FREQUENTLY ASKED QUESTIONS about the Rights of Persons with Disabilities Act 2016
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FOREWORD

The implementation of the Rights of Persons with Disabilities Act, 2016 was the focus of our erstwhile Director, Mr. Javed Abidi, who by his passion for advocacy and activism has done much to make the implementation of the law meaningful and responsive to the needs of persons with disabilities.

Javed believed that the new Act would usher us into a new era of the disability rights movement - Disability 2.0! However, he also acknowledged the fact that to make this a reality, we would need to make people at the grassroots aware of their rights in simple language without the complicated legalese traditionally used or else the Law would remain just another piece of paper.

In view of the above, NCPEDP launched an ambitious Campaign aimed at equipping, empowering and informing various stakeholders about the provisions of the Act, for them to be able to demand their rights, fundamental to their basic dignity. Several tools have been developed under this Campaign – a simplified version of the Act, translation into various regional languages and sign language to help us reach a wider audience.

This compilation of Frequently Asked Questions (FAQs) is another such tool which we hope would answer some very basic questions and would hopefully go a long way to satisfy the doubts that readers may have in their interpretation of the RPWD Act, 2016.

We are grateful to ANZ for their support in helping us take the RPWD Act, 2016 to the grassroots and particularly to Mrs. Pankajam Sridevi, for her belief in our vision and our work. We are indeed hopeful that this book of FAQs will be used widely by all stakeholders to clarify any concerns and queries that they may have in understanding and interpreting the provisions of the Act.
FOREWORD

I had a chance meeting with the late Mr. Javed Abidi, one of India’s most passionate advocates for rights of persons with disabilities, in the summer of 2016. It was a meeting that changed the way I looked at disability. Mr. Abidi and I spent a few hours understanding the work of NCPEDP and its achievements in making significant policy changes that impacted the lives of the many millions of people with disabilities in India, including the conceptualization of the then Rights of Persons with Disabilities Bill that promised to be a game changer in the country’s disability rights movement.

It was the same year that I received the NCPEDP – Mindtree Helen Keller Award for promotion of employment of persons with disabilities. The ceremony was a turning point and I witnessed the efforts that were being put in by people across disabilities and across all walks of life as they strived to ensure inclusion of persons with disabilities in all spheres. Within two weeks of that Ceremony, the Rights of Persons with Disabilities (RPWD) Act was passed by both houses of the Parliament. Sitting in Bangalore, we followed the ensuing euphoria that erupted across the country but mainly in the larger cities.

We realized the importance of making the provisions of the new Act reach the grassroots, where people with disabilities, particularly the newly recognized disabilities, needed to be made aware of their rights and be able to demand for the same. It was towards this mandate that ANZ partnered with NCPEDP to simplify the Act, to sensitise various stakeholder groups on its provisions and to produce the Act in formats that were easy to understand and access. We have translated the Act into 9 different languages, converted it into sign language and have also brought out this book that
highlights the Frequently Asked Questions around the RPWD Act, 2016 while simultaneously providing appropriate responses to the same.

We are sure that this book will be widely used by all stakeholders to understand and disseminate the key provisions of the Act. For us at ANZ, we stand committed to taking forward Mr Abidi’s vision and agenda for an inclusive and accessible India.

_Pankajam Sridevi_

Group General Manager – Operations and Services at ANZ
Managing Director – Bengaluru Service

ANZ
Preliminary
CHAPTER 1
Preliminary

1

What is Disability?

In accordance with the Rights of Persons with Disabilities Act, 2016, 'A person with disability' means a person with long term physical, mental and intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. Thus disability means a situation in which a person with impairment is not able to fully participate in society due to the existence of barriers, like inaccessible built environment, absence of assistive devices, lack of employment opportunities, etc.

2

I am a Type II diabetic requiring insulin 4 times a day to maintain my health. Will I be considered as a person with disability under the RPWD Act, 2016?

No, a person having diabetes is not a person with disability as per the Rights of Persons with Disabilities Act, 2016. Only those disabilities are covered by the Act which are listed in the Schedule of specified disabilities annexed to the Act. However additions can be made to this Schedule by the Central Government after issuing a notification on the recommendation of any Government. If some impairment has occurred to a person due to diabetes such as amputation of a leg, hand etc. or sensory issues, then he/she would
come under a disability category. However, the assessment will determine if he/she comes within the purview of a Benchmark Disability.

3

Is every person with disability entitled to reservation in jobs in the Public Sector

No, Reservation in jobs is only for persons with Benchmark Disabilities. A person with a Benchmark Disability is a person with not less than 40% of a specified disability (not defined in measurable terms) and a person with specified disability (defined in measurable terms) in accordance with the schedule on specified disabilities attached to the Act.

4

What constitutes discrimination?

Discrimination means differentiating amongst persons or denying a person access to a place, group, or privilege, service or entitlement, or restricting someone on the basis of disability. It results in a situation where persons with disability are not able to enjoy their fundamental rights. Discrimination also means that there is substantial reduction in or nullification of the way in which persons with disabilities enjoy their rights equally with others. It could affect the political, economic, social, cultural, civil or any other right. Discrimination also includes situations wherein suitable adjustments to accommodate a person with disability in any kind of space for his/her effective functioning are denied. For example if a child with Hemophilia is denied reasonable accommodation to allow him/her to function is an act of discrimination.
What is reasonable accommodation? What can be considered reasonable?

It means making the required adjustments and changes to make sure that persons with disabilities are able to enjoy their rights equally with others. Anything that does not impose an undue burden on the person/entity making these adjustments shall be called reasonable. Special classroom seating, note-taking assistance, extended time for tests, recording of lectures, pre-recorded texts or readers are examples of reasonable accommodation for students with disabilities. Providing resting space and time or short breaks to cope with their moods/fatigue for persons with psycho–social disabilities and other health disabilities with chronic fatigue syndrome like multiple sclerosis are other examples.

Do, autos, cycle rickshaws, and battery rickshaws form part of the transportation systems which are required to become accessible under the Act?

Yes, autos, cycle rickshaws, battery rickshaws are part of the transportation systems which are required to become accessible under the Act as these are para-transit systems that serve the purpose of last mile connectivity. As per the Act, ‘Transportation systems’ include road transport, rail transport, air transport, and water transport, para-transit systems for last mile connectivity, road and street infrastructure. Thus even road and street infrastructure are required to become accessible under the Act.
7 Can bus stands and railway station be called ‘Public Buildings’ as per the Act?

Yes, railway stations, platforms, roadway bus stands or terminus, airports or waterways are included in the definition of ‘Public Building’ under the Act. ‘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. (Reproduced verbatim from Section 2 of the Act).

8 Can a factory be called an ‘establishment’ as per the Act? Which all places have been called an establishment under the Act?

Yes, as per the Act, factories are establishments. An Establishment can be a Government establishment or a Private establishment. Private Establishment means a company, firm, cooperative or other society, association, trust, agency, institution, organization, union, factory or any other establishment that the Government may notify.

9 Does a Government school fall under the definition of Government establishment?
Yes, a Government School falls under the definition of Government establishment. ‘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 and includes a Department of the Government and Government Schools.

10

*Can a private school be called a ‘Public Building’?*

Yes, a private school falls within the definition of a Public Building. ‘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.

11

*When a person provides support to a person with disability in return for a payment, can he or she be called a ‘Care Giver’?*

Yes. A care giver could be a parent or any other family member or any other person who provides care, support or assistance to a person with disability. Irrespective of whether a payment is made to this person, this person shall be called a ‘Caregiver’. 
I am a person with disability, how does the Rights of Persons with Disabilities Act 2016 change the overall environment for me?

The Persons with Disabilities Act 2016 substantially changes the scenario for people with disabilities. To start with, several new disabilities have been added so as to include people who have blood disorders (Hemophilia, Thalassemia), Parkinson’s disease, Acid Attack survivors. Etc. By including more disabilities, many more people now come under the ambit of this law in comparison with the previous law (Persons with Disabilities Act, 1995). The law requires that all establishments whether run by the Government or not, are mandatorily required to become accessible for persons with disabilities. It provides that equality and non-discrimination are basic rights of persons with disabilities.

The Act also provides that any violation of the law shall be considered a penal offence and will be punishable with fine and imprisonment. Some activities have been listed as offences of atrocities and thus punishable with imprisonment for a period ranging from 6 months to 5 years. Thus the law looks at abuse of persons with disabilities in a much more serious light.

The Act also provides for a strong grievance redressal mechanism in situations where the provisions of this law have been violated. In accordance with the Act, the Chief Justice of each of the High Courts in consultation with the State Government is required to
designate a Session’s Court to hear cases related with the Rights of Persons with Disabilities Act 2016. Thus, any person wanting to approach the Court for violation of his/her right, need not approach the High Court of their state as would have been required earlier. Now such an aggrieved person can approach the Session’s Court within his/her district to get justice. Another major provision of this Act is that all existing public buildings are required to become accessible within five years of the commencement of the Act. No establishment can build a structure or get possession of a building without ensuring that it is accessible for persons with disabilities. The Act also promotes the right to live in the community, the right to home & family, provides for the right to legal capacity and a positive shift from total guardianship to limited guardianship, to those who require the same.

