

# **THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016.**

## **SUMMARY**

The Rights of Persons with Disabilities Act, 2016 was enacted by the Parliament of India with the aim of protecting and enhancing the rights and entitlements of persons with disabilities. The Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and provides for a wider definition of disabilities and greater inclusiveness in society. The Act mandates that persons with disabilities have the right to equality, non-discrimination, access to education, employment, healthcare, and social security, among others. The Act also provides for the establishment of a National Commission for Persons with Disabilities and State Disability Rights Commissions. It further defines specific duties and responsibilities of the government and private sector towards persons with disabilities, and provides for penalties for non-compliance.

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## **CHAPTER I: PRELIMINARY**

Section 1: Short Title And Commencement

(1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### **Simplified Act**

(1) The name of this law is the "Rights of Persons with Disabilities Act, 2016."

(2) This law will start to apply when the Central Government announces a specific date in the government's official publication.

### **Explanation using Example**

Imagine a newly constructed office building that has just been opened for business. The building owner is aware that the Rights of Persons with Disabilities Act, 2016 is in effect, as the Central Government has announced its commencement in the Official Gazette. To comply with this Act, the owner ensures that the building has wheelchair ramps, accessible restrooms, and braille signage, thus accommodating employees and visitors with disabilities and respecting their rights as outlined in the Act.

### **Section 2: Definitions**

In this Act, unless the context otherwise requires, -

"appellate authority" means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

"appropriate Government" means, -

in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the Central Government;

in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

"barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

"care-giver" means any person including parents and other family members who with or without payment provides care, support or assistance to a person with disability;

"certifying authority" means an authority designated under sub-section (1) of section 57;

"communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

"competent authority" means an authority appointed under section 49;

"discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

"establishment" includes a Government establishment and private establishment;

"Fund" means the National Fund constituted under section 86;

"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 (18 of 2013) and includes a Department of the Government;

"high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

"inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

"information and communication technology" includes all services and innovations relating to information and communication, including telecom



services, web based services, electronic and print services, digital and virtual services;

"institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

"local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006); and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

"notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

"person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

"person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

"person with disability having high support needs" means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

"prescribed" means prescribed by rules made under this Act;

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

"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;

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

"reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

"registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

"rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

"Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding

persons who seek to engage employees from amongst the persons with disabilities;

persons with benchmark disability who seek employment;

vacancies to which persons with benchmark disabilities seeking employment may be appointed;

"specified disability" means the disabilities as specified in the Schedule;

"transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc;

"universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without

the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

### **Simplified Act**

This section explains specific terms used in the Act:

"appellate authority" is the group you can appeal to if you disagree with a decision made under certain sections of this law.

"appropriate Government" refers to either the Central Government or the State Government, depending on who is responsible for the establishment in question.

"barrier" is anything that makes it harder for people with disabilities to participate fully in society.

"care-giver" is someone who helps a person with a disability, which can be a family member or someone else, and they might be paid or unpaid.

"certifying authority" is the group that confirms a person's disability status.

"communication" covers all the different ways people can share information, like speech, writing, signs, technology, and more.

"competent authority" is the group named in section 49 of the Act.

"discrimination" means treating people with disabilities unfairly in a way that stops them from having the same rights as others.

"establishment" includes both government and private organizations.

"Fund" refers to the National Fund created by section 86 of the Act.

"Government establishment" is any organization created by the government, including departments and companies.

"high support" means a lot of help for people with severe disabilities in their daily lives and in making decisions.

"inclusive education" is a school system where students with and without disabilities learn together.

"information and communication technology" includes all kinds of tech and services that help people share information.

"institution" is a place where people with disabilities can live, learn, and get help.

"local authority" is the local government, like a city council or other local groups.

"notification" is an official announcement by the government.

"person with benchmark disability" is someone with a disability that is 40% or more severe, as confirmed by the right authority.

"person with disability" is someone with a long-term impairment that makes it harder to participate in society.

"person with disability having high support needs" is someone with a severe disability who needs a lot of help.

"prescribed" means set out by the rules of this Act.

"private establishment" is any non-government organization that the government says is included in this law.

"public building" is any building that the public uses, like schools, offices, shops, and more.

"public facilities and services" include all the services available to the public, like housing, education, shopping, and transportation.

"reasonable accommodation" means making necessary changes to help people with disabilities have the same rights as others, without it being too difficult or expensive.

"registered organisation" is a group that works for people with disabilities and is officially recognized by the government.

"rehabilitation" is helping people with disabilities to live as well as possible.

"Special Employment Exchange" is a place where information about jobs for people with disabilities is collected and shared.

"specified disability" means the disabilities that are listed in the Schedule of the Act.

"transportation systems" includes all kinds of transport, like buses, trains, planes, and the places where they operate.

"universal design" means making things in a way that everyone can use them, without needing special adjustments.

### **Explanation using Example**

Let's consider a hypothetical scenario illustrating the application of some of the terms defined in Section 2 of The Rights of Persons with Disabilities Act, 2016:

Rahul, a person with a physical disability, works at a private company which is an "establishment" under this Act. He faces difficulty in accessing the building because there are no ramps, only stairs, which is a "barrier" to his full and effective participation at work. Rahul requests the company to make reasonable accommodations, such as installing a ramp, which is covered under "reasonable accommodation".

The company, being a "private establishment", is obliged under the Act to provide such accommodations to ensure Rahul can enjoy his rights equally with others. If the company refuses, Rahul can appeal to the "competent authority" designated under the Act to enforce his rights. Additionally, the company must comply with the principle of "universal design" to make the workplace accessible to all employees regardless of their disabilities.

In this scenario, the Act provides Rahul with a framework to seek redress and ensures that the company adheres to its legal obligations towards employees with disabilities.

## **CHAPTER II: RIGHTS AND ENTITLEMENTS**

### **Section 3: Equality And Non-Discrimination**

(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

### **Simplified Act**

(1) The government must make sure that people with disabilities have the same rights to live with dignity and respect as everyone else.

(2) The government should create an environment that allows people with disabilities to use their abilities fully.

(3) It's not allowed to treat people with disabilities unfairly because of their disability, unless there's a very good reason that is fair and related to a legitimate goal.

(4) A person with a disability cannot be taken into custody or have their freedom taken away just because they have a disability.

(5) The government must act to make sure that people with disabilities are given fair opportunities and adjustments to participate in society.

### **Explanation using Example**

Example Application:

Imagine a person named Riya who uses a wheelchair due to a mobility disability. Under Section 3(1) of The Rights of Persons with Disabilities Act, 2016, her employer is required to treat her with the same respect and dignity as other employees, ensuring that she has equal opportunities at the workplace.

Furthermore, under Section 3(2), the employer must provide an accessible work environment for Riya, which could include installing ramps, accessible restrooms, and providing her with a workstation that accommodates her wheelchair.

Under Section 3(3), if Riya feels that she is being discriminated against because of her disability, such as being passed over for a promotion solely due to her disability, she can challenge this discrimination as the act would not be a proportionate means of achieving a legitimate aim.

Under Section 3(4), Riya cannot be denied her personal freedoms, such as the freedom to attend company events or travel for work, just because she has a disability.

Lastly, under Section 3(5), the company is required to make reasonable adjustments, like allowing flexible work hours if Riya needs to attend physical therapy sessions, to accommodate her disability.

#### **Section 4: Women And Children With Disabilities**

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

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

#### **Simplified Act**

(1) The government and local community leaders must take steps to make sure that women and children with disabilities have the same rights as everyone else.

(2) The government and community leaders must also make sure that children with disabilities can share their opinions freely on anything that impacts them. They should be given the help they need, considering how old they are and what kind of disability they have.

#### **Explanation using Example**

Imagine a scenario where a local public school is organizing a parent-teacher meeting to discuss new educational strategies. Under Section 4(1) of The Rights of Persons with Disabilities Act, 2016, the school must ensure that the meeting venue is accessible to all, including mothers who use wheelchairs. They might install ramps and provide sign language interpreters to facilitate equal participation.

In another instance, under Section 4(2), if the school is conducting a survey to understand student needs, they must include formats accessible to children

with disabilities, such as braille or audio recordings, to ensure that these children can express their opinions just like their peers without disabilities.

### **Section 5: Community Life**

- (1) The persons with disabilities shall have the right to live in the community.
- (2) The appropriate Government shall endeavour that the persons with disabilities are,
  - (a) not obliged to live in any particular living arrangement; and
  - (b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

### **Simplified Act**

- (1) People with disabilities have the right to live with others in their community.
- (2) The government must try to make sure that people with disabilities:
  - (a) are not forced to live in a specific place; and
  - (b) can get different kinds of help at home or in residential places, including the help they need to live their lives, taking into account their age and whether they are male or female.

### **Explanation using Example**

Imagine Sarah, a person with a physical disability, wishes to live independently in her community rather than in a specialized institution. Under Section 5 of The Rights of Persons with Disabilities Act, 2016, Sarah has the right to choose where she wants to live. The government is responsible for ensuring that she is not forced into any specific living arrangement against her will. Additionally, the government should provide Sarah with access to various services such as in-home care, residential support, and other community services that can help her live independently and participate fully in community life. This might include personal assistants who can aid with daily tasks, adapting her living space to be more accessible, and ensuring that community facilities are inclusive and accessible for her use.



## **Section 6: Protection From Cruelty And Inhuman Treatment**

(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

### **Simplified Act**

(1) The government must act to ensure that people with disabilities are not mistreated, tortured, or subjected to any cruel, harsh, or humiliating treatment.

(2) A person with a disability cannot be part of a research study unless:

(i) They have been fully informed about the study in a way they can understand, and they have agreed to participate willingly;

(ii) A special committee that focuses on disability research has given permission. This committee is set up by the government, and at least half of its members must be either people with disabilities or belong to a recognized disability organization.

### **Explanation using Example**

Imagine a scenario where a government hospital is conducting a study on a new physiotherapy technique for individuals with spinal cord injuries. John, who has a spinal cord injury, visits the hospital for treatment. The doctors believe he could be a good candidate for their study. However, under Section 6 of The Rights of Persons with Disabilities Act, 2016, they must first ensure that John can provide his free and informed consent in a way that is accessible to him. This might involve providing the consent form in Braille or using a sign language interpreter.

Additionally, before John or any other person with a disability can participate in the research, the hospital must obtain prior permission from a Committee for Research on Disability, which is specially constituted as per the Act and includes members who are either persons with disabilities or from registered organizations representing them. This committee would review the research proposal to ensure the ethical treatment of participants with disabilities.

### **Section 7: Protection From Abuse, Violence And Exploitation**

(1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order -

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code (45 of 1860), or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

### **Simplified Act**

Simplified Explanation of Section 7 of The Rights of Persons with Disabilities Act, 2016

Part 1: The government must take action to:

Recognize and address cases of abuse, violence, and exploitation against people with disabilities;

Prevent these incidents and set up a way to report them;

Help, guard, and aid in the recovery of victims;

Inform the public and provide them with information about these issues.

Part 2: If you or an organization believe someone with a disability is being abused, you can report it to a local authority called the Executive Magistrate.

Part 3: When the Executive Magistrate learns about potential abuse:

They must act quickly to stop it or prevent it from happening;

They can order the police or disability organizations to provide safety or help the victim recover;

They can offer the victim a safe place to stay if needed;

They can arrange for the victim to receive financial support.

Part 4: Police officers must inform victims of abuse about:

Their right to seek protection and who can help (the Executive Magistrate);

Where to find organizations that help people with disabilities recover;

Their right to get legal help without cost;

Their right to file a complaint under this law or any other relevant laws.

This does not stop police officers from doing their job and investigating crimes as required by law.

Part 5: If the Executive Magistrate thinks the abuse is a crime under other laws, they can send the case to a judge for further action.

### **Explanation using Example**

Consider a scenario where Mrs. Gupta, a wheelchair user, lives in an apartment complex. She has been facing harassment from a group of residents who block her access to the elevator, making derogatory comments about her disability. Mrs. Gupta's son learns about Section 7 of The Rights of Persons with Disabilities Act, 2016, and decides to take action.

