80. That at pages 27, lines 1 to 8, be deleted.

CLAUSE 85

BY SHRI THAAWARCHAND GEHLOT:

81. That at pages 27, lines 9 to 18, be deleted.

CLAUSE 86

BY SHRI THAAWARCHAND GEHLOT:

82. That at pages 27, lines 19 to 46, be deleted.

83. That at pages 28, lines 1 to 8, be deleted.

CLAUSE 87

BY SHRI THAAWARCHAND GEHLOT:

84. That at pages 28, lines 9 to 33, be deleted.

CLAUSE 88

BY SHRI THAAWARCHAND GEHLOT:

85. That at pages 28, lines 34 to 43, be deleted.

CLAUSE 89

BY SHRI THAAWARCHAND GEHLOT:

86. That at pages 28, lines 44 to 47, be deleted.

87. That at pages 29, lines 1 to 9, be deleted.

CLAUSE 90

BY SHRI THAAWARCHAND GEHLOT:

88. That at pages 29, lines 10 to 20, be deleted.

CLAUSE 91

BY SHRI THAAWARCHAND GEHLOT:

89. That at pages 29, lines 21 to 26, be deleted.

CLAUSE 92

BY SHRI THAAWARCHAND GEHLOT:

90. That at pages 29, lines 27 to 33, be deleted.

CLAUSE 93

BY SHRI THAAWARCHAND GEHLOT:

91. That at pages 29, lines 34 to 40, be deleted.

CLAUSE 94

BY SHRI THAAWARCHAND GEHLOT:

92. That at pages 29, lines 41 to 45, be deleted.

93. That at pages 30, lines 1 and 2, be deleted.

CLAUSE 95

BY SHRI THAAWARCHAND GEHLOT:

94. That at pages 30, lines 3 to 15, be deleted.

CLAUSE 96

BY SHRI THAAWARCHAND GEHLOT:

95. That at pages 30, lines 16 to 25, be deleted.

CLAUSE 97

BY SHRI THAAWARCHAND GEHLOT:

96. That at pages 30, lines 26 to 33, be deleted.

NEW CLAUSE 101A

BY SHRI THAAWARCHAND GEHLOT:

97. That at page 31, after line 29, the following be inserted, namely:-

Insertion of new clause 101A

“CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

101A.(1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

State Fund for persons with disabilities.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each house of the State Legislature where it consists of two houses or where such Legislature consists of one house before that house.”.

CLAUSE 102

BY SHRI THAAWARCHAND GEHLOT:

98. That at page 31, for lines 33 to 37, the following be substituted, namely:-
“made thereunder 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.”.

CLAUSE 106

BY SHRI THAAWARCHAND GEHLOT:

99. That at page 32, line 34, the word "regulation" be deleted.
100. That at pages 32, line 36, the word "regulation" be deleted.

CLAUSE 110

BY SHRI THAAWARCHAND GEHLOT:

101. That at page 33, line 11, for the words "National Commission or State Commission", the words "Chief Commissioner or the State Commissioner" be substituted.
102. That at page 33, line 12, the words "or regulation" be deleted.

CLAUSE 113

BY SHRI THAAWARCHAND GEHLOT:

103. That at page 33, line 31, for the words "Ethics Committee", the words "Committee for Research on Disability" be substituted.
104. That at page 33, after line 43, the following be inserted, namely:-
“(fa) rules for person with disabilities laying down the standards of accessibility under section 39.”.
105. That at page 34, in lines 5 and 6, for the words "Chairperson and Members of the National Commission under section 78", the words "Chief Commissioner and Commissioners under sub-section (4) of section 73" be substituted.
106. That at page 34, in line 8, for the words "National Commission under sub-section (3) of section 81", the words "Chief Commissioner under sub-section (7) of section 73" be substituted.
107. That at page 34, after line 8, the following be inserted, namely:-
“(ka) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 73.”.
108. That at page 34, in line 10, for the words "National Commission under sub-section (3) of section 85", the words "Chief Commissioner under sub-section (7) of section 77" be substituted.

CLAUSE 114

BY SHRI THAAWARCHAND GEHLOT:

109. That at page 34, line 24, after the word "Act" the words "not later than six months from the date of commencement of this Act" the following be inserted, namely:-
110. That at page 34, line 27, for the words "ethics committee", the words "Committee for Research on Disability" be substituted.
111. That at page 34, after line 28, the following be inserted, namely:-
“(aa) the manner of providing support of a limited guardian under sub-section (1) of section 13;”.
112. That at page 35, lines 1 and 2, for the words "Chairperson and Members of the State Commission under section 91", the words "State Commissioner under sub-section (3) of section 78" be substituted.
113. That at page 35, line 4, for the words "State Commission under sub-section (3) of section 94", the words "State Commissioner under sub-section (6) of section 78" be substituted.

114. That at page 35, line 6, for the words "State Commission under sub-section (3) of section 96", the words "State Commissioner under sub-section (6) of section 82" be substituted.

115. That at page 35, after line 6, the following be inserted, namely:-
“(ma) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 78.”.

116. That at page 35, after line 8, the following be inserted, namely:-
“(o) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 101A;

(p) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 86.”.

CLAUSE 115

BY SHRI THAAWARCHAND GEHLOT:

117. That at page 35, lines 12 to 27 be deleted.

CLAUSE 116

BY SHRI THAAWARCHAND GEHLOT:

118. That at page 35, lines 28 to 39 be deleted.

THE SCHEDULE

BY SHRI THAAWARCHAND GEHLOT:

119. That for pages 36 and 37, the following be substituted, namely:-

‘THE SCHEDULE
[See clause (x) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) “leprosy cured person” means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means to a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means to a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction, or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means to a condition where a person has any of the following conditions, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) “deaf” means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) “hard of hearing” means person having 60DB to 70 DB hearing loss in speech frequencies in both ears;

D. “speech and language disability” means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills), including—

(a) “specific learning disabilities” means to a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) “autism spectrum disorder” means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person’s ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviors.

3. Mental behavior,—

“mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by sub normality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) “multiple sclerosis” means to an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means to a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means to an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means to a group of inherited disorders characterised by reduced or absent amounts of haemoglobin;

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.'

**New Delhi;
December 1, 2016.**

**Shumsher K. Sheriff
Secretary-General**