13

*I am a woman with disability; does the new law make a special provision for me?*

The Act specifically provides that Government and local authorities are required to take measures to ensure that women and children with disabilities enjoy their rights equally with others, thus creating a special obligation upon the state to ensure that women enjoy the same rights as men. Thus, as mentioned above, the law changes the overall environment for persons with disabilities.

14

*I am a child with disability; Does the Act allow me to express my views on matters that affect me/ Or I am a parent of a disabled child, does my child have any say in matters affecting his/her, education or health or any other issue of his/her life?*
As per the Rights of persons with Disabilities Act 2016, children with disabilities have the right to freely express their views on all matters that affect them. Support should be provided to them keeping in view their age and disability.

15  **My brother who has a psycho social disorder (schizophrenia/ bipolar disorder) has been detained in a reformative/ rehabilitative institution. He does not want to live in that institution. Does the Act provide any alternative way of living for him?**

The Act expressly states that persons with Disabilities have the right to live in the community. The Government is required to make efforts to ensure that persons with disability are,

- Not obliged or pushed to live in any particular living arrangement. They can not be forced to live in a rehabilitative or reformative institution.
- To ensure that persons with disabilities are able to live within the community, they should be given access to a range of in house, residential and other community support services, to support their living in the community.

16  **My daughter has a Learning Disability and requires regular support with a counselor at her school. Her Counselor is pursuing a research project and has chosen my daughter as her subject for the research. For this purpose she invites two other individuals to observe the sessions she conducts with my**
daughter. My daughter appears to be very uncomfortable with the idea although she has not been able to express herself. What should I do?

You have a right to confront the counselor as her action is illegal. The RPWD Act 2016 says that, no person with disability can be made subject of a research without his or her free and informed consent. Thus, in this situation, your daughter should be asked if she is willing to participate in such a research. If she says yes without being influenced by anyone’s wishes, that would be considered consent. In case of persons with diverse disabilities the consent has to be obtained through accessible means and formats of communication. This means that, in case of people with speech and hearing impairment, sign language is to be used. The second condition which must be satisfied before a person with disabilities can be made subject of a research is that prior permission of the Committee for Research on Disability needs to be obtained. It is important to note that within this Committee at least half of the members need to be persons with disabilities or members of an association of persons with disabilities, or a disabled person’s organization, association of parents of persons with disabilities and family members or a voluntary or non-governmental or charitable organization or trust working for welfare of persons with disabilities registered under a Central or State Act.

What can I do if I, as a person, or a registered organization, come to know that an act of abuse or violence has been/ is being/ or is likely to be committed against a person with disability?
If a person/registered organization comes to know that an act of abuse/violence has been committed or about to be committed against a person with disability you have the right to share this information directly with the Executive Magistrate within the local limits of whose jurisdiction the incident has occurred or is about to happen. Also the matter can be taken to the police or legal aid could be provided under the State Legal Services Authority.

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If you receive a complaint about abuse/violence/exploitation towards any persons with disability, as a police official, you are duty bound to inform the person affected by the abuse that he/she has the right to apply for protection to the Executive Magistrate. This person must also be given the details of the Executive Magistrate who has the jurisdiction to provide the assistance. You must also share information about the nearest organization or institution working for the rehabilitation of persons with disabilities. This person must also be informed that she/he has the right to free legal aid and the right to file a complaint under the RPWD Act 2016 or any other law which deals with such an offence. If the offence committed is a cognizable offence, in that case, as a police official, you should proceed as per the law. (cognizable offence means an offence for which a police officer has the authority to make an arrest without a warrant and to start an investigation with or without the permission of a court. Normally, serious offences are defined as cognizable)
I am a resident of Begusarai in Bihar and I am blind. This year, our area experienced severe floods but I haven't been able to reach the rescue team as yet. Our area is prone to floods. Does the Act give me any protection in times of emergencies?

The Act specifically provides that people with disabilities must have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters. The National Disaster Management Authority and the State Disaster Management Authorities are required to take measures to ensure that persons with disabilities are included in disaster management activities. These activities may include preventing the danger, preparedness to deal with any disaster, prompt response to any disaster, assessing the magnitude of the effects of the disaster, evacuation, rescue, relief, rehabilitation and reconstruction. As per the Rights of Persons with Disabilities Act, the District Disaster Management Authority is required to maintain records of the details of persons with disabilities within the district and inform them about situations of risk, so as to enhance disaster preparedness.

The authorities which are involved in reconstruction activities after a disaster must work in consultation with the State Commissioner for persons with disabilities so that the new structures are in line with the accessibility requirements of persons with disabilities.

Therefore in your situation; it would be the responsibility of the District Disaster Management Authority to reach out to you and provide all necessary support whether for preventing the disaster or for its mitigation.
My daughter has cerebral palsy, and I am unable to take care of her needs due to my constrained financial situation. Do I have an alternative to having her live with me?

The Act specifically emphasizes upon the right of a child with disability to live within his/her home and with family. Thus it provides that no child with disability shall be separated from his/her parents on the grounds of disability, except as per the orders of a Court. This should be done only if absolutely required in the best interest of the child.

In situations when parents are unable to care for the child with disability, the competent court shall make the first choice of placing the child with near relations. If that is not possible, the next option is placing the child within the community in a family setting. Only in exceptional cases with no other available alternatives, the child shall be placed in a shelter home run by the Government or Non-Government Organization. Thus your daughter can live in an alternate arrangement on the basis of what would be the best choice for her (with the orders of a competent Court).

My sister who has Bipolar Disorder has been admitted to a reformative-cum-rehabilitative institution run by the Government. During my last visit to her, I heard from one of the staff members that due to ease of care and maintenance the uterus of many women is removed so that they stop menstruating, which means they will never be able to conceive a child. Is this legal?
This is absolutely illegal. The Rights of Persons with Disabilities Act 2016, expressly provides for, reproductive rights of persons with disabilities. No person with disability can be subjected to any medical procedure which leads to infertility without his/her free and informed consent. In fact performing, conducting or directing the performance of 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 has been deemed an ‘atrocity’ under the Act. Such an act is punishable with imprisonment of six months to five years.

22  
I have just turned eighteen and I am excited about voting for the first time for my favorite candidate, but I am afraid that I might not be able to reach the polling booth because I use a wheelchair? Does the Act in any way protect my electoral rights?

Yes. The Act provides for ‘Accessibility in Voting’. The Election Commission of India and the State Election Commission have been entrusted with the responsibility of ensuring that all polling stations are accessible for people with disabilities, that all the materials of the electoral process are easily understandable by and accessible to them. This would mean that physical spaces are accessible and materials are available in alternative accessible formats.

23  
I wish to file a case with the Competition Commission of India/ Court/ Green Tribunal/ but I am afraid I might not be able to pursue the matter or not be taken seriously due to my disability/ blindness? Do I have any special rights in this situation?
The Rights of Persons with Disabilities Act provides for the right of access to justice for people with disabilities. The Government is required to ensure that persons with disabilities are able to exercise their right to access any court, tribunal or authority, commission without discrimination on the basis of disability. Therefore the space and infrastructure of courts are mandated to be accessible.

Government also has the additional responsibility of providing support measures for exercising legal rights especially to those persons with disabilities who are living outside the family and those who require high support. The National Legal Services Authority of India and the State Legal Services Authority of India set up under the Legal Services Authority Act of 1987 have to provide measures to ensure that people with disabilities have access to any scheme, program or facility or service offered by them. For this, they also have the duty to bring about modifications which may be required so that persons with disabilities can realize their rights fully.

The Government is required to take some other steps like:

- Ensuring that all their public documents are in accessible format.
- Ensuring that filing departments, registry or any other office of record should be supplied with equipment to enable these to be in accessible formats.
- All those facilities and equipments should be available which ensure that persons with disabilities can record testimonies and arguments in their preferred language and means of communication.

I am an activist working in Punjab. I am also visually impaired. I face great difficulty in performing the basic tasks
like filing petitions, accessing public documents in Courts of Law. Does this law enhance the accessibility of the Courts of law?

Yes, it is the responsibility of the Government to ensure that all its public documents are in accessible format. Under the Act, the Government has been given the responsibility of making sure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents in accessible formats and that recording of testimonies/ arguments/ opinions/ by persons with disabilities is done in their preferred language/ means of communication.

Judicial forums fall under the definition of ‘Public Building’ under the Act. All public buildings are required to become accessible within five years of the Act coming into force (2022).

25 I am a woman with Bipolar Disorder. I have two brothers who are making plans about how they will use the property they will inherit from our father. Do I have a right over this property?

The Rights of Persons with Disabilities Act provides that persons with disabilities have the right to own and inherit property (movable/ immovable) to control their financial affairs and have access to bank loans, mortgages and other forms of financial credit. The Act defines this right to ensure legal capacity.

26 I am a person with severe orthopedic disability and was receiving care and support from a close relative. But now I
have stopped trusting him as I feel he has an eye on the property I will inherit. Do I have any remedy?

In such a situation where a conflict of interest has arisen in financial/property/economic transactions then, the person who was providing support must stop providing it for that particular transaction. But existence of such a conflict can not be presumed on the basis of the fact that such a person is related to the person with disability by blood or affinity (adoption). In accordance with the Act, a person with disability is at liberty to dismantle or modify any support arrangement and seek the support of another person. Such changes made in the support arrangement shall be effective from the date when they are made. The new arrangement will not nullify any third party transaction entered during the previous support arrangement.