He reports the incidents to the local Executive Magistrate, explaining that his mother has been subjected to abuse and discrimination because of her disability. The Executive Magistrate, under Section 7(3), orders immediate intervention to stop the harassment.

The Magistrate issues an order for the police to ensure that Mrs. Gupta can use the elevator without obstruction (Section 7(3)(a)). Additionally, the Magistrate directs a local NGO specializing in disability rights to provide Mrs. Gupta with counseling and support (Section 7(3)(a)).

Furthermore, the Magistrate uses his authority under Section 7(5) to forward the case to a Judicial Magistrate, as the harassment constitutes an offence under the Indian Penal Code.

In the meantime, the police officer who initially received Mrs. Gupta's complaint informs her of her right to free legal aid and the details of the nearest organization working for the rehabilitation of persons with disabilities (Section 7(4)(b) and (c)).

This example illustrates how Section 7 of The Rights of Persons with Disabilities Act, 2016, is applied to protect individuals like Mrs. Gupta from abuse and exploitation, ensuring that they receive both immediate protection and legal recourse.

### **Section 8: Protection And Safety**

(1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 2005) shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

### **Simplified Act**

(1) People with disabilities must be given the same protection and safety as others when there are dangers like wars, emergencies, or natural disasters.

(2) The groups in charge of managing disasters at the national and state levels must include people with disabilities in their disaster planning to make sure they are safe and protected.

(3) The disaster management group at the district level must keep a list of people with disabilities in the area and make sure to inform them when there are risks, to help them be ready for any disaster.

(4) When rebuilding after any disaster, conflict, or natural disaster, the teams doing the reconstruction must work with the State Commissioner for disabilities to make sure the new structures are accessible for people with disabilities.

### **Explanation using Example**

Imagine a scenario where there is a flood warning in a coastal district. As per Section 8(1) of The Rights of Persons with Disabilities Act, 2016, local authorities must ensure that evacuation plans include safe and accessible routes for persons with disabilities.

Under Section 8(2), the State Disaster Management Authority coordinates with organizations for persons with disabilities to create an inclusive response plan. They might, for example, provide sign language interpreters or materials in Braille during disaster preparedness drills.

In line with Section 8(3), the District Disaster Management Authority has a registry of residents with disabilities. They use this to send targeted alerts via text messages and home visits to ensure these individuals receive early warnings and understand evacuation procedures.

Following a disaster, according to Section 8(4), the reconstruction of public buildings, like schools and community centers, includes ramps and tactile flooring to accommodate persons with disabilities, ensuring compliance with accessibility standards.

### **Section 9: Home And Family**

(1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

### **Simplified Act**

(1) A child with a disability cannot be taken away from their parents just because of their disability. Only a judge can make this decision if it is necessary for the child's well-being.

(2) If the parents can't look after their child with a disability, a judge will try to place the child with close family members. If that's not possible, the child may be placed with another family in the community or, as a last resort, in a special home run by the government or a charity.

### **Explanation using Example**

Imagine a scenario where a couple has a child with a hearing impairment. The local community pressures the parents to send the child to a special facility, claiming that the child's disability would be too challenging for the parents to handle. However, under Section 9(1) of The Rights of Persons with Disabilities Act, 2016, the child cannot be separated from their parents solely based on their disability. The parents have the right to keep their child with them unless a court decides otherwise in the child's best interest.

In another instance, if the parents fall seriously ill and are no longer able to care for their child who has cerebral palsy, the court steps in under Section 9(2). The court may determine that the child should be placed with a close relative who is capable of providing the necessary care. If no relative is available or able to take on the responsibility, the court may consider placing the child in a community setting that feels like a family environment or, as a last resort, in a specialized shelter home that can cater to the child's needs.

## **Section 10: Reproductive Rights**

(1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

### **Simplified Act**

(1) The government must make sure that people with disabilities can get the information they need about having children and planning their families.

(2) No one with a disability can be forced to undergo a medical procedure that would make them unable to have children unless they fully understand and agree to it.

### **Explanation using Example**

Imagine a scenario where Sarah, who has a hearing impairment, visits a community health center for a routine checkup. The medical staff, aware of Section 10 of The Rights of Persons with Disabilities Act, 2016, ensures that all information about reproductive health and family planning is provided to her in an accessible format, such as through sign language interpretation or written materials in simple language.

In another instance, John, an individual with a developmental disability, is advised by his doctor that a certain medical treatment might affect his fertility. Owing to Section 10(2) of the Act, the doctor first ensures that John fully understands the implications of the procedure and obtains his informed consent before proceeding, rather than making the decision on behalf of John or without his full understanding and agreement.

## **Section 11: Accessibility In Voting**

The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

### **Simplified Act**

Simple Explanation of Section 11

The groups in charge of elections in India must make sure that everyone with disabilities can get into polling places and understand all the information about voting.



### **Explanation using Example**

Imagine a person named Rohit who uses a wheelchair and wants to vote in the upcoming elections. According to Section 11 of The Rights of Persons with Disabilities Act, 2016, the Election Commission must ensure that the polling station Rohit visits is wheelchair-accessible. This means there should be ramps or elevators available for Rohit to enter the polling station without any barriers. Additionally, the voting materials and instructions should be provided in a format that Rohit can easily understand, such as Braille or audio formats if he has a visual impairment, or sign language assistance if he has a hearing impairment. This provision ensures that Rohit, despite his disability, has an equal opportunity to participate in the electoral process.

### **Section 12: Access To Justice**

(1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi - judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987) shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to -

(a) ensure that all their public documents are in accessible formats;

(b) ensure 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 and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

## **Simplified Act**

(1) The government must make sure that people with disabilities can use the court system and any other places that make legal decisions or conduct investigations, just like anyone else, without being treated unfairly because of their disability.

(2) The government needs to create systems to help people with disabilities, especially those who don't live with their families or those who need a lot of help, so they can use their legal rights.

(3) The organizations that provide free legal services in the country and in each state must change things as needed to make sure that people with disabilities can use their services and programs just like everyone else.

(4) The government is required to take steps to:

(a) make sure all public documents can be read and understood by people with disabilities;

(b) equip offices that handle documents with the necessary tools so that people with disabilities can file, store, and look at documents and evidence in a way that works for them; and

(c) provide all the needed facilities and equipment to help people with disabilities give their testimonies or share their thoughts in court in the language and way of communicating they prefer.

## **Explanation using Example**

Imagine a scenario where a person with a visual impairment needs to file a lawsuit in court. Under Section 12 of The Rights of Persons with Disabilities Act, 2016, the court is required to ensure that this person can access the court facilities without discrimination due to their disability. This means the court might provide documents in Braille or digital formats that are compatible with screen-reading software, and ensure that the person can submit their own documents in accessible formats as well.

Additionally, if this individual requires support because they live alone or need high support, the government must take steps to provide necessary assistance. This could involve appointing a legal aid who is trained to work with persons with disabilities, ensuring the individual understands the legal proceedings and is able to participate effectively.

Furthermore, legal authorities like the National Legal Services Authority must ensure that their services, such as legal aid schemes, are accessible to persons with disabilities. They might do this by providing sign language interpreters for someone who is deaf or ensuring their website and online resources are accessible to people with various types of disabilities.

In terms of documentation and evidence, the government is required to make sure that all public documents are available in accessible formats and that the equipment necessary for persons with disabilities to file, store, and refer to documents is available. For instance, a court might have a speech-to-text system available for a person with a speech impairment to give their testimony.

### **Section 13: Legal Capacity**

(1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

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

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction: Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another: Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

### **Simplified Act**

(1) The government must make sure that people with disabilities have the same rights as everyone else to own or inherit things like houses or other property, manage their money, and get loans, mortgages, or other types of credit from banks.

(2) The government must also ensure that people with disabilities are treated as equals under the law in all areas of life and are recognized as such everywhere, just like anyone else.

(3) If there's a situation where the person helping someone with a disability has a different interest in a financial or property matter, that helper should not provide support in that particular situation. However, just because the helper is a family member or related by marriage or adoption, it doesn't automatically mean there's a conflict of interest.

(4) A person with a disability can change or end any support arrangement they have and can look for help elsewhere. But, any changes they make will only apply going forward and won't affect any deals they've already made with that support in place.

(5) Anyone who helps a person with a disability must not overstep, must respect the person's independence, dignity, and privacy.

### **Explanation using Example**

Example: Rita is an individual with a physical disability. She wishes to purchase a home and requires a mortgage to finance it. Under Section 13(1) of The Rights of Persons with Disabilities Act, 2016, Rita has the right to access bank loans and mortgages just like anyone else. The bank cannot deny her application solely on the basis of her disability and must provide her with the necessary accommodations to complete the transaction.

In another scenario, under Section 13(2), if Rita wants to enter into a legal contract, her disability cannot be used as a reason to question her legal capacity to do so. She has the right to be recognized as a legal party capable of entering into contracts, owning property, and managing her financial affairs.

Suppose Rita's brother, who helps her with financial decisions, stands to gain from a particular investment she is considering. Section 13(3) would require her brother to abstain from advising her on this transaction to avoid a conflict of interest.

If Rita feels that the support provided by her brother is no longer in her best interest, she has the right under Section 13(4) to seek another advisor or support system, though any prior agreements or contracts she entered into with her brother's support would remain valid.

Finally, according to Section 13(5), any person who supports Rita, including her brother, must do so without exerting undue influence over her decisions and must respect her independence, dignity, and privacy.

#### **Section 14: Provision For Guardianship**

(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government : Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided. Explanation - For the purposes of this sub - section, "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

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

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

#### **Simplified Act**

(1) Regardless of other existing laws, from when this Act starts, if a court or designated official (as announced by the State Government) sees that a person with a disability has gotten enough support but still can't make legal decisions, they can be assigned a "limited guardian." This limited guardian helps the person make legally binding decisions after discussing with them, and the State Government will provide details on how this works. However, if the person needs full support or needs a limited guardian often, the court or official will regularly check to see what kind of help is best. Explanation - "Limited guardianship" is a partnership where the guardian and the person with a disability make decisions together based on mutual trust. It's for a set time and only for certain decisions and situations, and it respects the wishes of the person with a disability.

(2) As soon as this Act is in effect, any guardian already appointed for a person with a disability under any other law will act as a limited guardian.

(3) If a person with a disability doesn't agree with the choice of a legal guardian made by the designated authority, they can appeal to a higher authority that the State Government will name.

### **Explanation using Example**

Imagine a scenario where a young adult named Rohit, who has a cognitive disability, receives an inheritance after the passing of a relative. Rohit is capable of expressing his preferences and making some decisions but struggles with understanding complex legal and financial matters. His family is supportive and helps him make everyday decisions, but the inheritance requires legally binding decisions.

Rohit's family applies to the district court for the appointment of a limited guardian to assist Rohit with his inheritance decisions. The court, recognizing that Rohit can make certain decisions with support, appoints his elder sister as his limited guardian. This guardianship is specifically tailored to assist with decisions regarding the inheritance and is designed to respect Rohit's ability to participate in the decision-making process as much as possible.

The court reviews the limited guardianship arrangement periodically to ensure it aligns with Rohit's evolving capabilities and needs, and the decisions are made in consultation with him, honoring his preferences.

If Rohit ever feels that the limited guardianship is not serving his interests or if he believes he is capable of making more decisions independently, he has the

right to appeal the court's decision and request a reassessment of the guardianship terms.

### **Section 15: Designation Of Authorities To Support**

(1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

### **Simplified Act**

(1) The government will appoint one or more groups to help raise awareness in the community to support people with disabilities in making their own legal decisions.

(2) The group(s) chosen by the government will work on creating the right kind of help for people with disabilities who live in institutions or those who need a lot of support. They will also do whatever else is needed to help these individuals make their own legal choices.

