

PwDs LEGISLATION: ABSTRACT FROM RIGHT OF PERSONS WITH DISABILITIES ACT (RPWD ACT), 2016

*** Rights of Persons with Disabilities Act, 2016 replaced the Persons with Disabilities Act, 1995. The objective of the RPWD Act is to ensure that all persons with disabilities can lead their lives with dignity, without discrimination and with equal opportunities.**

RIGHTS & ENTITLEMENTS OF Persons with Disabilities (PwDs)

- Equality and Non-discrimination on ground of disability.
- Personal liberty
- Rights for Women and Children with Disabilities equal with others.
- Rights to live in community with access to residential/community support services, including personal assistance to support living with regard to age and gender.
- Protection from cruelty, inhuman treatment, abuse, violence & exploitation.
- Right to Home & Family – No child with disability to be separated from his/her parents on the ground of disability except on court order, where required in the best interest of the child.
- Accessibility in voting
- Access to justice
- Access to information on reproductive rights and family planning, and no persons with disability to be subject to medical procedure leading to infertility, without informed choice.
- People with disabilities to enjoy Legal Capacity on an equal basis with others to have equal right to own, inherit property, control financial affair, have access to bank accounts, loans, mortgages, so on.
- Guardianship – to provide support of a limited of guardian to take legally binding decision.
- Protection and Safety in situation of risk, armed conflict, humanitarian ground and natural disaster-District Disaster Management Authority to ensure inclusion of disabled people in disaster management activities, maintain record of details of PwDs

in the district, inform such person of any situations of risk to enhance disaster preparedness.

DUTIES & RESPONSIBILITIES OF GOVERNMENTS

- Awareness and campaign
- Lay down duties for standards of accessibility for physical environment.
- Ensure access to transport, information & communication technology, consumer goods.
- Mandatory observance of accessibility norms.
- Existing public buildings to be made accessible within 5 years from date of notification of rules.
- Service providers (govt. & non-govt.) to comply with accessible within 2 year.
- Human resource development.

ROLE OF GOVERNMENT

Education:

- Educational institutions funded or recognized by appropriate Government/Local authorities to provide inclusive education to children with disabilities and should
- Conduct surveys to identify children with disabilities and ascertain their special needs.
 - Establish adequate number of teacher training institutions.
 - Train and employ teachers qualified in sign language, Braille and train in teaching children with intellectual disability.
 - Direct special learning disabilities in children and take pedagogical measures.
 - Individual support to maximize academic/social development.
 - Provide for transport facilities.
 - Ensure removal of architectural barriers from educational institutions.
 - Provide for suitable modification in examination system for students with disabilities.

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- Promote use of appropriate augmentative and alternative modes, including Braille and Sign Language.

SKILL DEVELOPMENT AND EMPLOYMENT

Appropriate Government to facilitate/support employment of persons with disabilities and formulate schemes/programmes for

- Vocational training and self-employment.
- Loans at concessional rate.
- Marketing products made by PwDs.
- Inclusion of disabled people in mainstream formal/non-formal vocational and skill training programs.
- Exclusive skill training program for person with developmental, intellectual multiple disabilities and autism, with active links with the market.
- No discrimination in employment.
- Reasonable accommodation and barrier free environment in Govt. establishment.

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

- Free education between the age of six to eighteen years.
- All Govt. institution of higher education shall reserve not less than 5% seats for persons with benchmark disabilities.
- Upper age relaxation of five years for persons with benchmark disabilities for admission in institution of higher education.
- 4% reservation in job – with 1% each of (a) Blindness and low vision; (b) Deaf and hard of hearing; (c) Locomotor Disability including cerebral palsy cured, dwarfism, acid attack victim and muscular dystrophy; and (d) Autism, intellectual disability, specific learning disability, mental illness or multiple disabilities.

SOCIAL SECURITY:

Appropriate Government to safeguard and promote the right of PwDs for adequate standard of living enable them to live independently or in the community and formulates schemes and programs for

- Access to safe drinking water accessible sanitation facilities especially in urban slums and rural areas.
- Provisions for aids and appliances, medicines, diagnostic services and corrective surgery free of cost.
- Care-Giver allowance to PwDs with high support needs.
- Support to PwDs (including disable children) without family.
- Support to women with disabilities for livelihood & for bringing up their children.
- Disability pensions & unemployment allowance.
- Community Centres.

Punishment for offences of atrocities.

Whoever,

- 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 dishonour 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 opinion 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.

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Any person who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs five lakh can be awarded.