27

My son is 18 years old and has an intellectual disability. He is unable to take legally binding decisions and I need to transfer some property in his name, for his future, how is it possible?

The Rights of Persons with Disabilities Act 2016, provides for limited guardianship in situations where a person with disability is not able to take legally binding decisions. In this arrangement, there is joint decision making between the person with disability and the guardian, based on mutual understanding and trust. Such an arrangement shall exist for a specific period of time, for a specific decision and situation. Such a system will operate in accordance with the will of the person with disability. A decision for this arrangement shall be made by a district court or any designated authority notified by the State Government. When the situation demands, that such support
is to be provided on a regular basis or repeatedly, the District Court or designated authority may decide to provide total support. The decision about the support that is to be provided is to be reviewed by the Court/ designated authority, so as to determine the nature and manner of support.
My Child is 3 years old and has Autism. I am worried that she will not be able to get admission in any regular school or will not be able to cope with other students.

Your daughter can not be denied admission into a neighbourhood school funded or recognized by Government or local authorities. Each child with disability needs to be admitted without discrimination and provided education and opportunities for sports and recreation equally with other children. To ensure that a child is able to adjust to the school environment, learn like all other children, schools are required to make their building, campus and various facilities accessible. The school is required to make all modifications, adjustments, adapt teaching learning methodologies and provide individualized support to ensure that children with disabilities are able to gain education and enjoy their rights equally with others. Like children with low/no vision should be seated in the front row of the class, and syllabi, assignments, readings and resources must be available in accessible format. For a child with a learning disability there could be computers with voice output, spell-checker and grammar checker, for children with speech impairments some alternative assignments could take the place of oral presentations. Relaxed attendance requirements for children with blood disorders, emergency medical care for children with Hemophilia, resting space for children with attention deficit disorder are other examples of reasonable accommodation. If effectively done all these steps will
ensure that children with disabilities are able to learn effectively in schools.

My son is a wheelchair user and is unable to access various facilities in his school like the science lab and the library. Does the school have any specific responsibility in this regard?

It is amongst the foremost duties of an educational institution, especially those funded and recognized by the Government and local authorities, to provide inclusive education. To do this effectively, schools are required to make their building, campus and various facilities accessible. In fact, schools are required to make specific changes or modifications to meet the needs of an individual child.

The school is required to provide individualized support within the schools’ environment so that the academic and social development of the child is maximized.

A school, or any other institution meant for educational or vocational purposes, is considered a public building in accordance with the Act. All public buildings are required to become accessible within five years of the commencement of the law. Thus, you can push the school for implementation of these provisions. It is your son’s right to experience full inclusion along with all the other children.

Are schools required to make some specific arrangements for students to promote or facilitate the education of students who are blind or deaf? How are they expected to cope in a regular classroom?
All educational institutions funded or recognized by the Government are required to ensure that persons who are blind or deaf are imparted education in the most appropriate language and through means suitable to them. To be able to effectively implement this, the government has been entrusted with the responsibility of ensuring the employment and training of teachers, including those with disabilities and those who are qualified in sign language and braille. Even other professionals and staff members in school are to be trained so that they can support inclusive education at all levels of the school.

I am a school teacher at a Government school, in Indore and teach the preprimary sections. Two students in my class find it difficult to understand the basics. I feel that they might be suffering from some disability but I am not sure, what should I do?

As per the Act it is the responsibility of the school especially if funded and/ or recognized by the Government to detect specific learning disabilities in children at the earliest, and to take suitable pedagogical and other measures to overcome them. In this regard, in fact the Government and the local authorities, are required to conduct a survey of school going children once in every five years for identifying children with disabilities. This is to be done so that special needs of children with disabilities can be understood. Also, an assessment can then be done to find out how far these needs are being met and what needs to be done further to meet those needs effectively.

The first survey of this kind, is to be conducted within a period of two years from the date of commencement of the Rights of Persons
with Disabilities Act. (i.e. before 28th December 2018). In this regard, as a teacher you can push or advocate with the school management to identify the children with disabilities within your school. You can take the support of parents in understanding and identifying behaviors which indicate special needs.

32

I am the chairperson of the parent associations of all schools in Indore; some parents have approached me with grievances in relation to their children with disabilities. They have highlighted that the teachers are not well equipped to work with children with disabilities and the other staff members in school are also quite insensitive. On what grounds, can the association advocate for better facilities with the government?

Building the framework of Inclusive Education within all educational institutions will require substantial human resources. Thus, to meet this objective, the Act has mandated that Governments should establish teacher training institutions. It should employ and train teachers. Teachers with disability are also to be appointed, especially those qualified in sign language and braille and also teachers who are trained in teaching children with intellectual disability. Even the professional staff of the schools needs to be trained within the framework of inclusive education. Since the Act clearly provides for these measures, as a group you can advocate for the active implementation of these measures with the State Government.

33

As the welfare officer of a residential care facility for children with disabilities, I feel concerned about the safety of students who travel to their school with an assistant in public
transport. There have been instances where some of them could have met with an accident. Does the Government or the schools have any duties in this regard?

If the individual child’s requirements are such that she/he should be provided with transport facilities, then the schools are mandated to provide reasonable accommodation according to his/her needs. This means that any necessary changes required shall be made to ensure that the children with disability learn effectively.

In fact, there is a specific mention that for children with high support needs – who require support for activities of daily living, transportation facilities must be provided to them and to their attendants.

34

How does the Government expect to reach out to children with disabilities from an early stage of life?

Under the RPWD Act 2016, the appropriate Government and local authorities have been entrusted with the responsibility of conducting a survey of school going children in every five years for identifying children with disabilities and to ascertain their special needs along with the extent to which they are being met. The first such survey is to be conducted within two years from the date of commencement of the Act. Thus this process is expected to play an important role in enabling the Government to reach out to children with disabilities.

35

How are schools expected to carry out interventions necessary to admit and sustain students with disabilities?
All schools are mandatorily required to admit children with disabilities and not discriminate against them on the basis of their disability. Not only that, schools (especially those funded or recognized by the Government and local authorities) are required to make their campus/ other facilities accessible. In addition to this, schools are required to make all those changes in their premises and environment, that may be required so that children with disabilities can experience full inclusion. The Government and the local authorities are required to train and employ teachers for this purpose. Teachers with disability should also be appointed especially those trained in sign language and braille and those trained in teaching children with intellectual disabilities.

The Act mandates that other professionals and staff members of the school should also be trained for inclusion of children with diverse needs. Like a child with Muscular Dystrophy may require special considerations about latenesses, absences, shortened school days, and missed class work and homework due to physical therapy sessions. In fact, one can push the Government to establish resource centers to support educational institutions at all levels of school education. The Act also mandates that alternative modes/ formats of communication like braille and sign language are to be used in school so that the needs of children with speech and language disabilities are met.

Also, such practices will be crucial for the participation of children within schools, community and society. In fact, students with Benchmark Disabilities are to be provided books, learning materials, assistive devices free of cost upto the age of 18 years. Even changes in the curriculum and examination system have been provided for in the Act. e.g. extra time for completion of examination papers, facility of a scribe, and exemption from second and third
language courses. More changes can be made according to the needs of children with disabilities.
Skill Development and Employment
I recently read an advertisement by the Ministry of Skill Development about a month long training program for various trades. I wish to apply for the training but I am afraid that my application will not be accepted because I am deaf.

You may apply for the training programme without any reservation because that is your right. In fact, the Act provides that persons with disability shall be included pro-actively in all mainstream formal and non–formal vocational and skill training schemes and programs.

This provision coupled with the fact that no person with disability can be discriminated against means that you have a right to demand that you be evaluated on all other parameters for suitability and not be discriminated against on basis of your disability.

I have recently started a small business of jute products but I am not able to popularize my products due to my disability and shortage of funds. What can I do?

The Government both Central and State have the duty / responsibility under the Act to formulate schemes and programmes to ensure that loans at concessional rates should be provided to
persons with disabilities for the purpose of vocational training and self-employment. Also, provisions need to made for marketing of products made by persons with disabilities. Thus, it would be appropriate to find out the relevant schemes that are available or initiated by the State or Central Government, and to apply for these.

I want to work with Airports Authority of India/ Municipal Corporation of Delhi (any other body owned or controlled by the Government). I have applied for a job but I don’t think I will be able to qualify because I have polio in both my legs. If I am hired, will I be able to adjust with the environment; I will not even be able to navigate the building?

The Act strongly disallows Government establishments to discriminate against any person with disability in matters relating to employment, unless a Government establishment has been exempted from following this Rule by notification, on the basis of the nature of work carried out in the establishment.

In fact, every Government establishment is required to make changes / modifications required to meet the needs of people with disabilities. This could include shorter working hours, pay on a weekly basis, increasing or decreasing the height of the desk, etc. First and foremost, Government establishments are required to ensure that the environment within its premises is barrier free and conducive for employees with disabilities. Also, all public buildings are mandatorily required to become accessible for people with disabilities, within five years of the commencement of the Act.
I met with an accident and suffered severe injuries of the spine and one leg. I am afraid that because of my disability my services will be terminated from the State Electricity Board and life will become even more difficult.