### **Explanation using Example**

Imagine a situation where the local government has set up an office dedicated to assisting persons with disabilities. This office organizes workshops in the community to educate the public about the rights and capabilities of individuals with disabilities, thereby fostering an environment of inclusion and support. Furthermore, the office collaborates with a local nursing home to ensure that residents with disabilities have access to legal advice and assistance with decision-making, tailored to those with high support needs. This practical implementation exemplifies Section 15 of The Rights of Persons with Disabilities Act, 2016.

## **CHAPTER III: EDUCATION**

### **Section 16: Duty Of Educational Institutions**

The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall -

admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

make building, campus and various facilities accessible;

provide reasonable accommodation according to the individual's requirements;

provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

### **Simplified Act**

The government and local authorities must make sure that schools they fund or recognize are welcoming to children with disabilities. They should:

Let them join without treating them differently, and give them the same chances to learn and take part in sports and fun activities.

Make sure that the school buildings and facilities can be used by everyone.

Change things as needed to fit each person's needs.

Help each student in a way that helps them learn and socialize as much as possible, aiming for all students to be included fully.



Teach students who are blind, deaf, or both in ways that work best for them, using the right languages and ways of communicating.

Find any special learning difficulties early and do what's necessary to help overcome them.

Keep track of how well students with disabilities are doing in school, including their participation and whether they finish their education.

Provide ways to get to and from school for children with disabilities, as well as help for those who need a lot of support.

### **Explanation using Example**

Imagine a scenario where a public elementary school is planning to admit new students for the upcoming academic year. The school is funded by the local government and is thus subject to the provisions of Section 16 of The Rights of Persons with Disabilities Act, 2016. Here's how the school applies the law:

The school admits a child with a physical disability and ensures that the child can participate in all classroom activities and sports without discrimination.

Ramps and an elevator are installed to make the school building accessible for students who use wheelchairs.

For a student with a visual impairment, the school provides textbooks in Braille and allows extra time for exams as reasonable accommodation.

Teachers receive training to provide individualized support to a child with autism, aiming to enhance both academic and social skills.

A sign language interpreter is hired to assist deaf students, and classes are conducted in sign language to facilitate effective learning.

The school conducts early screening for dyslexia and implements specialized reading programs to support students with this learning disability.

Progress of students with disabilities is regularly monitored, with adjustments to teaching methods made as needed to ensure they meet educational milestones.

The school arranges a special bus service with accommodations for children with disabilities, including those who require assistance from an attendant.

This example illustrates how the school complies with the law by providing an inclusive educational environment that caters to the needs of students with disabilities.

### **Section 17: Specific Measures To Promote And Facilitate Inclusive Education**

The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:

to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met: Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

to establish adequate number of teacher training institutions;

to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

to train professionals and staff to support inclusive education at all levels of school education;

to establish adequate number of resource centres to support educational institutions at all levels of school education;

to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

to provide scholarships in appropriate cases to students with benchmark disability;

to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion

of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

to promote research to improve learning; and

any other measures, as may be required.

### **Simplified Act**

The government and local authorities are required to do the following to support children with disabilities in their education:

Every five years, they must check on school children to find those with disabilities, figure out what special help they need, and make sure they're getting it. The first check must happen within two years of when this law started.

They need to set up enough places where teachers can be trained.

They have to train and hire teachers who can use sign language and Braille, and those who know how to teach children with intellectual disabilities.

They need to train people and staff to help include students with disabilities in all school levels.

They have to create enough resource centers to help educational places at all school levels.

They should encourage the use of other ways of communicating, like sign language and Braille, to help people with speaking or language disabilities talk to others and be part of the community.

They must give free books, learning stuff, and special tools to help students with certain disabilities until they turn eighteen.

They should offer scholarships to some students with disabilities.

They need to change the way schoolwork and tests are done to help students with disabilities, like giving more time for tests, allowing someone to help write their answers, or not making them take certain language classes.

They should support research to make learning better.

They must take any other steps that might be needed.

### **Explanation using Example**

Imagine a local education authority in India planning to enhance support for children with disabilities in their schools. To comply with Section 17 of The Rights of Persons with Disabilities Act, 2016, they take the following steps:

The authority conducts a survey to identify children with disabilities in their district. This is the first survey since the Act was passed, so they ensure it is completed within two years.

They set up a teacher training program to specialize in sign language, Braille, and teaching methods for children with intellectual disabilities.

Special training sessions are organized for existing teachers and staff to prepare them for inclusive education practices.

The authority establishes resource centers with specialized tools and materials to support inclusive education in schools.

They introduce the use of alternative communication methods like sign language and Braille in schools to help children with speech and communication challenges.

Textbooks and assistive devices are provided for free to students with disabilities up to the age of eighteen.

Scholarships are offered to students with disabilities to encourage their education.

Modifications in the curriculum and examination system are made, such as allowing extra time for exams and providing scribes, to accommodate the needs of these students.

By taking these actions, the local education authority is not only complying with the law but also actively promoting an inclusive environment where children with disabilities have equal opportunities for education.

## **Section 18: Adult Education**

The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

### **Simplified Act**

Section 18 Explained: The government and local community leaders must work to support, defend, and make sure that people with disabilities can join in education programs for adults and ongoing education just like everyone else.

### **Explanation using Example**

Imagine a local community college that offers evening classes for adult education. Under Section 18 of The Rights of Persons with Disabilities Act, 2016, this college is required to ensure that their programs are accessible to persons with disabilities. For instance, if a person with a visual impairment wants to enroll in a computer skills course, the college must provide the necessary accommodations, such as screen reading software or materials in Braille, to facilitate the person's learning experience on par with other students.

## **CHAPTER IV: SKILL DEVELOPMENT AND EMPLOYMENT**

### **Section 19: Vocational Training And Self-Employment**

(1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self - employment.

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

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

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

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

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

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

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

## **Simplified Act**

Simplified Explanation:

(1) The government in charge will create plans to help people with disabilities get jobs. This includes offering loans with low interest rates to help them get vocational training and start their own businesses.

(2) The plans mentioned above will:

(a) Make sure that people with disabilities are included in all types of job and skill training programs.

(b) Provide the necessary support and facilities so that people with disabilities can receive special training.

(c) Offer special job training programs for people with disabilities that are directly connected to job opportunities, focusing on those with developmental issues, intellectual challenges, multiple disabilities, and autism.

(d) Give loans with low interest rates, including small loans.

(e) Help with selling products made by people with disabilities.

(f) Keep detailed records of how well the job training and self-employment efforts are doing, specifically for people with disabilities.

## **Explanation using Example**

Imagine a young woman named Priya who has a hearing impairment. She is interested in starting her own bakery business but lacks the necessary training and funds. Under Section 19 of The Rights of Persons with Disabilities Act, 2016, the government has established a scheme that Priya can benefit from.

Priya enrolls in a vocational training program specifically designed for persons with disabilities, which is part of a mainstream skill training initiative. The program offers her sign language interpreters and written materials to support her learning.

Upon completion of her training, Priya applies for a loan through the government scheme at a concessional rate to start her bakery. The loan terms are more favorable than standard bank loans, considering her status as a person with a disability.

Priya's business plan includes a marketing strategy that highlights the unique aspects of her bakery, such as employing other individuals with disabilities. The government scheme also helps her in marketing her products.

As Priya's business grows, the government keeps track of her progress and success as part of their disaggregated data collection. This data helps to assess the effectiveness of the scheme and to make improvements where necessary.

## **Section 20: Non-Discrimination In Employment**

(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment: Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

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

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service: Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits: Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

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

### **Simplified Act**

Simplified Explanation of The Rights of Persons with Disabilities Act, 2016 - Section 20

(1) Government jobs should not discriminate against people with disabilities when it comes to employment. However, the government can make exceptions for certain jobs if necessary.

(2) Government workplaces must make sure they are accessible and comfortable for employees with disabilities.

(3) A person with a disability should not be denied a promotion just because of their disability.

(4) If a government employee becomes disabled while working, they cannot be fired or demoted because of their disability. They should be moved to a different job with the same pay and benefits if they can't do their old job anymore. If there isn't a suitable job for them, they should be given a temporary position until a suitable one is found or until they retire, whichever comes first.

(5) The government may create rules about where employees with disabilities can be placed or transferred within jobs.

### **Explanation using Example**

Imagine a scenario where a woman working in a government office becomes visually impaired due to an accident. Under Section 20 of The Rights of Persons with Disabilities Act, 2016:

Her employer cannot discriminate against her when it comes to her employment, including job responsibilities and promotion opportunities.

The office must provide reasonable accommodations, such as installing screen-reading software on her computer, to enable her to perform her duties effectively.

If her disability prevents her from performing her current role, the employer must try to find her a suitable position at the same pay scale without reducing her rank.

If no immediate position is available, she may be placed in a supernumerary role until a suitable one is found or until she reaches retirement age.

This ensures that the woman's employment rights are protected and that she continues to work in a supportive environment despite her disability.

## **Section 21: Equal Opportunity Policy**



(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

### **Simplified Act**

(1) Every workplace or organization must create and share a policy that shows how they plan to support equal opportunities for people with disabilities. This policy should include the specific actions they will take, following the rules in this part of the law. The exact way to share this policy will be decided by the Central Government.

(2) Every workplace or organization must also submit a copy of their equal opportunity policy to the Chief Commissioner for Persons with Disabilities or the State Commissioner for Persons with Disabilities, depending on where they are located.

### **Explanation using Example**

Imagine a software development company, "TechInnovate," which employs over 200 people. To comply with Section 21 of The Rights of Persons with Disabilities Act, 2016, TechInnovate drafts an "Equal Opportunity Policy." This policy outlines various measures such as ensuring accessible workstations, providing assistive technologies, conducting sensitivity training for staff, and implementing a non-discrimination hiring practice to support persons with disabilities.

Once the policy is finalized, TechInnovate registers this document with the State Commissioner for Persons with Disabilities to comply with the legal requirement of policy registration as mandated by the Act. By doing so, TechInnovate not only adheres to the law but also promotes an inclusive work environment for current and future employees with disabilities.

## **Section 22: Maintenance Of Records**

(1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary

information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

### **Simplified Act**

(1) Every workplace must keep detailed records of employees with disabilities. This includes their employment details, the facilities they're provided with, and other important information. The way these records should be kept will be specified by the Central Government.

(2) All job centers (employment exchanges) must keep records of people with disabilities who are looking for jobs.

(3) The records mentioned in point 1 must be available for review during normal business hours by authorized representatives of the government.

### **Explanation using Example**

Imagine a software development company, TechInnovate, which employs over 200 employees. They have recently hired Jason, a talented programmer who is visually impaired. To comply with Section 22(1) of The Rights of Persons with Disabilities Act, 2016, TechInnovate maintains a detailed record of Jason's employment details, the special facilities provided to him like screen reading software, and any other accommodations made for his disability. This record is kept updated and is formatted according to the guidelines provided by the Central Government.

Furthermore, a local employment exchange that assists individuals in finding jobs has a separate register where they record details of job seekers with disabilities, including their qualifications and the type of employment they are seeking. This helps them to effectively support persons with disabilities, like Jason before he was hired, in finding suitable employment, in line with Section 22(2).

One day, an inspector authorised by the state government decides to review the compliance of local businesses with the Act. TechInnovate facilitates the

inspection by allowing access to their records during working hours, demonstrating their adherence to Section 22(3) and their commitment to supporting their employees with disabilities.

### **Section 23: Appointment Of Grievance Redressal Officer**

(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

### **Simplified Act**

Simplified Explanation of Section 23 of The Rights of Persons with Disabilities Act, 2016

**Appointment of a Grievance Redressal Officer:** Every government office must have an officer to handle complaints about the rights of persons with disabilities. They must tell the Chief Commissioner or State Commissioner about this officer.

**Filing a Complaint:** If someone believes that the rules to help persons with disabilities are not being followed, they can complain to this officer. The officer will look into it and work with the office to fix the problem.

**Keeping Track of Complaints:** This officer must keep a record of all complaints and must start looking into each complaint within two weeks of receiving it. The way they keep this record will be decided by the Central Government.