The Act bars government establishments from removing from service or reducing a person’s rank if he or she has acquired a disability during service. Even if the person who has acquired the disability is not fit to be in the same position and is not capable of performing the same role, then he/she shall be moved/shifted to some other post. But the new post to which this person is shifted to must have the same pay scale and service benefits as the previous one. If for some reason this person cannot be shifted to another post, then he may be kept on a post especially created for the purpose of his employment.

This person shall remain in this position specially created for him, till either of these two situations materializes,

1. A suitable post becomes available or
2. When he/she reaches an age after which he can be paid a pension out of the fund into which he/she himself was contributing while in service.

whichever of the two happens earlier.

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How can I find out about the facilities provided by Government establishments to accommodate persons with disabilities?
The facilities provided by all establishments (Government and Private) for people with disabilities are to be listed/explained in the Equal Opportunity Policy and the same shall be notified, registered with the Chief Commissioner or State Commissioners, and displayed on the company’s website and if that is not possible, then displayed at a noticeable and prominent place in their premises.

Even the mandatory contents of an Equal Opportunity Policy of a private establishment with 20 or more employees and a Government Establishment have been mentioned in the Rights of Persons with Disabilities Rules. The Equal Opportunity Policy must include (reproduced verbatim from the Rules)

1. Facility and amenity to be provided to persons with disabilities to enable them to effectively discharge their duties in the establishment;
2. List of posts identified suitable for persons with disabilities in the establishment;
3. The manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
4. Provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
5. Appointment of a liaison officer by the establishment to look after the recruitment of persons with disabilities.

I am a student doing a survey of people with disabilities working in various establishments. How can I get access to
Every establishment is required to maintain records of persons with disabilities in relation to the matter of employment, the facilities that are being provided and any other details in relation to skill development and employment of people with disabilities. These records shall be open to inspection at all reasonable hours by anyone who has been authorized to inspect the records by the appropriate Government. Thus access to the data can be obtained with due permissions from the Government.

I was demoted by two positions at the Government Company where I work. Now there are plans to remove me from service after I acquired a disability? What can I do?

You should approach the Grievance Redressal Officer, of the company. Every Government establishment is required to appoint a Grievance Redressal Officer and should inform the State Commissioner or Chief Commissioner (depending on whether the establishment is under the State Government or the Central Government) about the appointment of such an Officer.

You should file a complaint with the Grievance Redressal Officer who is required to investigate the matter and take up the matter for corrective action with the establishment. The law strictly provides that no Government establishment can reduce in rank or remove from service an employee who has acquired a disability during service. A violation of this provision is to be looked into by the Grievance Redressal Officer. The Officer must inquire into each of
these complaints within two weeks of their registration with him. The officer is required to maintain a register of complaints filed.

If you are not satisfied with the action taken on your complaint, you can approach the District Level Committee on disability.
Social Security, Health, Rehabilitation and Recreation
I am the Chairperson of a club/association of persons with disabilities within my district. Some of the members of this group are people who need support with assistive devices, a proper place to stay, opportunities for livelihood, pension etc. Can we expect some support from the Government in this regard?

The Act provides that it is the Government’s responsibility to form schemes and programmes to ensure that people with disabilities are able to live independently within the community. In fact, the Act states that the amount of support/assistance given to persons with disabilities should be 25% higher than similar kind of support given to others. While forming these schemes, the Government is required to give importance to the kind of disability, gender, age and socio-economic status, e.g. for children with disabilities, focus shall be on education, shelter, food (especially for those who have been abandoned and/or are living in institutions). For young adults, the focus shall be on higher education and employment and personality development. Different assistive devices depending on the nature of disability need to be provided e.g. blood banks for people with blood disorders, medical facilities for corrective surgeries for acid attack survivors. Community centres with good living conditions including safety, sanitation and hygiene shall also be set up. Other appropriate measures shall also be taken by appropriate governments.
Most persons with disabilities are caught in a cycle of unemployment and poverty. Accessing healthcare which is especially important for them is not available due to its high cost. Is there a way that they can access it free of cost?

It is absolutely true that people with disabilities require health-care support more than others, but high cost proves to be a huge barrier for them.

However, the Rights of Persons with Disabilities Act 2016, has changed the scenario. For people with a certain family income level (which is to be notified by the Government), healthcare has been made free especially in hospitals close to the place of residence of a person with disability. All government and private hospitals and healthcare institutions / centres are required to proactively provide barrier-free access in all parts of their premises as well as provide priority in attendance and treatments for persons with disabilities.

I am a research scholar studying the issue of disability from the perspective of medical sciences and I feel that disabilities can be prevented to some extent by working with young and pregnant women and children in early childhood stages. Does the Act determine any responsibilities of the Government in this regard?

The Act in very specific terms provides for Government’s responsibility to take preventive measures to reduce the incidence of disability, through schemes and programs. To do this effectively, governments are required to conduct surveys, investigation and
research to find out the causes of disabilities. This would help in finding out the methods of preventing disabilities, which are to be promoted amongst the masses.

The Act provides that all children are to be screened at least once in a year to identify those who are at risk of acquiring a disability.

This would require trained human resources, which has also been provided for by the Act, especially training of staff at the primary health centres. The mother and child should be taken care of during pregnancy, at the time of delivery and after delivery.

A crucial aspect of prevention of disabilities is the popularization of the methods and awareness about issues of health and hygiene. Thus governments have been entrusted with the responsibility of supporting awareness campaigns and disseminating information on general hygiene, health and sanitation. Educating the public through schools, public health centres, Anganwadi workers, television, radio and other mediums are to be done so that information about prevention reach the masses.

Governments have also been entrusted with the responsibility of providing healthcare for persons with disabilities at the time of natural disasters and other situations of risk and medical facilities for life saving emergency treatment and procedures.

My son is a dance performer and is orthopedically disabled in one leg. He also runs his own academy and trains other persons with disabilities in some forms of dance. His academy faces a few lean periods in terms of finances and as a result all the members get affected. Can their organization expect some support from the Government?
The newly enacted Rights of Persons with Disabilities Act asserts that persons with disabilities should have a right to cultural and recreational activities. Thus the Government has the responsibility of providing facilities, support and sponsorships to artists and writers with disability so that they can pursue their interests.

The Act makes further provisions to promote art amongst people with disabilities. It says that art is to be made accessible to persons with disabilities. Recreation centres are to be promoted. Participation of persons with disabilities is to be facilitated in scouting, dancing, art classes, and outdoor camps. Technology and assistive devices may be required to ensure that persons with disabilities are included in recreational activities. Developing these devices is also the responsibility of the government. One of the most important provisions of the Act is that people with hearing impairment must have access to television programmes with sign language interpretation and sub-titles. Thus your son could apply for schemes of the Government related to promotion of Art amongst persons with disabilities.

Several persons with disabilities especially in rural and semi-urban areas have not had access to various kinds of services in relation to health, livelihood and education during their childhood and growing up years. Does the Act make any provision for purposes of their rehabilitation?

The Government is required to provide services and make programmes for rehabilitation of persons with disabilities especially in the areas of health, education and employment. To fulfill the objective of rehabilitation, the Government is also required to give
grants to Non-Government Organizations and also consult with them while formulating schemes for rehabilitation of persons with disabilities.

I am a sports teacher teaching at a Government school in Etawah district. I believe that sports can really help children with disabilities develop self-esteem and leadership skills necessary to live a healthy life. But the actual scenario is very bleak, as facilities in all schools are poor and children with disabilities remain excluded. Does the new Act bring about any change in the situation?

The new Act expressly provides for participation of persons with disabilities in sporting activities. The sports authorities have the responsibility of recognizing that persons with disabilities have the right to participate in sports. To ensure that this right becomes a reality, sports authorities are required to make schemes and programs for people with disabilities. The Government and sporting authorities have been mandated to take specific measures. Courses and programmes are to be structured in such a manner so as to include access, inclusion and participation of people with disabilities. Infrastructure facilities for all sporting activities have to be redesigned to ensure accessibility for persons with disabilities.

Technology should be developed so that the talent and capacity of people with disabilities in sports can be enhanced. Sporting activities and equipments should have multi-sensory features so that they can be used and enjoyed by people with diverse needs.

Funds need to be allocated to develop latest sports facilities for training people with disabilities. Sporting events specifically meant for persons with disabilities should be organized and awards should
be given to the winners and the participants to encourage the sporting spirit and enhance the inclination of people with disabilities towards sports.
Special Provisions for Persons with Benchmark Disabilities
My close friend was attacked with acid five years back and got assessed with 60% disability. She has not been able to find a job despite her education. Does the Act make any supportive provisions for her?

The RPWD Act 2016 says that no person with disability can be discriminated against on the ground of disability. Since acid attack survivors have been recognized as persons with disability, no employer can deny a job to a survivor on the basis of her disability. In terms of employment, the Government has been entrusted with the responsibility of playing a pro-active role in making schemes and programs to involve persons with disabilities. In fact, even self-employment measures are to be supported by the Government by providing vocational training and loans at concessional rates. Marketing of products made by persons with disabilities is another such measure.

Do all persons with disabilities have access to or have the right to apply for jobs reserved for persons with disabilities in the public sector? What are the criteria for the same?
Jobs in the public sector have been reserved only for persons with Benchmark Disabilities. In every Government establishment at least 4% of the total number of vacancies in the cadre strength in each group of posts shall be identified to be reserved for persons with Benchmark Disabilities.

1% is allocated to for each of these categories.

1. Blindness/ low vision.
2. Deaf/ hard of hearing
3. Those persons having locomotor disabilities, including cerebral palsy, leprosy cured, dwarfism, acid attack victims.
4. Autism, intellectual disability, specific learning disability and mental illness or multiple disabilities.

Thus only persons having above mentioned disabilities and those who cross the Benchmark have the right to apply for jobs reserved in the public sector.

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*My daughter has 70% disability (Autism), certified by the doctor. She is 4 yrs old but I don't have the financial resources to educate her. Most of the schools have refused to give admission to her. What can I do?*

Your daughter qualifies to be a person with Benchmark Disability as per the Act. As per the Act persons having a Benchmark Disability have the right to free education between the ages of 6 to 18 years in a neighbourhood school or a special school of his/her choice.
I am a school counselor and we have five students with different disabilities who will pass class 12 this year. I am afraid none of them will be able to get admission into colleges, due to the highly competitive environment.

Your concerns are genuine since the needs of children with disabilities are very different, so are their abilities; thus the assessment should also be in line with this consideration. However to ensure that children with disabilities are able to have access to higher education, all Government institutions of higher education and other higher education institutions receiving aid from the government are required to reserve at least 5% seats for persons with Benchmark Disabilities. Also persons with Benchmark Disabilities are to be given an upper-age relaxation of 5 years at the time of admission into institutions of higher education. This provision gives due consideration to the fact that education for persons with disabilities can be delayed due to barriers of various kinds.

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What will happen if a Government establishment is not able to find suitable persons with Benchmark Disabilities for employment?

If a Government establishment is not able to find suitable persons with Benchmark Disabilities for filling up reserved posts / vacancies in a particular year (first year), then such vacancy is to be carried forward to the succeeding (second) recruitment year. If in the second recruitment year also no suitable person with Benchmark Disability is available, then the post shall be filled by interchange amongst the
various categories mentioned above. This means that if a blind person is not available to fill a vacancy reserved for blind persons then it shall be filled up by a person falling in other categories – deaf, locomotor disability, autism, multiple disabilities) Only when there is no person with disability available to occupy the post even in second year then the vacancy shall be filled up by appointment of a person who is not a person with disability.

54

Does the private sector have any obligation to employ persons with disabilities?

There is no reservation for persons with disabilities in the private sector. However, the non-discrimination clause implies that people with disabilities cannot be discriminated against on the basis of disability. The Government and the local authorities are required to provide incentives to employers in the private sector, to encourage the establishments to have at least 5% of their workforce constituting persons with disabilities. All establishments (including private establishments) are required to notify an Equal Opportunity Policy which should give details about the steps taken by the organization to provide special facilities and policies for its employees with disabilities.

55

How can persons with Benchmark Disabilities come to know of the jobs available for them in the public sector?

The information about vacancies for persons with Benchmark Disabilities existing or about to arise is available with Special Employment Exchanges. This information shall be provided by
employers to employment exchanges only when the Central Government passes a notification in this regard.

The list of posts identified for persons with disabilities is also to be included in the Equal Opportunity Policy of every establishment. This policy ideally should be available on the website of every establishment. If not, that would be a violation of the Act.

What other benefits are available for persons with Benchmark Disabilities?

The Government and the local authorities are entrusted with the responsibility of making schemes for persons with Benchmark Disabilities. These schemes are intended to provide:

1. 5% reservation in allotment of agricultural land and housing schemes and development programs. Priority is to be given to women with Benchmark Disabilities.
2. 5% reservation in poverty alleviation and development schemes for persons with Benchmark Disabilities.
3. 5% reservation in allotment of land on concessional rate (land must be used for housing, shelter, setting up of occupation, business, enterprise, recreation centers, production centers).
Special Provisions for Persons with Disabilities with High Support Needs
My brother aged 45 has Muscular Dystrophy and needs day to day help with movement and activities of daily living. I am elder to him and unable to care for him due to my old age. Can I expect some support from the Government? How can I get access to this support?

Any person with Benchmark Disability who requires day to day support can apply to the concerned authority requesting them to provide this support. Any person / organization can also apply on behalf of the person with disability. When the concerned authority receives such a request, it will be referred to an Assessment Board, the composition of which will be decided by the Central Government. The manner in which the Assessment Board will analyse / assess the need of the person with disability is also to be determined by the Central Government. After the Assessment is done, the board will certify the need for high support based on assessment and will send a report to the certifying authority. In line with this report the certifying authority will provide support to person with Benchmark Disability.
Duties and Responsibilities of Appropriate Governments
I am a person with visual impairment and travel extensively for my work. I find that the various facilities that are made available to improve the accessibility of spaces are all very different in different places. In some places tactile paths are poorly laid, in others they are absent. Some metro stations have braille markings while others do not. A few websites that I use are accessible to me while others are not and even those that are accessible function differently. Does the RPWD Act solve the issue in some manner?

Your observation of the current status of accessibility is very true and is similar to the experiences of other persons with disabilities. However the Rights of Persons with Disabilities Act 2016 changes the scenario substantially. The Act mandates that the Central Government in consultation with the Chief Commissioner will make rules for persons with disabilities, laying down standards of accessibility for the physical environment, transportation, information and communication and other facilities/ services provided to the public in urban and rural areas.

These accessibility norms must be followed for all new constructions, failing which a completion certificate will not be issued. All existing public buildings are to be made accessible in line with these norms and rules made by the Central Government within five years from the date when the Rules were notified i.e. by June 2022. The Act further mandates that all media content, information
tools, products and accessories produced by manufacturers will be made accessible for persons with disabilities.

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I run a small Self-Help Group to support persons with disabilities where they provide loans to each other, to catalyze opportunities of self-employment. Most of these people travel around so as to push ahead their business both within the city and outside and find the transportation systems very difficult to navigate. Does the new law change the situation in any way?

Yes, Absolutely! The Act expressly provides that the Government is required to take measures to provide facilities to persons with disabilities at bus stops, railway stations, and airports. These facilities should meet the accessibility standards in relation to parking spaces, toilets, ticketing counters, machines etc. The Government must also provide access to all modes of transport which should meet the design standards. It needs to facilitate retrofitting of old modes of transport which should also be:

- Technically feasible
- Safe for persons with disabilities
- Economically viable
- Not involving major structural change in design
- The Government has also been mandated to develop schemes and programmes to facilitate the personal mobility of persons with disability at affordable cost by giving incentives and concessions, retro-fitting of vehicles and giving personal mobility assistance.

60
I am deaf and a complete movie buff, I am able to watch only three channels on my television which are sponsored by western countries, as they use sub titles with the audio. I wish the same was done with all Indian channels too. Does the new law provide for this?

The RPWD Act 2016 expressly provides for availability of all content that is present in audio, print and electronic media in accessible format. The responsibility of making this right a reality lies with the Government.

Persons with disabilities should also have access to electronic media which has to be done by providing audio-description, sign language interpretation and close captioning (sub titles with each of the dialogues). If the Act is effectively implemented, each of the television channels and movies would be required to broadcast their content only with sub titles / sign language interpretation.

Does the RPWD Act create any responsibility of the Government in ensuring that most goods meant for general consumption are designed in a manner so as to suit the diverse needs of people?

The Act mandates that electronic goods and equipment which are meant for everyday use are available as per principles of Universal Design, like adapted bathing / toileting tools, modified bathrooms, adapted kitchen utilities.
It is also the Government’s responsibility to promote the development / production / distribution of goods that have been universally designed i.e designed in a manner so as to be usable by people with diverse needs.

People with disabilities are said to be an invisible class of people largely due to the inaccessibility of physical spaces. Does the new law change the scenario so that participation of people with disability in public life can be improved?

The accessibility norms / standards developed by the Central Government are to be mandatorily observed by all establishments whether public or private. No new structures can be built by an establishment if it does not meet these norms.

If such a structure has been built by flouting the norms it will not be able to acquire a certificate of completion or allowed to take possession of the building unless the rules/norms have been followed. All existing public buildings are to be made accessible in accordance with the Rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules.

The Government and the local authorities are required to make and publish a plan of action defining their priorities regarding providing accessibility in all their buildings, spaces providing essential services.

The substantial changes that the Act envisages in services, spaces and facilities will require a large number of people – especially those who believe in or are trained in accessibility
standards and the rights based approach. Does the Act provide for preparing a cadre of people for the same?

The Act provides that it shall be the responsibility of the Government to develop human resources for the purpose of implementing this Act. For this the Government is required to take several measures. One of these measures is to incorporate training on disability rights in the training course meant for Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers. Disability should be made a component for all educational courses schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, anganwadi workers, engineers, architects, other professionals and community workers. The Act also provides for capacity building for persons with disabilities and their families. Capacity building programmes are to be initiated in independent living and community relationships for family members, care givers of persons with disabilities and for any other measures as may be required. ‘Independence training’ is to be given to persons with disabilities for developing community relationships.