Further Steps if Not Satisfied: If the person who complained is still unhappy with how their complaint was handled, they can take their issue to a special committee at the district level that deals with disability matters.

### **Explanation using Example**

Imagine that Sarah, who uses a wheelchair, is employed at a government office. She has been facing difficulties in accessing the office building because there are no ramps or elevators available. Sarah learns that under Section 23 of The Rights of Persons with Disabilities Act, 2016, her workplace is required to have a Grievance Redressal Officer (GRO) appointed to address such issues.

Sarah files a complaint with the GRO, explaining her challenges with the building's accessibility. The GRO registers her complaint and begins an investigation, as mandated by the Act. Within two weeks, the GRO informs Sarah of the corrective measures the establishment plans to implement, such as installing ramps and modifying elevators to accommodate wheelchair users.

If Sarah were not satisfied with the response or if the corrective actions were not implemented, she would have the right to take her complaint to the District-Level Committee on disability for further recourse, as per the provisions of the Act.

## **CHAPTER V: SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION**

### **Section 24: Social Security**

(1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community: Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty - five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio - economic status.

(3) The schemes under sub - section (1) shall provide for,

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man - made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care - giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government - sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

### **Simplified Act**

(1) The government will create programs, within its financial ability, to ensure that people with disabilities have a good quality of life and can live on their own or with others. Note: People with disabilities should get at least 25% more help from these programs than what is given to others in similar programs.

(2) When making these programs, the government should consider different types of disabilities, as well as differences in gender, age, and social and economic backgrounds.

(3) The programs should include:

- (a) Community centers that are safe, clean, and have health care and counseling services;
- (b) Help for people with disabilities, including children, who don't have families, have been left alone, or don't have a home or a way to make a living;
- (c) Support for people with disabilities in emergencies, like natural disasters or conflicts;
- (d) Help for women with disabilities to earn a living and take care of their children;
- (e) Access to clean drinking water and proper toilets, especially in poor city areas and the countryside;
- (f) Free aids, medicines, diagnostic services, and surgery for people with disabilities who earn below a certain amount;
- (g) A pension for people with disabilities who earn below a certain amount;
- (h) An allowance for people with disabilities who have been looking for a job for more than two years but haven't found one;
- (i) An allowance for people with disabilities who need a lot of help;
- (j) A complete insurance plan for people with disabilities who aren't covered by other government or statutory insurance plans;
- (k) Anything else the government thinks is important.

### **Explanation using Example**

Imagine a scenario where the local government announces a new housing assistance program designed for persons with disabilities. This program, in line with Section 24 of The Rights of Persons with Disabilities Act, 2016, offers financial aid that is 25% higher than the regular housing grants provided to the general population. This additional support is to ensure that individuals with disabilities can secure housing that meets their specific needs, such as wheelchair accessibility and proximity to health care facilities.

Furthermore, the program considers various factors such as the type of disability, age, gender, and the economic background of the applicants. For example, a young woman with a visual impairment from a low-income family

would receive tailored support that includes a safe living environment, access to necessary health care services, and assistance with employment or vocational training.

As part of the comprehensive support, the program also includes provisions for emergency situations. Suppose there is a flood in the area; the program would ensure that persons with disabilities receive priority rescue and relief, along with temporary shelter that accommodates their disabilities, ensuring their safety and well-being during such crises.

### **Section 25: Healthcare**

(1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier - free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at - risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre - natal, perinatal and post - natal care of mother and child;

(g) educate the public through the pre - schools, schools, primary health centres, village level workers and anganwadi workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures;

(k) sexual and reproductive healthcare especially for women with disability.

### **Simplified Act**

Simplified Explanation:

(1) The government and local authorities must:

(a) Provide free healthcare close to home for people with disabilities, especially in rural areas, but this may depend on how much money the family makes.

(b) Make sure that people with disabilities can get into and use all areas of hospitals and healthcare centers without any obstacles, whether these places are run by the government or private sector.

(c) Give people with disabilities priority so they don't have to wait as long for medical care and treatment.

(2) To improve healthcare and prevent disabilities, the government and local authorities must:

(a) Conduct research to understand why disabilities occur.

(b) Support different ways to prevent disabilities from happening.

(c) Check all children every year to find those who might be at risk of developing disabilities.

(d) Provide training for staff at basic health centers.

(e) Run campaigns to teach people about cleanliness, health, and keeping the environment clean.



(f) Ensure mothers and babies get the care they need before, during, and after birth.

(g) Teach the public about health through schools, health centers, and community workers.

(h) Use TV, radio, and other media to let people know how disabilities can happen and how to prevent them.

(i) Offer healthcare during natural disasters or other risky situations.

(j) Provide important medical services for emergencies that could save lives.

(k) Ensure that women with disabilities have access to healthcare related to sex and reproduction.

### **Explanation using Example**

Imagine a small village where a new healthcare clinic is being established. To comply with Section 25 of The Rights of Persons with Disabilities Act, 2016, the local government ensures that:

Free healthcare services are provided to persons with disabilities living in the village, considering the income threshold set by the government.

The clinic is designed with ramps and accessible bathrooms to allow barrier-free access for patients with disabilities.

When persons with disabilities visit the clinic, they are given priority in registration, consultation, and treatment.

Furthermore, the local government initiates a program where:

Health workers conduct annual screenings in the village school to identify children at risk of developing disabilities.

Training is provided to the clinic staff to better understand and prevent disabilities.

Information on hygiene, health, and sanitation is disseminated through leaflets and local radio announcements.

Special care is given to pregnant women and newborns to prevent disabilities related to birth.

This scenario illustrates how Section 25 can be practically applied to support the health and well-being of persons with disabilities in a rural setting.

### **Section 26: Insurance Schemes**

The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

#### **Simplified Act**

##### Simplified Explanation

The government responsible will announce official plans to provide insurance for their workers who have disabilities.

### **Section 27: Rehabilitation**

(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

#### **Simplified Act**

(1) The government and local groups should, based on their budget and development plans, create or support programs to help people with disabilities improve their lives, especially in health, education, and jobs.

(2) To do what's described in part (1), the government and local groups can give money to independent organizations that help people with disabilities.

(3) When the government and local groups are making plans for helping people with disabilities, they should talk to and consider the advice of these independent organizations.

### **Explanation using Example**

Imagine a local municipal corporation in a city that decides to launch a new program to assist persons with disabilities in finding employment. As per Section 27(1) of The Rights of Persons with Disabilities Act, 2016, the corporation, acknowledging its responsibility within its financial limits, sets up a series of vocational training workshops tailored for people with various disabilities. These workshops are designed to help participants develop job skills that are in demand in the local economy.

In order to effectively run these workshops, the corporation, under Section 27(2), provides grants to a non-profit organization that specializes in vocational training for individuals with disabilities. This non-profit has the expertise and the resources to conduct these programs effectively.

Additionally, according to Section 27(3), before finalizing the details of the rehabilitation program, the municipal corporation holds consultations with various non-Governmental Organisations that have been working in the disability sector for years. This is to ensure that the program is well-informed by the experiences and insights of those who are already engaged in similar work.

## **Section 28: Research And Development**

The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

### **Simplified Act**

The government in charge will start or help start studies and work to improve support and recovery services for people with disabilities. This research will also focus on other important areas that help give people with disabilities more control over their lives.

### **Explanation using Example**

Imagine a university receiving funding from the government to develop a new speech-to-text software that can accurately transcribe the speech of individuals with speech impairments. This initiative, supported under Section 28 of The Rights of Persons with Disabilities Act, 2016, aims to enhance the rehabilitation of persons with disabilities by empowering them to communicate effectively in their personal and professional lives.

### **Section 29: Culture And Recreation**

The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,

- (a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;
- (b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;
- (c) making art accessible to persons with disabilities;
- (d) promoting recreation centres, and other associational activities;
- (e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;
- (f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;
- (g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities;
- (h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

### **Simplified Act**

The government and local communities are required to help people with disabilities enjoy cultural activities and recreation just like everyone else. They should:

- (a) Provide resources, assistance, and funding for disabled artists and writers to develop their skills and passions;
- (b) Create a museum that tells the story of people with disabilities through history;
- (c) Make sure that art is accessible to those with disabilities;
- (d) Support the creation of recreational centers and encourage group activities;
- (e) Make it easier for people with disabilities to join in on scouting, dancing, art classes, camps, and adventure activities;
- (f) Adjust cultural and arts education so that people with disabilities can participate;
- (g) Develop new technologies and tools to help people with disabilities take part in fun activities;
- (h) Ensure that people who are deaf or hard of hearing can watch TV with sign language or subtitles.

### **Explanation using Example**

Imagine a local community center that has recently organized an art competition. In accordance with Section 29 of The Rights of Persons with Disabilities Act, 2016, the center has taken several steps to ensure that artists with disabilities can participate on an equal basis:

The center has provided special art supplies and adaptive tools to cater to artists with various disabilities, making the art-making process accessible (as per point (c)).

They have also arranged for sign language interpreters to be present during workshops and the competition to ensure that artists with hearing impairments are fully included (aligning with point (h)).

To encourage participation, the center has offered grants and sponsorships specifically for artists with disabilities to cover their entry fees and material costs (in line with point (a)).

Furthermore, the competition has been advertised with accessible promotional materials, including braille flyers and audio descriptions of the event details (touching on point (g)).

### **Section 30: Sporting Activities**

(1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of the art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

### **Simplified Act**

(1) The government needs to make sure that people with disabilities can join in sports activities.

(2) Sports organizations must recognize the rights of people with disabilities to be involved in sports and include them in programs that aim to find and develop sports talent.

(3) Besides what's already mentioned, the government and sports groups need to:

- (a) Change sports courses and programs so people with disabilities can access, join, and participate fully;
- (b) Modify and help with the sports facilities to make them suitable for people with disabilities;
- (c) Create technology to improve the skills and abilities of people with disabilities in sports;
- (d) Include features in sports activities that engage multiple senses to help people with disabilities take part effectively;
- (e) Set aside money to build advanced sports facilities specifically for training people with disabilities;
- (f) Support and run sports events just for people with disabilities and give awards to the winners and participants of these events.

### **Explanation using Example**

Imagine a local government planning to renovate a public sports complex. In compliance with Section 30 of The Rights of Persons with Disabilities Act, 2016, they include features such as:

Wheelchair ramps and accessible restrooms to ensure athletes with disabilities can access the facilities.

Braille signage and auditory signals for visually impaired individuals to navigate the complex easily.

Specialized coaching programs designed to accommodate athletes with various disabilities.

Adaptive equipment for sports like basketball or tennis, tailored for participants with physical disabilities.

Funding allocated specifically for the purchase of high-quality prosthetics for runners with amputations.

An annual sports meet exclusively for persons with disabilities, with recognition and awards for participants.

The government's actions reflect an inclusive approach to sports, allowing people with disabilities to participate fully and effectively in sporting activities alongside their peers.

## **CHAPTER VI: SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES**

### **Section 31: Free Education For Children With Benchmark Disabilities**

(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

### **Simplified Act**

(1) Regardless of what is stated in the law that guarantees free and compulsory education to children (The Rights of Children to Free and Compulsory Education Act, 2009), every child with a significant disability who is between 6 and 18 years old has the right to free education. This education can be at a regular school nearby or at a special school that the child or their guardians choose.

(2) It is the responsibility of the government and local authorities to make sure that children with significant disabilities can go to school for free in a setting that suits their needs until they turn 18 years old.

### **Explanation using Example**

Imagine a 10-year-old child named Aarav who has a hearing impairment, which qualifies as a benchmark disability. According to Section 31 of The Rights of Persons with Disabilities Act, 2016, Aarav is entitled to free education until he turns eighteen. His parents choose a neighbourhood school that has the facilities and support Aarav needs. The school cannot charge tuition fees for Aarav's education due to this law. Additionally, the local government is responsible for ensuring that the school is equipped with the necessary resources, such as hearing aid compatible systems and sign language interpreters, to provide Aarav with an appropriate learning environment. This ensures that Aarav can pursue his education on an equal basis with other children.



## **Section 32: Reservation In Higher Educational Institutions**

(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

### **Simplified Act**

(1) Colleges and universities run by the government or getting financial help from the government must save at least 5% of their seats for students with significant disabilities.

(2) Students with significant disabilities can be up to 5 years older than the usual age limit to get into colleges and universities.

### **Explanation using Example**

Imagine a scenario where Priya, a student with a hearing impairment, wants to apply to a prestigious government university for her master's degree. According to Section 32(1) of The Rights of Persons with Disabilities Act, 2016, the university is required to reserve at least 5% of its seats for persons with benchmark disabilities, which includes hearing impairment. This means Priya is assured that there is a seat allocation for persons like her, enhancing her chances of admission.

In addition, Priya is 27 years old, which is typically considered overage for a master's program that usually has an age limit of 25 years. However, under Section 32(2) of the same Act, she is entitled to an upper age relaxation of five years. This relaxation allows her to apply for the program without any age-related issues, ensuring that her disability does not become a barrier to pursuing higher education.

## **Section 33: Identification Of Posts For Reservation**

The appropriate Government shall:

identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts;

undertake periodic review of the identified posts at an interval not exceeding three years.

### **Simplified Act**

The government in charge must do the following:

Find specific jobs within organizations that can be filled by people with certain types of disabilities, based on the job reservations mentioned in section 34.

Create a group of specialists, including people with disabilities, to help determine which jobs are suitable for them.

Regularly check and update the list of suitable jobs for people with disabilities at least every three years.

### **Explanation using Example**

Example:

Imagine a government department is preparing to hire new employees. According to Section 33 of The Rights of Persons with Disabilities Act, 2016, the department must:

First, determine which positions can be effectively filled by individuals with certain types of benchmark disabilities. For instance, they might identify positions such as administrative assistant, customer service representative, or data entry operator that can be adapted for applicants with visual or hearing impairments.

Next, they are required to form a committee that includes members with benchmark disabilities to ensure that the identified positions are suitable and accessible. This committee might include persons with disabilities who are already employed in similar roles or experts in workplace accommodations.

Finally, the department must regularly reassess these identified positions every three years to ensure they remain appropriate as job requirements and technologies evolve. This might involve consulting with disability advocacy groups or conducting surveys with employees with disabilities.

### **Section 34: Reservation**

(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time: Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability: Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

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

### **Simplified Act**

(1) Every government must make sure that at least 4% of job vacancies in government jobs are given to people with disabilities. These jobs are split into different groups, and each group must have a certain percentage of these reserved jobs. Specifically, 1% of jobs should be reserved for people with:

(a) blindness and low vision,

(b) deafness and hard of hearing,

(c) physical disabilities like cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy,

(d) autism, intellectual disabilities, specific learning disabilities, and mental illness,

(e) multiple disabilities, including deaf-blindness.

However, there can be special rules for promoting employees, and some government jobs might be excused from these requirements if the government decides, with advice from disability commissioners, that the job isn't suitable for people with disabilities.

(2) If a job reserved for a person with a disability isn't filled because there's no suitable candidate or other reasons, the job must be saved for the next year. If it still can't be filled the following year, then the job can be offered to someone from any of the five disability categories. If there's still no suitable candidate with a disability, then the job can be given to someone without a disability. But, if the job's nature means certain disabilities won't work, then the government can approve a switch of job reservations among the five disability categories.

(3) The government can decide to allow people with disabilities to apply for jobs even if they are older than the usual age limit.

### **Explanation using Example**

Imagine a scenario where the State Government is conducting recruitment for various positions within its administrative departments. According to Section

34 of The Rights of Persons with Disabilities Act, 2016, the Government is required to ensure that at least 4% of the total vacancies are reserved for persons with benchmark disabilities.

For instance, if there are 100 vacancies in total, the Government must reserve 4 vacancies for persons with benchmark disabilities. Out of these 4 reserved vacancies, 1 vacancy must be for a person with blindness or low vision, 1 for a person who is deaf or hard of hearing, 1 for a person with locomotor disabilities or similar conditions, and 1 for a person with autism, intellectual disability, specific learning disability, mental illness, or multiple disabilities.

In a situation where a suitable candidate with a benchmark disability is not found for a reserved vacancy in a particular year, that vacancy is carried forward to the next recruitment year. If in the next year, a suitable candidate is still not found, the Government may consider candidates from other categories of disabilities or fill the position with a non-disabled person if no suitable candidate with any disability is available.

Additionally, the Government may provide age relaxation for persons with benchmark disabilities, making it easier for them to apply for government jobs.

### **Section 35: Incentives To Employers In Private Sector**

The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employers in the private sector to ensure that at least five per cent of their workforce is composed of persons with benchmark disability.

#### **Simplified Act**

Simple Explanation of Section 35:

The government and local officials will offer rewards to private companies to encourage them to hire people with disabilities. They aim for these employees to make up at least 5% of the company's staff, as long as this goal is affordable and reasonable for the government's financial situation and level of progress.

#### **Explanation using Example**

Example of Section 35 Application:

Imagine a software development company, TechInnovate Solutions, which is looking to expand its workforce. The company is aware of the Rights of Persons with Disabilities Act, 2016, specifically Section 35. In order to comply with the law and contribute to the inclusion of persons with disabilities, TechInnovate decides to implement a hiring program that encourages the recruitment of individuals with disabilities.

The government, recognizing TechInnovate's initiative, offers the company tax benefits and subsidies as incentives. These incentives help cover the costs of making the workplace accessible and providing specialized training for their new employees with disabilities. By doing so, TechInnovate is able to ensure that 5% of their workforce is composed of persons with benchmark disabilities, thus aligning with the mandate of Section 35 and promoting inclusivity in their company culture.

### **Section 36: Special Employment Exchange**

The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

### **Simplified Act**

The government can announce that starting from a certain date, every employer at a workplace must provide specific details or reports set by the national government. These details are about job openings that are or will be available for people with significant disabilities. The employers must send this information to a designated job center for people with disabilities, which the national government will specify. Once the government asks for this information, the workplace must follow these instructions.

### **Explanation using Example**

Imagine a scenario where there is a software development company, TechInnovate Inc., which is considered an establishment under the law. The appropriate Government issues a notification stating that from the upcoming financial year, all employers, including TechInnovate Inc., must report job

vacancies suitable for persons with benchmark disability to a designated special employment exchange. This is in compliance with the Section 36 of The Rights of Persons with Disabilities Act, 2016. TechInnovate Inc. must now follow this directive and regularly submit information about such job openings to ensure they are accessible to qualified candidates with disabilities, thus promoting inclusive employment.

### **Section 37: Special Schemes And Development Programmes**

The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide, -

five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

### **Simplified Act**

The government and local authorities must create official plans to help people with significant disabilities by announcing:

A guarantee of 5% of agricultural land and housing from government programs, with special attention to women with significant disabilities;

A 5% guarantee in programs aimed at reducing poverty and other development projects, again with special attention to women with significant disabilities;

A 5% guarantee in the distribution of land at a reduced price for projects that build housing, workspaces, businesses, recreational, and production facilities for people with significant disabilities.

### **Explanation using Example**

Imagine a scenario where the state government launches a new housing scheme aimed at providing affordable homes to its citizens. Under Section 37 of The Rights of Persons with Disabilities Act, 2016, the government includes a

provision in the scheme that reserves 5% of the housing units specifically for persons with benchmark disabilities. This means that out of every 100 houses, 5 are allocated to qualifying individuals with disabilities. Additionally, within this reservation, there is a priority for women with benchmark disabilities, ensuring they have enhanced access to housing opportunities.

## **CHAPTER VII: SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS**

### **Section 38: Special Provisions For Persons With Disabilities With High Support**

(1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

### **Simplified Act**

(1) If a person with a significant disability feels they need a lot of help, they or someone else (like a person or an organization) can ask a government-appointed authority for that extra support.

(2) When the authority gets the request, they must send it to a special board called the Assessment Board. This board, which the Central Government decides who is on it, will look into the request.



(3) The Assessment Board will examine the case in a way the Central Government has set out. Then, they will write a report that says whether the person really needs a lot of help and what kind of help that should be.

(4) After getting the report, the authority will arrange for the necessary support to be given to the person with a disability. This will be done according to government plans and rules that apply to such situations.

### **Explanation using Example**

Imagine a scenario where Rahul, a person with a benchmark disability, finds it increasingly difficult to manage his daily activities and job responsibilities due to his condition. He requires assistance with personal care, transportation, and workplace adaptations to continue his employment effectively.

Under Section 38 of The Rights of Persons with Disabilities Act, 2016, Rahul or an NGO representing him can apply to the designated authority in his state, requesting high support based on his needs. The authority, upon receiving the application, would refer Rahul's case to an Assessment Board.

The Assessment Board, consisting of experts prescribed by the Central Government, would evaluate Rahul's needs through a comprehensive assessment process. They would then prepare a report outlining the specific types of high support Rahul requires, such as a personal attendant, specialized transport facilities, or custom work equipment.

Once the authority receives the Assessment Board's report confirming Rahul's need for high support, it would coordinate with relevant government schemes or orders to ensure that Rahul receives the necessary support services. This might include funding for a personal care attendant or modifications to his workspace to accommodate his disability.

## **CHAPTER VIII: DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS**

### **Section 39: Awareness Campaigns**

(1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to

ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also, -

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

### **Simplified Act**

Simplified Explanation:

(1) The government, after discussing with the Chief Commissioner or the State Commissioner for disabilities, will organize and support activities to raise awareness about the rights of people with disabilities as mentioned in this law.

(2) The activities mentioned above will:

(a) Encourage attitudes of acceptance, understanding, compassion, and respect for different kinds of people;

(b) Help people recognize the talents and contributions of people with disabilities in the workplace and their professional achievements;

(c) Promote respect for the personal decisions of people with disabilities regarding family, relationships, and parenting;

(d) Teach students and professionals about disabilities and the rights of those who have them;

(e) Educate employers and employees about disabilities and the rights of people with disabilities;

(f) Make sure that information about the rights of people with disabilities is part of the lessons taught in universities, colleges, and schools.

### **Explanation using Example**

Imagine a scenario where a local government, after consulting with the State Commissioner for Disabilities, decides to launch an annual "Inclusion Week" in schools and workplaces. During this week, activities such as interactive workshops, guest lectures by individuals with disabilities, and inclusive sports events are organized.

One of the events is a workshop for employers on how to create accessible workplaces and the benefits of hiring persons with disabilities, highlighting their abilities and potential contributions to the company. Another event is a school program where children are taught about various disabilities through stories and games, fostering empathy and understanding from a young age.

This initiative, inspired by Section 39 of The Rights of Persons with Disabilities Act, 2016, aims to create a more inclusive society that values diversity and equality for persons with disabilities.

### **Section 40: Accessibility**

The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

### **Simplified Act**

The national government will work together with the main disability rights official to create guidelines. These guidelines will set the requirements for making places people go, ways to get around, information, communication (including modern technologies), and public services accessible to people with disabilities, no matter if they are in cities or the countryside.

### **Explanation using Example**

Imagine a scenario where a new public park is being constructed in the heart of a city. The city officials want to ensure that the park is accessible to everyone, including individuals with disabilities. To comply with Section 40 of The Rights of Persons with Disabilities Act, 2016, the central government, after consulting with the Chief Commissioner for Persons with Disabilities, has established a set of rules. These rules specify how to create accessible walkways, wheelchair-friendly benches, and braille signages for visually impaired visitors. As the park is being designed, the architects refer to these standards to ensure that the park is inclusive and can be enjoyed by people with varying types of disabilities. This ensures that when the park opens, it is equipped with ramps, tactile paths, and accessible restrooms, making it a space where individuals with disabilities can move around freely and safely.

#### **Section 41: Access To Transport**

(1) The appropriate Government shall take suitable measures to provide,

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

#### **Simplified Act**

The government must make changes to help people with disabilities by:

Making sure there are proper facilities like parking, toilets, and ticket counters at bus stops, train stations, and airports.