In accordance with the Act, training should also be given to sports teachers and their focus should be on sports, games and adventure. Teaching and research in disability studies is to be promoted by all Universities by setting up of Study Centres for this purpose. To be able to develop an understanding about the nature of manpower required, the Government is required to do a ‘needs assessment’ once every five years and make plans for recruitment, induction, sensitization, orientation and training of suitable people to undertake the various responsibilities under this Act.
Registration of Institutions for Persons with Disabilities and Grants to such Institutions
Yesterday the news channels were full of news about institutions for persons with disabilities where violence and abuse were rampant. What are the safeguards to ensure that such institutions are well maintained without any danger to its residents?

The Act provides for a proper mechanism for registration of institutions meant for persons with disabilities. No one can set up or maintain an institution for persons with disabilities except when a certificate has been issued to the institution by a competent authority. Such a certificate is granted only when the necessary conditions are met by the institution. The Act also provides for regular monitoring mechanisms for such institutions and periodic renewal of their registrations.

What is the process of obtaining a certificate of registration for an institution meant for persons with disabilities?

The first step for obtaining the certificate is to make an application to the competent authority appointed by the State Government. After
receiving the application the competent authority will inquire about the applicant institution. The authority will inquire whether the applicant institution has followed all the provisions of the Act and the Rules. In addition to this the applicant institution must be in a position to provide all facilities as per standards prescribed by the state government. If these conditions are met, the competent authority will grant the certificate to the applicant within 90 days of receipt of application. If these conditions are not met, the competent authority may / can refuse to grant the certificate. Before the refusal, the applicant will be given an opportunity to present his case. Every order of refusal shall be communicated to the applicant in writing. The time period for which the certificate will remain valid is to be determined by the State Government. The certificate needs to be renewed each time it expires. The application for renewal is required to be made at least 60 days before the expiry of the period during which the certificate remains valid. A copy of this certificate must be displayed in some prominent place.

66

*Can the certificate of registration be cancelled? When can this be done?*

Yes the certificate of registration can be cancelled, in two kinds of situations:

1. When the applicant institution has made a statement which is false / incorrect in material terms. (Example, it is claimed that a facility is being provided which in reality it is not being provided.)
2. The applicant institution has caused breach of rules / conditions on the basis of which the certificate was initially granted.
67

In case an institution shuts down, where will its residents go?

The competent authority is expected to pass an order in this regard. The residents of an institution whose certificate of registration has been revoked, may be-

1. Sent back to the custody of their parent / spouse / lawful guardian.
2. OR transferred to any other institution specified by the competent authority.

68

When the decision about granting a certificate to institution is made is it final or there is a possibility of reconsidering it?

When the competent authority has refused to grant a certificate of registration the applicant has the right to file an appeal against this decision to the appellate authority. The time period within which such appeal can be filed is to be determined by the State Government.

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Does an institution set up by the Government require registration under this Act?

The institutions established or maintained by the Central Government / State Government do not need a certificate of registration under the RPWD Act.
Certification of Specified Disabilities
CHAPTER 10
Certification of Specified Disabilities

70

Which authority shall I go to for obtaining a certificate of disability for my daughter who has a learning disability?

The certificate of disability is to be issued by the certifying authorities. (Section 57(1) provides that the appropriate Government shall designate persons having requisite qualifications and experience as certifying authorities who shall be competent to issue the certificate of disability). The Government must also notify the jurisdiction within which the certifying authority will function. It will also determine the terms and conditions according to which the certification will be provided.

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What process must one follow to apply for a certificate of disability? What all is required to be submitted with the form?

The first step of the process is to fill up form IV (given in the Rights of Persons with Disabilities Rules). This application form is to be submitted to a Medical Authority or any other notified competent authority in the same district where the applicant resides.
Alternately the application can also be made to the Medical Authority in a government hospital where the applicant has been undergoing treatment for his/ her disability. If the person with disability is a minor or is having intellectual disability or any other disability because of which the applicant cannot make the application himself / herself; then the application is to be made by his legal guardian or by the organization registered under the Act, under whose care the individual with disability is living.

**With the application the applicant should attach:**

1. A proof of residence
2. 2 recent passport size photos
3. Aadhar number/ Aadhar enrolment number

The certifying authority will assess the disability as per the guidelines after which the certificate will be issued. If the authority finds that the certificate should not be issued then the applicant should be informed that he/ she is not having any specified disability. The certificate, if issued will be valid across the country.

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*I have applied for a disability certificate for myself. By when can I expect a response from the certified authority? What if my application is rejected?*

The Medical Authority / Certifying Authority is required to issue a certificate within a month of receiving the application. If after verification of information, the certifying authority is satisfied, it will issue a certificate of disability after assessing the disability on the basis of relevant guidelines. Even if the certificate is not to be issued due to the reason that a person is found to be ineligible, he/she is
required to be told the reasons for the same, within one month from the date when the application was received.

A person who is not in agreement with the decision of the certifying authority, can apply to a higher authority which is called the appellate authority. The responsibility of determining who shall be the appellate authority lies with the Government. The time within which and the manner in which the appeal is to be filed, and the manner in which the appeal is to be decided by the appellate authority is to be determined by the specific State Government.
Central and State Advisory Boards on Disability and District Level Committee
CHAPTER 11
Central and State Advisory Boards on Disability and District Level Committee

73

The current GST regime caused an immense amount of uproar in the disability sector as assistive devices were taxed substantially. As an advocate for the rights of the persons with disabilities I feel that the sector should have taken preventive steps and not curative steps on most policy issues. Does the new Act envisage a system where a single unit/system/office/ministry is responsible for making policy level decisions on issues affecting persons with disability?

Yes, the Act provides for the constitution of a Central Advisory Board – a national level consultative and advisory body on disability matters. This Board will help in the evolution of policies for empowerment of persons with disabilities. The Central Advisory Board is required to perform some specific functions which have been detailed in the Act. The Board is required to advise the Central and the State Government on policies, programs, legislation and projects with respect to disability.

It needs to develop a National Policy and coordinate the activities of all Government departments and Non-Government Organizations which are dealing with matters relating to persons with disabilities. The Central Advisory Board is required to advocate with the concerned authorities and international organizations to provide
for schemes and projects for persons with disabilities in the national plans.

It has to make recommendations to ensure accessibility, reasonable accommodation, nondiscrimination in the space of information, services and built environment. The Board also needs to assess and monitor the impact of laws, policies and programs in achieving full participation of persons with disabilities. In addition to this, the Central Government can assign any other function to the board.

**74**

*Is there any such decentralized system with the states?*

At the State level, State Advisory Boards are to be constituted. These are required to perform the same role as the Central Advisory Board, but only within the particular state within which they have been constituted. (Please refer to Question number 73)

**75**

*Who all will be part of this Board?*

In accordance with the Act several people are required to be a part of the Central Advisory Board. The Minister in charge of the Department of Disability Affairs in the Central Government, the Minister of State dealing with Department of Disability Affairs in the Ministry in the Central Government, the Chairperson, Rehabilitation Council of India, Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Directors of the National Institute for the Visually Handicapped, the National Institute for the Mentally Handicapped. This Board will also have
representation from members who are experts in the field of disability and rehabilitation and persons with disabilities who will represent Non Government Organizations concerned with disabilities. The Board must have women and persons from Schedule Caste and Schedule tribe. The entire list can be seen at Section 60(2) of the Rights of Persons with Disabilities Act, 2016.

**76**

*How frequently is the Board required to meet?*

The Central Advisory Board is required to meet once in every six months.

**77**

*Is there a possibility that members with old archaic mindsets continue to be on the Board for a long while, thus limiting the potential of the Board? How does the Act ensure that there is no stagnation in the Board?*

Out of all the members, 18 members of the Board are to be nominated by the Central Government. Out of these, at least 5 members must be experts in the field of disability and rehabilitation, 10 members should preferably be from Non Government Organizations concerned with disabilities or disabled peoples organizations (these 10 should be persons with disabilities as far as possible). Three persons out of the 18 mentioned are required to be representatives of national level chambers of commerce and industry.

Out of the 10 people representing NGOs 5 should be women and at least 1 person should be from a Schedule Cast or Schedule
Tribe. Each of these nominated members can hold office for a time period of three years from the date of their nomination. Thus, the Act provides for a system wherein there is very little scope for stagnation.

After expiry of the term of a nominated member he/she shall continue to hold office until his/her successor enters office. If the Central Government thinks that a member is unfit to hold his/her position then it may remove him/her from the position before the expiry of his/her term. Any casual vacancy in the Central Advisory Board is to be filled by a fresh nomination. This person will occupy office only for the remainder of the term of the previous member.

Are there any disqualifications for the membership of the Board?

The following persons can not become members of the Central Advisory Board:

1. A person who is or has been adjudged insolvent.
2. A person of unsound mind and has been declared to be so by a competent court.
3. A person who has been convicted of an offence of moral turpitude (an act or behavior that gravely violates the sentiment or accepted standard of the community).
4. A person who is or has been convicted of an offence under the Rights of Persons with Disabilities Act.
5. A person who has abused his position in a manner which goes against public interest.
Chief Commissioner and State Commissioner for Persons with Disabilities
CHAPTER 12
Chief Commissioner
and State Commissioner for Persons with Disabilities

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Recently, there were instances of abuse in an institution meant for rehabilitation of persons with disabilities. But no one has filed a complaint. Can the state or any of its bodies investigate the matter? If so how?