Ensuring all types of transportation are accessible, including changing old vehicles if possible, safe, cost-effective, and without needing big design changes.

Building roads that are easy for people with disabilities to use.

Also, the government needs to create plans that make it easier and cheaper for people with disabilities to get around by:

Offering special deals and discounts.

Modifying vehicles to meet their needs.

Providing help with personal transportation.

### **Explanation using Example**

Imagine Sarah, who uses a wheelchair, wants to travel from her home to a nearby city. According to Section 41 of The Rights of Persons with Disabilities Act, 2016:

When Sarah arrives at the bus stop, she finds that there is a ramp and designated parking space for her wheelchair. The ticket counter is at a height accessible to her, and there is an accessible toilet facility as well.

The bus that Sarah boards has a special space for her wheelchair, and the design of the bus is such that she can board and alight safely and easily.

The roads she travels on are smooth with proper drop curbs, making her journey to the bus stop and from the final bus stop to her destination hassle-free.

Additionally, Sarah benefits from a government scheme that provided her with a subsidy to retrofit her personal vehicle, making it wheelchair accessible.

This section of the law ensures that Sarah, and others with disabilities, can travel with dignity and independence.

## **CHAPTER VIII: DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS**

## **Section 42: Access To Information And Communication Technology**

The appropriate Government shall take measures to ensure that,

all contents available in audio, print and electronic media are in accessible format;

persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

electronic goods and equipment which are meant for everyday use are available in universal design.

### **Simplified Act**

The government must make sure that:

All information that's available through things like books, audio recordings, and the internet can be used by everyone, including people with disabilities.

People with disabilities can understand and use electronic media (like TV and radio) because these will have extra features like audio descriptions (which explain what's happening on screen), sign language on the screen, and captions (words displayed on the screen that tell you what's being said).

Everyday tech products and gadgets are designed so that everyone, including people with disabilities, can use them easily.

### **Explanation using Example**

Imagine a scenario where a new educational mobile application is being developed by a tech company. According to Section 42 of The Rights of Persons with Disabilities Act, 2016, the company must ensure the following:

The content within the app, such as text, images, and videos, should be available in formats accessible to persons with disabilities. For instance, the text should be readable by screen readers for visually impaired users.

Any video content should include audio descriptions for the visually impaired, sign language interpretation for the hearing impaired, and close captioning for those who are hard of hearing.

The app's interface and controls should be designed considering universal design principles, making it usable by everyone, regardless of their abilities or

disabilities. This might include voice control features or alternative navigation methods for those unable to use a touchscreen.

### **Section 43: Consumer Goods**

The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

#### **Simplified Act**

Section 43 Simplified: The government is required to help in the creation, making, and sharing of products and accessories that are made to be used by everyone, including people with disabilities.

#### **Explanation using Example**

Imagine a scenario where a smartphone manufacturer collaborates with a government initiative to create a new line of mobile phones. These phones are designed with features such as voice recognition, screen reading software, and tactile buttons, making them more accessible to individuals with visual and motor impairments. This initiative is a direct application of Section 43 of The Rights of Persons with Disabilities Act, 2016, as the government is actively promoting the development and distribution of consumer products that are universally designed to be used by persons with disabilities, thereby ensuring their inclusion in the digital age.

### **Section 44: Mandatory Observance Of Accessibility Norms**

(1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

#### **Simplified Act**

(1) A building cannot be constructed by any organization unless its design follows the accessibility rules set by the Central Government.

(2) An organization cannot use a new building or be officially recognized as having completed it unless it has followed these accessibility rules.

### **Explanation using Example**

Let's say Jane wants to open a new bookstore in her town. Before construction, she submits her building plans to the local authorities for approval. However, the plans are rejected because they do not include accessible features like a wheelchair ramp and braille signage, which are required under the rules set by the Central Government for accessibility (as per Section 40 of The Rights of Persons with Disabilities Act, 2016).

After revising the plans to include these features, Jane resubmits them and this time they get approved. Once the construction is completed, she applies for a certificate of completion. The local authority inspects the new bookstore and confirms that all accessibility features are in place and in compliance with the rules. Only then is Jane issued the certificate and allowed to open her bookstore to the public.

### **Section 45: Time Limit For Making Existing Infrastructure And Premises Accessible And Action For That Purpose**

(1) All existing public buildings shall 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: Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

### **Simplified Act**

(1) All public buildings that are currently in use must be updated to be accessible for persons with disabilities. These updates must follow the rules set by the Central Government and be completed within five years from when the rules are announced. However, the Central Government can give extra time to States if needed, based on how ready they are and other important factors.



(2) The government at both national and local levels must create and share a detailed plan that prioritizes making all of their buildings and public areas accessible. This includes important services like community health centers, major hospitals, schools, train stations, and bus stops.

### **Explanation using Example**

Imagine a scenario where a local municipal corporation is planning to renovate an old public library. According to Section 45(1) of The Rights of Persons with Disabilities Act, 2016, the corporation is required to ensure that the renovation includes features that make the library accessible to persons with disabilities. This might include ramps for wheelchair users, braille signage for the visually impaired, and hearing loop systems for those with hearing impairments. They must complete these changes within five years from the date the relevant accessibility rules were notified by the Central Government. If the municipality needs more time due to specific challenges, they can apply for an extension, which the Central Government may grant on a case-by-case basis.

Furthermore, under Section 45(2), the local government must also create and publish an action plan that prioritizes making essential service buildings and spaces accessible. This means they should outline steps to make schools and hospitals in the area disability-friendly, as well as improve accessibility at transportation hubs like railway stations and bus stops, ensuring that these changes are made in a systematic and prioritized manner.

### **Section 46: Time Limit For Accessibility By Service Providers**

The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

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

### **Simplified Act**

Simple Explanation of Section 46: Companies and government agencies must make their services accessible to people with disabilities. They have to follow the accessibility rules set by the Central Government. These rules are outlined

in section 40 of the Act. They must do this within two years after the rules are announced.

However, if needed, the Central Government can give them more time to make certain services accessible. This decision is made together with the Chief Commissioner for Persons with Disabilities.

### **Explanation using Example**

Imagine a local bank branch that is a service provider under the purview of this law. According to Section 46 of The Rights of Persons with Disabilities Act, 2016, this bank is required to ensure that its services are accessible to persons with disabilities. This means the bank must make physical changes like installing ramps, auditory signals in elevators, braille on ATM buttons, and ensuring their website is accessible to those with visual impairments. These changes should be made in compliance with the accessibility rules set by the Central Government and must be completed within two years from when those rules were notified.

If the bank is unable to meet this deadline due to legitimate reasons, such as delays in construction approvals, it can apply for an extension. The Central Government, after consulting with the Chief Commissioner for Persons with Disabilities, has the authority to grant this extension for the bank to fulfill the necessary accessibility requirements.

### **Section 47: Human Resource Development**

(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992 (34 of 1992), the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for 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;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

### **Simplified Act**

Simplified Explanation of Section 47 of The Rights of Persons with Disabilities Act, 2016

Part 1: The government must work towards creating a skilled workforce to support the objectives of this Act. This includes:

Requiring disability rights education for local government members, lawmakers, government workers, police, judges, and lawyers.

Incorporating disability education into the curriculum for teachers, medical staff, social workers, development officers, childcare workers, engineers, architects, and other professionals.

Offering training for families, community members, and caregivers on how to support and care for persons with disabilities.

Providing training for persons with disabilities to help them build relationships within their communities.

Conducting training for sports instructors on how to include sports and activities for persons with disabilities.

Implementing any other necessary training programs related to disability.

Part 2: Universities are encouraged to focus on disability studies, including setting up special study centers.

Part 3: To make sure these goals are met, the government should analyze needs and plan for hiring, training, and educating people every five years. This is to ensure there are enough qualified people to carry out the work required by this Act.

### **Explanation using Example**

Imagine a scenario where a state government in India is implementing Section 47 of The Rights of Persons with Disabilities Act, 2016. The state's Department of Education has decided to incorporate disability rights education into the curriculum for all training programs for public service roles. This includes:

Revising the training modules for local Panchayati Raj members to include sessions on how to make public facilities and services accessible to persons with disabilities.

Updating the curriculum for police training academies to incorporate modules that teach officers how to interact respectfully and effectively with persons with disabilities during their duties.

Organizing workshops for judges and lawyers that focus on the legal rights of persons with disabilities and the importance of ensuring justice is accessible to all.

Introducing a component on disability etiquette and inclusive practices in the induction programs for new university faculty members.

Conducting special training programs for sports teachers at schools, emphasizing how to include children with disabilities in physical education and sports activities.

Furthermore, the state's leading university has established a research centre dedicated to disability studies, encouraging academic exploration and development of better support mechanisms for persons with disabilities.

Every five years, the state government conducts a comprehensive review of these initiatives to assess their effectiveness and to identify any additional training needs for professionals involved in the care and support of persons with disabilities.

## **Section 48: Social Audit**

The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and meet the requirements and concerns of persons with disabilities.

### **Simplified Act**

#### Section 48 - Simplified Explanation

The government responsible must regularly check and review all public plans and activities that include people with disabilities. This is to make sure that these plans and activities don't negatively affect people with disabilities and that they address the needs and issues that people with disabilities have.

### **Explanation using Example**

Example of Section 48 Application:

Imagine a local government introduces a new public transportation program with the intention of improving mobility for all citizens. As per Section 48 of The Rights of Persons with Disabilities Act, 2016, before fully implementing the program, the government must conduct a social audit. This involves assessing whether the new buses and routes are accessible to persons with disabilities. The audit would check for features like wheelchair ramps, audio announcements for the visually impaired, and priority seating. If the audit finds that the program could negatively impact individuals with disabilities by not addressing these needs, the government is required to make necessary modifications to ensure inclusivity and accessibility for all citizens, including those with disabilities.

## **CHAPTER IX: REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS**

### **Section 49: Competent Authority**

The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

### **Simplified Act**

The local government will choose an appropriate organization or official to be in charge of enforcing the rules in this section of the law regarding the rights of people with disabilities.

### **Section 50: Registration**

Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 (14 of 1987) or any other Act for the time being in force, shall not be required to be registered under this Act.

### **Simplified Act**

Unless this law says otherwise, you can't start or keep a place for people with disabilities without an official certificate from the right authority saying you can.

However, if there's a place that takes care of people with mental illness and it already has a valid license under the Mental Health Act of 1987 or any current law, it doesn't need to get another registration under this law.

### **Explanation using Example**

Imagine a scenario where a local nonprofit organization decides to set up a new community center to offer support services to individuals with disabilities. Before they can legally open the center, they must apply for and receive a certificate of registration from the appropriate government authority as mandated by Section 50 of The Rights of Persons with Disabilities Act, 2016. This ensures that the facility meets certain standards and is equipped to provide adequate care and services for persons with disabilities.

However, if the nonprofit organization is specifically setting up an institution for the care of mentally ill persons and they already hold a valid license under the Mental Health Act, 1987, they would not need to obtain an additional registration under The Rights of Persons with Disabilities Act, 2016, due to the provision included in the Act.

## **Section 51: Application And Grant Of Certificate Of Registration**

(1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for: Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2), -

(a) shall, unless revoked under section 52, remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

### **Simplified Act**

## Simplified Explanation of Section 51 of The Rights of Persons with Disabilities Act, 2016

1. If you want to register under this Act, you need to apply in the specific way that your local government requires.
2. After getting your application, the authority will check it out. If everything is good and follows the rules, they'll give you a registration certificate within 90 days. If they're not happy, they won't give you the certificate, but they'll let you explain your side first and will tell you in writing why you were refused.
3. You'll only get a certificate if the place you're applying for can provide the right facilities and meet the standards your local government has set.
4. Your registration certificate will:
  - (a) be valid for a certain time unless it's taken back under section 52;
  - (b) can be renewed for more time;
  - (c) look a certain way and have specific conditions, as your local government decides.
5. If you want to renew your certificate, apply at least 60 days before the current one expires.
6. The certificate should be put up in a place where people can easily see it.
7. Any applications for new registration or renewal must be handled within a time frame set by your local government.

### **Explanation using Example**

Imagine a local non-profit organization, "Accessible Horizons," which aims to provide vocational training and employment support to individuals with disabilities. They want to open a new training center and need to obtain a certificate of registration as per the Rights of Persons with Disabilities Act, 2016.

The organization fills out the application form prescribed by their State Government and submits it to the competent authority. Within ninety days, the authority reviews the application, inspects the facilities to ensure they are suitable for persons with disabilities, and verifies that the organization meets all the required standards set by the state.



After a satisfactory review, "Accessible Horizons" receives their certificate of registration, which is valid for a period specified by the State Government. This certificate is then prominently displayed at their training center. A couple of years later, before the certificate expires, the organization applies for renewal, at least sixty days before the validity period ends, to continue their services without interruption.

## **Section 52: Revocation Of Registration**

(1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has, -

made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate: Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation: Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function, -

where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be -

restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

### **Simplified Act**

(1) If the authority in charge believes that an organization with a registration certificate has either lied on their application or broken the rules or conditions of the certificate, they can investigate. If they find this to be true, they can cancel the certificate, but they must first give the organization a chance to explain why it shouldn't be canceled.

(2) If an organization's registration certificate is canceled, it must stop operating from the date of cancellation. However, if the organization can appeal the decision, it can continue to operate until either the appeal period ends without an appeal being made, or if an appeal is made and denied, from the date the appeal decision is made.

(3) When an organization's registration is canceled, the authority in charge can order that any person with a disability who was living there can either go back to their family or legal guardian, or be moved to a different organization chosen by the authority.

(4) An organization that has its registration certificate canceled must give the certificate back to the authority in charge right away.

### **Explanation using Example**

Imagine a scenario where a vocational training center for persons with disabilities has been found to falsely claim that it has specialized facilities and trained staff to cater to individuals with hearing impairments. Upon investigation, the competent authority discovers that the center's application for renewal of its certificate of registration contained false information regarding these facilities and staff qualifications.

As per Section 52(1) of The Rights of Persons with Disabilities Act, 2016, the authority may revoke the center's certificate after conducting an inquiry and finding the application contained incorrect statements. However, the center will be given a chance to explain why their certificate should not be revoked.

If the certificate is ultimately revoked under Section 52(2), the training center must cease operations. If the center decides to appeal this decision under

section 53 and loses, it must stop functioning from the date of the appeal order.

Following the revocation, as stated in Section 52(3), any persons with disabilities who are residing at the center must either be returned to their families or transferred to another registered institution as directed by the competent authority.

Lastly, under Section 52(4), the center is required to surrender its certificate of registration to the authority immediately after the revocation.

### **Section 53: Appeal**

(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

### **Simplified Act**

(1) If a person is unhappy because a competent authority has either refused to give them a certificate of registration or has taken one away, they have the right to challenge this decision. They must file their challenge (appeal) within a certain time frame set by the State Government. This challenge should be sent to an appellate authority, which is a higher authority designated by the State Government to handle such cases.

(2) Whatever decision this higher appellate authority makes about the challenge will be the final decision, with no further options for appeal.

### **Explanation using Example**

Imagine a scenario where a local non-profit organization, which provides vocational training to persons with disabilities, applies for a certificate of registration under the Rights of Persons with Disabilities Act, 2016. However, the competent authority denies their application due to non-compliance with certain standards set by the Act. The organization believes the decision is unfair and that they do meet the necessary criteria.

Under Section 53(1), the organization can appeal this decision to an appellate authority designated by the State Government within the prescribed time limit. They submit their appeal, arguing that they do comply with all the requirements and provide additional evidence to support their claim.

After reviewing the case, the appellate authority decides in favor of the organization, granting them the certificate of registration. According to Section 53(2), this decision is final and the organization can now legally operate and provide services to persons with disabilities.

#### **Section 54: Act Not To Apply To Institutions Established Or Maintained By Central Or State Government**

Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

##### **Simplified Act**

Section 54 - Simplified Explanation

The rules in this part of the law do not apply to any organization created or run by the Indian federal (Central) or state governments that is specifically for people with disabilities.

#### **Section 55: Assistance To Registered Institutions**

The appropriate Government may, within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

##### **Simplified Act**

Section 55 - Simplified Explanation

The government can give money to approved organizations to help them offer services and carry out plans that follow the rules of this law. This financial help depends on how much money the government has and how developed the country is.

## **Explanation using Example**

Example of Section 55 Application:

Imagine a local government body decides to support a non-profit organization that specializes in providing vocational training to persons with disabilities. This organization applies for a grant to expand its services to include more types of vocational skills tailored to individuals with various disabilities. Under Section 55 of The Rights of Persons with Disabilities Act, 2016, the government reviews the organization's application and determines that providing financial assistance would promote the objectives of the Act. Consequently, the government approves a grant, enabling the organization to enhance its training programs and assist more individuals with disabilities in gaining employment.

## **CHAPTER X: CERTIFICATION OF SPECIFIED DISABILITIES**

### **Section 56: Guidelines For Assessment Of Specified Disabilities**

The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

#### **Simplified Act**

Section 56 Simplified

The government in charge of the whole country will create and announce a set of rules. These rules will help determine how severe a particular disability is in a person.

### **Section 57: Designation Of Certifying Authorities**

(1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

## **Simplified Act**

(1) The government in charge will appoint qualified and experienced people as official certifiers. These certifiers have the authority to give out disability certificates.

(2) The same government will also announce the specific area where these certifiers can work and the rules they need to follow when giving out disability certificates.

## **Explanation using Example**

Imagine a woman named Priya who has a hearing impairment and needs a certificate of disability to avail certain benefits under government schemes. According to Section 57(1) of The Rights of Persons with Disabilities Act, 2016, the government has designated a nearby hospital with qualified professionals as a certifying authority. Priya visits the hospital where a certified audiologist, appointed by the government, assesses her condition.

After the assessment, the audiologist, following the guidelines set by the government as per Section 57(2), issues Priya a certificate of disability. This certificate states the extent of her hearing impairment and is valid within the jurisdiction notified by the government. With this certificate, Priya can now apply for a job that has reservations for persons with disabilities and also claim other benefits provided by the government.

## **Section 58: Procedure For Certification**

(1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be, -

issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

inform him in writing that he has no specified disability.

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

### **Simplified Act**

(1) If you have a disability that's recognized by law, you can ask for a disability certificate. You need to do this in the way the Central Government says you should.

(2) When you ask for a certificate, the authority in charge will check your disability based on the rules. They will then either:

Give you a disability certificate; or

Tell you in writing if you don't have a disability that's recognized by law.

(3) Once you get a disability certificate, it's good everywhere in the country.

### **Explanation using Example**

Imagine a scenario where Ravi, a person with a visual impairment, needs to apply for a job that has a reservation for persons with disabilities. To avail the benefits of this reservation, Ravi needs to prove his eligibility.

Ravi learns that he must obtain a certificate of disability. He follows the prescribed procedure set by the Central Government and submits an application to the certifying authority in his jurisdiction. The authority, following the guidelines, assesses Ravi's condition.

After the assessment, the certifying authority determines that Ravi's visual impairment qualifies as a specified disability. Consequently, the authority issues Ravi a certificate of disability in the prescribed format. With this certificate, Ravi can now apply for the job and avail the benefits of the reservation for persons with disabilities, not just in his state but across the entire country.

### **Section 59: Appeal Against A Decision Of Certifying Authority**

(1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

### **Simplified Act**

(1) If you're unhappy with the decision made by the authority that gives out disability certificates, you can challenge this decision. You must do this within a time frame and by following a process that your state government will outline. Your appeal will be heard by an appellate authority, which is a higher authority appointed by the state government.

(2) When the appellate authority receives your appeal, they will review and make a decision on it. The way they handle and decide your appeal will also be determined by rules set by the state government.

### **Explanation using Example**

Imagine a scenario where Ravi, who has a hearing impairment, applies for a disability certificate to a certifying authority in his state. The authority, however, rejects his application on the grounds that his hearing loss does not meet the criteria specified for certification. Ravi believes this decision is incorrect as his medical reports clearly indicate a level of hearing loss that qualifies for the certificate.

Under Section 59(1) of The Rights of Persons with Disabilities Act, 2016, Ravi has the right to appeal this decision. He must file his appeal within the time frame and in the manner prescribed by the State Government. He submits his appeal to the designated appellate authority in his state, providing all necessary medical documents and evidence to support his case.

The appellate authority, as per Section 59(2), reviews Ravi's appeal, considering the new evidence he has provided. The authority follows the procedures set by the State Government to make a fair decision on whether to overturn the certifying authority's original rejection and grant Ravi his disability certificate.

## **CHAPTER XI: CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE**

### **Section 60: Constitution Of Central Advisory Board On Disability**



(1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Advisory Board shall consist of,

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, ex officio;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, ex officio;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, ex officio;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, ex officio;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, ex officio;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, ex officio;

(g) Chairperson, Rehabilitation Council of India, Member, ex officio;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, ex officio;

(i) Chairman - cum - Managing Director, National Handicapped Finance Development Corporation, Member, ex officio;

(j) Chairman - cum - Managing Director, Artificial Limbs Manufacturing Corporation, Member, ex officio;

(k) Chairman, Railway Board, Member, ex officio;

(l) Director - General, Employment and Training, Ministry of Labour and Employment, Member, ex officio;

(m) Director, National Council for Educational Research and Training, Member, ex officio;

(n) Chairperson, National Council of Teacher Education, Member, ex officio;

(o) Chairperson, University Grants Commission, Member, ex officio;

(p) Chairperson, Medical Council of India, Member, ex officio;

(q) Directors of the following Institutes:

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secunderabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

(v) National Institute for the Orthopaedically Handicapped, Kolkata;

(vi) National Institute of Rehabilitation Training and Research, Cuttack;

(vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(viii) National Institute for Mental Health and Sciences, Bangalore;

(ix) Indian Sign Language Research and Training Centre, New Delhi, Members, ex officio;

(r) Members to be nominated by the Central Government,

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non - Governmental Organisations concerned with disabilities or disabled persons organisations: Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member - Secretary, ex officio.

### **Simplified Act**

#### Simplified Explanation

The Central Government will create a group called the Central Advisory Board on Disability. This group's job is to carry out duties and use powers given to it by the Rights of Persons with Disabilities Act.

The members of this board will include:

The head of the Department of Disability Affairs (Chairperson)

The secondary head of the Department of Disability Affairs (Vice Chairperson)

Three elected Members of Parliament (two from Lok Sabha and one from Rajya Sabha)

The state ministers responsible for Disability Affairs and leaders from Union territories

Various Secretaries from different government departments related to disability, social justice, education, health, etc.

The Secretary of NITI Aayog

The heads of the Rehabilitation Council of India, National Trust for certain disabilities, and corporations for the handicapped and artificial limbs

The Chairman of the Railway Board

Officials from labor and employment, education, teacher education, university grants, and medical councils

Directors of several institutes for disabilities

Additional nominated members including experts in disability, representatives from NGOs, and commerce chambers

The government official in charge of disability policy (Member-Secretary)

### **Explanation using Example**

Imagine a scenario where the Government of India recognizes the need to improve accessibility in public transportation for persons with disabilities. To

address this issue, they decide to convene the Central Advisory Board on Disability, as per Section 60 of The Rights of Persons with Disabilities Act, 2016.

The Board, once constituted, includes high-level officials such as the Minister in charge of Disability Affairs, representatives from various ministries, and non-governmental organization members with expertise in disabilities.

During a meeting, the Board discusses the challenges faced by persons with disabilities in accessing public buses and trains. They examine current policies, hear from experts in transportation and disability rights, and consider the perspectives of persons with disabilities represented on the Board.