Yes, The Chief Commissioner on his/her own can inquire into any situation where the rights of persons with disabilities have been violated and also look into the safeguards available for protection of persons with disabilities in that particular situation. The Chief Commissioner is also responsible to take up the matter with the concerned authority for corrective action.

80

Who is responsible for monitoring the implementation of the Act?

The Chief Commissioner for Persons with Disabilities, as part of the functions to be performed by him/her, must monitor the implementation of the provisions of the Act, schemes and programmes meant for persons with disabilities.
81

Who will ensure that all the other laws and policies are in line with the spirit and provisions of this Act?

The Chief Commissioner is required to identify on his own the provisions of any law, policy, program which are inconsistent with the Rights of Persons with Disabilities Act and recommend corrective steps.

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How is the office of Chief Commissioner required to respond in situations of violation of rights of persons with disabilities?

When there has been a violation of a right of a person with disability, the Chief Commissioner is required to inquire into it and find out the safeguards available to take up the matter for corrective action. When the Chief Commissioner makes a recommendation to an authority, the authority is required to take necessary action. The authority concerned needs to inform the Chief Commissioner about action taken within three months from the date of receipt of recommendations.

When the recommendation is not accepted by the concerned authority, it shall convey the reasons for this to the Chief Commissioner within three months and also inform the same decision to the person whose right had been violated.

83

What are the functions which the Chief Commissioner is required to perform?
Some of the functions that are to be performed by the Chief Commissioner are:

1. He/she shall on his/her own initiative or otherwise identify provisions of any laws, policies, programs or procedure which are not in line with the Rights of Persons with Disabilities Act, and suggest corrective measures to make changes.

2. In matters where Central Government is responsible, the Chief Commissioner is required to look into cases of violation of rights of persons with disabilities and the safeguards available to these people. Additionally, he/she is required to take up the matter with the concerned authority for corrective action. Safeguards for persons with disability with respect to other laws / policies are also to be reviewed and recommended.

3. To make recommendations about the effective implementation of those provisions in various laws that protects the rights of persons with disabilities.

4. He/she must also make recommendations about the effective implementation of the treaties and international instruments like the UN Convention on the Rights of Persons with Disabilities.

5. Promotion of research in the field of rights of persons with disabilities.

6. Promoting awareness about the rights of persons with disabilities.

7. The Chief Commissioner is required to monitor the implementation of the RPWD Act 2016 and any other schemes and programs meant for persons with disabilities.

8. Monitoring the use of funds that have been spent by the Central government for the benefit of persons with disabilities.
To be able to perform an effective role, the Chief Commissioner is required to enjoy substantial authority and powers. Does the Act make a provision for the same?

To perform an effective role and to discharge his/her functions the Chief Commissioner has been entrusted with the same powers as those of a Civil Court under the code of civil procedure, 1908 while trying a suit.

1. The Chief Commissioner can order a witness to be present or enforce his/her attendance.
2. The Chief Commissioner may require or ask that some documents be discovered and produced before him.
3. The Chief Commissioner may demand any public record or a copy of it from any court or office.
4. Chief Commissioner has the power to punish an individual / company / institution for giving false evidence intentionally or fabricating false evidence in any stage of a judicial proceeding, like it is punishable under the Indian Penal Code.
5. The Chief Commissioner has the power to punish intentional insult or interruption to a public servant who is sitting in a judicial proceeding.

There are certain activities which are considered offences in a civil court like absconding to avoid the service of a summon, omission to produce a document, omission to give notice or information to a public servant, giving false evidence, with malicious intentions to get a favorable order, false statement made in any declaration. With regard to these activities the Court of the Chief Commissioner is treated as a civil court, and these activities will be
treated as offences. Thus the Chief Commissioner has the power to try these as offences.

85

*How is the Chief Commissioner required to communicate about his work to the Government?*

The Chief Commissioner is required to submit an Annual Report to the Central Government. He/she may also submit Special Reports for important/urgent issues which are of such nature that they must not be postponed till the submission of the Annual Report. The Central Government is required to lay the Annual Report and Special Report before each House of the Parliament. Along with this, a report of the action taken or proposed to be taken on the recommendations of the Chief Commissioner is also to be laid before each House of Parliament. If any recommendation is not accepted; reasons for its non-acceptance is also to be given.

86

*What are the necessary qualifications of a Chief Commissioner?*

The essential qualifications for a person to be appointed as Chief Commissioner or Commissioner are:

1. Special knowledge or
2. Practical experience in respect of matters relating to rehabilitation.
Is the Chief Commissioner required to function alone or does he get the support of other members?

The Central Government has been entrusted with the responsibility of determining the nature and categories of officers and other employees required to assist the Chief Commissioner in performing his/her functions.

The Central Government is also duty bound to provide such officers or employees to the Chief Commissioner. These officers and employees will perform their functions under the supervision and leadership of the Commissioner. The salaries and allowances and other conditions of service of officers and employees are to be prescribed by the Central Government.

An Advisory Committee is also to be constituted to assist the Chief Commissioner. This Committee will consist of a maximum of eleven members who will be experts from the field of disability.

Does the Act provide for any similar mechanism at the level of each of the states?

At the level of the states also a State Commissioner for Persons with Disabilities is to be appointed by the State Government. The qualifications, powers and functions of State Commissioner are the same as those of the Chief Commissioner. The only difference is that those functions are to be performed at the level of and within the boundaries of that state. The functions related to salaries,
allowances employment of officers and employees is to be performed by the State Government.
I am a person with visual impairment and I work with a Central University as ad hoc lecturer. Another colleague of mine is a wheelchair user and finds it very difficult to navigate the building. We have written to the relevant authorities to ensure that the building is made accessible. But our request has not been taken seriously. In the interview for permanent posts we were also informed in an indirect manner that our presence in the team was more problematic than productive. How do we go about accessing justice?

A Central University falls under the definition of ‘Public Building’ under the Act, since it is an educational institution accessed by the public at large. All public buildings are required to become accessible within five years of the commencement of the Act. Thus the University/college authorities should be taking requisite steps to implement this provision. You and your friend can try to educate the authorities about the passing of the new law and assert that these are not discretionary welfare measures but actions they must take as a matter of ensuring that people with disabilities can enjoy their rights. You may also inform them about the penalties the Act provides for in the event of noncompliance.

The Rights of Persons with Disabilities Act provides for a very strong and decentralized system of grievance redressal. It provides for the setting up of a Special Court for speedy trial of offences committed under the Rights of Persons with Disabilities Act, in each of the districts of the country. The decision as to which session court will be designated as special court in each district is to be made by
the State Government in agreement with Chief Justice of the High Court of that state.

**For every Special Court the State government will**

1. Either specify a public prosecutor
2. Or appoint an advocate who has been in practice as an advocate for 7 years or more.

This person will hold the position of a Special Public Prosecutor for the purpose of conducting cases in that court. He/she will receive a fee as decided by the State Government.

You can therefore approach the Session Court within your district which has been designated as a Special Court for hearing matters arising under the Rights of Persons with Disabilities.

In situations where rights of persons with disabilities have been violated, approaching the Court within ones’ district seems to be one of the most accessible grievance redressal mechanisms. In addition to this, persons with disabilities are free to access other courts, tribunals or commissions apart from special courts.
National Fund for Persons with Disabilities

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CHAPTER 14
National Fund for Persons with Disabilities

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Does the Act provide for creation of a money pool so as to finance activities related to persons with disabilities?

Yes the Act provides for creation of a National Fund for persons with disabilities. In that fund the following sums shall be credited:

1. All the sums available under the ‘Fund for People with Disabilities’ which was created on 11th August 1983
2. Sums available under the Trust Fund for Empowerment of Persons with Disabilities which was formed on 21st November, 2006, under the Charitable Endowment Act.
3. All sums which are to be paid by Banks, Corporations and Financial Institutions as a result of a judgment dated 16th April, 2004 of the Honorable Supreme Court.
4. All the amounts which are received by way of grant, gifts, donations, benefactions, bequests or transfers
5. Money received from the Central Government including Grants in Aid.
6. Money from other sources can also be made part of this Fund as per the discretion of the Central Government.

91
Who is required to maintain and manage this Fund?
The maintenance and management of the Fund is to be determined by the Central Government.

92

*How should this Fund be used?*

The manner in which this Fund is to be used is also to be determined by the Central Government.

93

*How are the accounts of this Fund required to be checked / monitored?*

It is the responsibility of the Central Government to maintain accounts of this Fund including the Income and Expenditure Account. An annual statement is also to be prepared of the accounts and the manner in which this is to be done is to be decided after consulting the Comptroller and Auditor General of India, who will audit the accounts of the Fund.

This means the CAG has the duty to officially inspect the accounts or conduct a systematic review or assessment of the accounts. This is to be done at intervals which will be determined by CAG. The amount of money spent by CAG on conducting the audit of accounts of the Fund shall be payable from the Fund itself. The CAG or any other person appointed by the CAG for the purpose of auditing of accounts will have the same rights and authority as is enjoyed by it while auditing Government accounts.
There is specific mention that the CAG shall have the right to demand that books of accounts, vouchers other documents and papers required while auditing should be produced before him. The CAG also has the right to inspect any of the offices of the Fund.

When the CAG or any other person appointed by CAG has certified the National Fund Accounts, then the accounts along with the Audit Report is required to be laid before each House of Parliament.
State Fund for Persons with Disabilities
CHAPTER 15
State Fund for Persons with Disabilities

94

*Does the Act provide for such a Fund at the level of the states?*

Yes, the Act provides for the creation of a Fund at the level of each of the states which shall be called the ‘State Fund for persons with Disabilities’. The creation of this Fund is the responsibility of the State Government. How the Fund shall be used and managed shall be laid down and specified by the State Government. It is the responsibility of the State Government to ensure that the accounts and other records of this fund are maintained properly, especially the Income and Expenditure Account. The manner in which the accounts shall be maintained shall be decided by the State Government after consulting the Comptroller and Auditor General of India. The accounts are to be audited by Comptroller and Auditor General of India.
Offences and Penalties
The neighborhood school in our locality has continuously refused to grant admission to students with disabilities. Does the Act provide any remedy in the form of penalty or punishment for such behavior?

The Act does provide for penalties and punishments in situations where someone has violated the provisions of this Act. For the first violation the persons committing it shall be punishable with fine to the maximum limit of Rs 10,000.

In case of a violation of the law more than once then the minimum fine to be imposed shall be Rs 50,000 and maximum shall be Rs 5,00,000. In the situation mentioned above, the school is violating the law since non-discrimination on grounds of disability has been strictly provided for. If a complaint is filed against the school then it shall be held guilty of recurring violation of the law.

I have been working with a company for ten years. I recently met with an accident as a result of which I acquired a disability. I have gone back to service after recovery though I am being ill treated regularly. I am being told that my capacity has reduced and thus the company will have to find a way to deal with this. What can I do?
The Act provides for absolute non-discrimination on the basis of disability. Thus, in accordance with the law, if the company is violating its provisions then in such a situation it would be construed that the offence has been committed by the company, and every person who is in charge of the company or was responsible to the company for conduct of business and the company will be considered guilty of the offence.

In such a situation, if a person is able to prove that the offence was committed without his knowledge or he had exercised all due diligence to prevent the commission of the offence then such a person will not be liable to any punishment.

When it is proved that the offence has been committed with the knowledge of and active or passive consent or neglect of a director, manager, secretary or other officer of the company then such officers will also be considered guilty of the offence.

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Last time I visited the Medical Authority with my son where he is getting treatment, I observed that some people were sitting outside the doctor's room planning to deceive or bribe the doctor about their disability so as to get a certificate of disability with the ultimate aim of reservation jobs in the public sector. Is it legal?

No this is absolutely illegal. If any person is found making use of or trying to make use of the benefits meant for persons with Benchmark Disabilities fraudulently, he/she shall be punishable with imprisonment for a term which may extend to two years or with a fine which may extend to one lakh rupees or with both.

98
Are there any specific acts which are punishable as atrocities under the Act?

Activities which are punishable as offences of atrocities are:

1. Intentionally insulting or intimidating a person with the intention of humiliating a person with disability in any place within public view.
2. Assault or use of force on a person with disability with the intention of dishonoring that person or outraging the modesty of a woman with disability.
3. When a person has charge over a person with disability and voluntarily or knowingly denies food / fluids to that person with disability.
4. When a person is in a position to dominate the will of a child or woman with disability and makes use of this position to exploit her sexually.
5. Voluntarily injuring, damaging or interfering with the use of any limb or sense or any supporting device of a person with disability.
6. When a person performs or conducts or directs that a medical procedure be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without the express consent of the woman. The only exception is when such a procedure is conducted in severe cases of disability with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability.

These atrocities are punishable with imprisonment for a minimum term of six months and a maximum term of five years and with fine.
99

Will an offence under this Act committed by an employee of the Government will be treated at par with an offence committed by a person otherwise?

In case of an offence committed by an employee of the Government under this Act, no court can take cognizance of that offence or no proceedings can be carried out unless sanction has been received from the appropriate government depending on the establishment where the employee works. The other condition is when a complaint has been filed by an officer of the appropriate Government regarding an offence committed by an employee, then the court can take cognizance of the offence.

100

If a person commits an Act which is punishable under the RPWD Act and also under any other central or state law, under which Act will this person be held guilty?

When a person commits an act which is an offence under the Rights of Persons with Disability Act and also under another Central or State Act, he/she shall be punished under that Act which provides for a harsher punishment or punishment of a greater degree.
CHAPTER 17
Miscellaneous

101

What does the Act provide for situations where there are difficulties in implementing the provisions of RPWD Act, 2016?

If any difficulty arises in implementing the provisions of this Act, then the Central Government has been given the freedom to make provisions and give directions which are consistent with the existing provisions of the law. This the government can do by passing orders which are necessary to remove that difficulty. But such an order can be passed only within two years of the commencement of the law.

102

Can more disabilities be added to the list of disabilities already mentioned in the Act?

The Schedule listing the disabilities can be amended to add more disabilities. The Central Government can take such a step on the recommendation of any Government or otherwise. Such an amendment can be made through a notification. After such a notification is issued, it has to be laid before the Lok Sabha and the Rajya Sabha.

103
There are several matters about which there is ambiguity in the Act which are to be clarified through the rules to be made by the Central Government. What are these matters?

There are several matters regarding which the Central Government is required to make rules. They are:

1. The manner in which the Committee for Research on Disability is to be constituted.
2. The manner in which the Equal Opportunity Policy is to be notified.
3. The manner in which records are to maintained by every establishment.
4. The manner in which information and returns are to be furnished by every establishment to a special employment exchange.
5. The composition of the Assessment Board and the manner in which the Assessment Board will make the Assessment, with respect to people with disabilities with high support needs.
6. The rules for persons with disabilities which lay down the standards of accessibility.
7. The manner in which a person should apply for a certificate of disability and the form in which the certificate is to be issued.
8. The allowances that have to be paid to the nominated members of the Central Advisory Board.
9. The rules of procedure to be followed within the meetings of Central Advisory Board.
10. The salaries and allowances and other conditions of service of the Chief Commissioner and commissioners.
11. The salaries and allowances, conditions of service of officers and staff of the Chief Commissioner.
12. The composition of the Advisory Committee and the manner in which experts are to be appointed in the Advisory Committee.
13. The content of the Annual Report and the manner in which it is to be prepared and submitted by the Chief Commissioner.
14. The manner in which the National Fund for persons with disabilities is to be used and the process to be followed for the same.
15. The form of preparation of the accounts of the National Fund.

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Similarly, which are the matters about which the State Government is required to form rules?

There are several matters regarding which the State Government is required to make rules. They are:

1. The manner in which the Committee for Research on Disability is to be constituted.
2. The manner in which support of a Limited Guardian is to be provided.
3. The manner in which the application is to be made for certificate of registration of institutions meant for persons with disabilities.
4. The facilities to be provided and standards to be met by institutions so that they can be granted their certificate of registration.
5. Validity of the certificate of registration and conditions attached to it.
6. The time period within which application for certificate of registration is to be disposed off.
7. The time period within which an appeal is to be filed if an applicant is not satisfied with the decision of the authority which
grants the certificate of registration.
8. The time and manner in which an appeal is to be filed by an applicant who is not satisfied with the decision of the certifying authority with respect to the issuing of certificate of disability and the manner in which such an appeal is to be disposed off.
9. The allowances to be paid to the nominated members.
10. The rules of procedure to be followed while transacting business in meetings of the State Advisory Board.
11. Composition and functions of the District Level Committee.
12. Salaries, allowances and other conditions of services of the State Commissioner
13. The salaries, allowances and conditions of services of officers and staff of the State Commissioner
14. The composition and manner of appointment of experts in the advisory committee
15. The form, manner and content of Annual and Special Reports to be prepared and submitted by the State Commissioner
16. The remuneration to be paid to the Special Public Prosecutor within courts designated for hearing cases under the Rights of Persons with Disabilities Act.
17. The manner in which the State Fund is to be constituted and the manner which the State fund is to be utilized.
18. The form in which accounts of the State Fund is to be utilized.

**Do the Provisions of Persons with Disabilities Act 1995 remain valid after the RPWD Act comes into force?**

The Rights of Persons with Disabilities Act, 2016 repeals the Persons with Disabilities Act, 1995. Thus the provisions of the new law supersede the provisions of the old law. However if any action is
taken as per the provisions or in line with the provisions of the Persons with Disabilities Act then such action shall be assumed to have been done for the implementation of the Rights of Persons with Disabilities Act, 2016.
Footnotes

1 ‘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.

2 Section 2(w) ‘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;

3 Section 2(w) of the Act – ‘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.

4 The Standards for Public Buildings have been specified in the Harmonised Guidelines and Space Standards for barrier free Built Environment for Persons with Disabilities and Elderly Persons. These were issued by the Government of India, Ministry of Urban Development in March 2016.
FREQUENTLY ASKED QUESTIONS
about the Rights of Persons with Disabilities Act 2016

National Centre for Promotion of Employment for Disabled People
(NCPEDP)