Based on these discussions, the Board advises the Central Government to implement new regulations that mandate low-floor buses and tactile paths in all new train stations. They also recommend training programs for transportation staff to better assist passengers with disabilities.

The government, taking the Board's recommendations into account, drafts and implements new guidelines to make public transportation more inclusive, demonstrating the practical application of Section 60 in creating a more accessible environment for persons with disabilities.

### **Section 61: Terms And Conditions Of Service Of Members**

(1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination: Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

### **Simplified Act**

(1) Unless this law says otherwise, a person appointed to the Central Advisory Board under a certain rule (clause (r) of section 60(2)) will serve for three years from when they were chosen. Even after those three years are up, they'll stay in their role until the person replacing them starts.

(2) The Central Government can remove any appointed member before their term ends if they have a good reason. But, they have to give the member a fair chance to explain why they shouldn't be removed.

(3) Any appointed member can quit by writing a resignation letter to the Central Government. Once they resign, their position becomes empty.

(4) If a member leaves and creates an empty spot, a new person will be appointed to fill that spot. But the new person will only serve for the remaining time of the original member's term.

(5) Members appointed under two specific parts of the rule (sub-clause (i) or sub-clause (iii) of clause (r) of section 60(2)) can be appointed again when their term ends.

(6) Members appointed under two specific parts of the rule (sub-clause (i) and sub-clause (ii) of clause (r) of section 60(2)) will get paid allowances as decided by the Central Government.

### **Explanation using Example**

Imagine that Dr. Smith, an expert in disability studies, is nominated to the Central Advisory Board under The Rights of Persons with Disabilities Act, 2016. According to Section 61(1), Dr. Smith will serve a term of three years

from the date of his nomination. Even after these three years pass, he will continue in his role until a new member is appointed to succeed him.

During his tenure, if the Central Government finds a reason that Dr. Smith should no longer serve on the board, Section 61(2) allows them to remove him, provided they give him an opportunity to present his case against the removal.

If Dr. Smith decides to resign before his term ends, Section 61(3) states that he can do so by submitting a written resignation to the Central Government, which would lead to a vacancy on the board.

Should a vacancy arise, for instance, due to Dr. Smith's resignation, Section 61(4) ensures that this vacancy will be filled by a new nomination. The newly nominated member will only serve for the remainder of Dr. Smith's original term.

Additionally, if Dr. Smith was nominated under specific sub-clauses, Section 61(5) mentions that he could be considered for renomination to the board after his term concludes.

Lastly, Section 61(6) provides that Dr. Smith, along with other members nominated under certain sub-clauses, will receive allowances for his service as prescribed by the Central Government.

## **Section 62: Disqualifications**

(1) No person shall be a Member of the Central Advisory Board, who -

is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

is of unsound mind and stands so declared by a competent court, or

is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

is, or at any time has been, convicted of an offence under this Act, or

has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

### **Simplified Act**

(1) A person cannot be a member of the Central Advisory Board if they:

have gone bankrupt, stopped paying their debts, made a deal with creditors to settle debts for less, or

have been legally declared to be of unsound mind, or

have been found guilty of a crime that the Central Government believes shows a lack of moral character, or

have been found guilty of breaking the law under this Act, or

have misused their position as a member in a way that the Central Government thinks is harmful to the public interest.

(2) Before the Central Government can remove a member for any of these reasons, they must give the member a fair chance to explain why they shouldn't be removed.

(3) Even if other parts of the law might suggest otherwise, a member who is removed based on this section cannot be nominated again as a member.

### **Explanation using Example**

Imagine a scenario where an individual named Mr. Sharma has been serving on the Central Advisory Board under The Rights of Persons with Disabilities Act, 2016. However, it comes to light that Mr. Sharma had previously been declared insolvent by a court, which he did not disclose at the time of his appointment. According to Section 62(1)(a), Mr. Sharma is ineligible to continue as a Member of the Board due to his past insolvency. The Central Government initiates proceedings to remove him from his position, ensuring that he is given a chance to present his case as required by Section 62(2). Despite his arguments, the government decides to proceed with the removal. Consequently, under Section 62(3), Mr. Sharma is barred from being

renominated as a Member of the Board in the future due to his removal under this section.

### **Section 63: Vacation Of Seats By Members**

If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

#### **Simplified Act**

Section 63 - Simplified If a person serving on the Central Advisory Board is no longer qualified because they now have one of the issues listed in Section 62, they will lose their position on the board.

#### **Explanation using Example**

Imagine that Mr. Sharma is a member of the Central Advisory Board under The Rights of Persons with Disabilities Act, 2016. He has been actively participating in the advisory processes to improve the rights of persons with disabilities. However, Mr. Sharma recently took up a new position in a company that has been found guilty of discrimination against persons with disabilities. According to Section 62 of the Act, a person who has been convicted of an offense which involves moral turpitude, is disqualified from being a member of the board. Since the company's actions reflect on Mr. Sharma's standing, this new position is in conflict with the qualifications required for board members. Under Section 63, Mr. Sharma's seat on the Central Advisory Board would become vacant as he is now subject to a disqualification specified in the previous section.

### **Section 64: Meetings Of The Central Advisory Board On Disability**

The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

#### **Simplified Act**

The main committee that advises the government on disability issues must have a meeting at least two times a year. They also need to follow specific rules



on how they conduct their meetings and make decisions, which will be provided to them.

### **Explanation using Example**

Imagine a scenario where the Central Advisory Board, established under The Rights of Persons with Disabilities Act, 2016, is responsible for advising the government on policies and programs for persons with disabilities. In this context, the Board is required to convene a meeting in January to discuss the implementation of new assistive technology in public schools. To comply with Section 64 of the Act, they must ensure that another meeting is scheduled no later than July, as they are mandated to meet at least once every six months to effectively perform their advisory role.

### **Section 65: Functions Of Central Advisory Board On Disability**

(1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities vis-a-vis information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

### **Simplified Act**

(1) The Central Advisory Board on disability is set up under this law to serve as a national group that gives advice and guidance on issues related to disabilities. Its main role is to help create a detailed plan to support the rights and empowerment of people with disabilities.

(2) Specifically, the Central Advisory Board on disability has several duties, including:

(a) Giving advice to both the national (Central) and regional (State) governments on policies, programs, laws, and projects for disability issues;

(b) Making a national plan to tackle problems faced by people with disabilities;

(c) Checking and coordinating the work of all government departments and organizations (both governmental and non-governmental) that deal with disability matters;

(d) Advocating for the needs of people with disabilities with the appropriate authorities and international groups to make sure there are plans and projects for them in national development plans;

(e) Suggesting ways to make sure that people with disabilities have equal access and are not discriminated against when it comes to information, services, buildings, and participating in community life;

(f) Watching over and assessing the effects of laws, policies, and programs to ensure that people with disabilities can fully participate in society; and

(g) Carrying out any other tasks given by the national (Central) government from time to time.

### **Explanation using Example**

Imagine a scenario where a new public park is being constructed in a city. The local government is planning the layout and facilities of the park. As per Section 65 of The Rights of Persons with Disabilities Act, 2016, the Central Advisory Board on disability would advise the government on making the park inclusive and accessible. They would recommend the inclusion of features such as:

Wheelchair-accessible pathways and entrances;

Tactile paving for the visually impaired;

Accessible restrooms;

Signage in Braille and large print for information boards;

Adaptive playground equipment for children with disabilities.

This ensures that the park is a space where persons with disabilities can enjoy the same activities as others, in line with the national policy to address issues concerning persons with disabilities.

### **Section 66: State Advisory Board On Disability**

(1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of -

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, ex officio;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice - Chairperson, ex officio;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other

Department, which the State Government considers necessary, Members, ex officio;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, ex officio;

(e) Members to be nominated by the State Government:

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed: Provided that no nomination under this sub - clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non - Governmental Organisations or associations which are concerned with disabilities: Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member - Secretary, ex officio.

### **Simplified Act**

Simplified Explanation:

(1) Each state in the country must create an official group called the State Advisory Board on disability. This group is responsible for using the powers and doing the tasks given to it by this law.

(2) The members of the State Advisory Board will include:

The state minister responsible for disability issues as the Chairperson.

The state's junior minister or deputy minister for disability issues as the Vice-Chairperson.

State government officials from various departments such as education, finance, health, labor, and others as Members.

Three state lawmakers. If there is a state council, one will come from there; otherwise, all three will be from the state assembly.

People appointed by the state government, including:

Five experts in disability and rehabilitation.

Five people representing different districts, chosen in a specific way.

Ten people, preferably with disabilities, from non-governmental organizations or groups focused on disabilities. Half should be women, and there should be representation from Scheduled Castes and Scheduled Tribes.

Up to three people from the state's business community.

An officer of high rank from the state department dealing with disability matters as the Member-Secretary.

### **Explanation using Example**

Imagine a situation where the State Government of XYZ has recently passed legislation aimed at improving the lives of persons with disabilities. To ensure that the new policies and programs are effectively implemented, the government decides to establish the State Advisory Board on disability as mandated by Section 66 of The Rights of Persons with Disabilities Act, 2016.

The Minister in charge of disability matters in XYZ is appointed as the Chairperson of the board. The board is composed of various members, including secretaries from different departments such as Health, Education, and Finance, reflecting the multi-sectoral approach required for disability issues. Additionally, experts in disability and rehabilitation, representatives from NGOs working with disabled people, and members from the state's business community are nominated to the board.

The board's first meeting is convened to discuss the creation of inclusive education programs. During the meeting, representatives from the education department collaborate with disability experts and NGO members to draft a plan that accommodates the needs of students with disabilities. The finance secretary ensures that the budget is allocated to support the necessary infrastructure and training for teachers.

This scenario exemplifies how Section 66 of The Rights of Persons with Disabilities Act, 2016, is put into practice to form a comprehensive advisory body that guides the state in making informed decisions to benefit persons with disabilities.

### **Section 67: Terms And Conditions Of Service Of Members**

(1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination: Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

### **Simplified Act**

(1) Unless this law states otherwise, a person nominated to be a member of the State Advisory Board will serve for three years starting from when they were nominated. Even after their term ends, they will stay in their role until the person replacing them starts.

(2) The State Government can remove a nominated member before their term is over if they provide a good reason for doing so and give the member a chance to explain why they shouldn't be removed.

(3) A nominated member can quit at any time by writing a resignation letter to the State Government. Once they resign, their position becomes empty.

(4) If a member's spot becomes suddenly empty, a new person will be nominated to take over. This new member will only serve for the remaining time of the original member's term.

(5) Members nominated under certain parts of the law can be nominated again when their term ends.

(6) Members nominated under specific parts of the law will get paid allowances as decided by the State Government.

### **Explanation using Example**

Imagine a scenario where Mrs. Sharma, a disability rights expert, has been nominated to the State Advisory Board under The Rights of Persons with Disabilities Act, 2016. According to Section 67, Mrs. Sharma will serve a term of three years starting from the date of her nomination. Even if her term expires, she will continue to serve until her successor is appointed.

If the State Government decides that Mrs. Sharma is not fulfilling her duties effectively, they have the authority to remove her from the board before the end of her term. However, they must first give her a chance to explain her side of the story.

Should Mrs. Sharma wish to resign before her term ends, she has the right to do so by submitting a written resignation to the State Government. Upon her resignation, her position on the board becomes vacant.

If Mrs. Sharma resigns or is removed, creating a casual vacancy on the board, a new member will be nominated to fill her position. This new member will serve only for the remainder of Mrs. Sharma's original term.

Members of the board like Mrs. Sharma, who are nominated under specific clauses, may be considered for renomination at the end of their terms.

Lastly, Mrs. Sharma and other board members are entitled to receive allowances for their service, the amount of which will be determined by the State Government.

## **Section 68: Disqualification**

- (1) No person shall be a Member of the State Advisory Board, who -
- (a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
  - (b) is of unsound mind and stands so declared by a competent court, or
  - (c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or
  - (d) is, or at any time has been, convicted of an offence under this Act, or
  - (e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.
- (2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.
- (3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

## **Simplified Act**

- (1) A person cannot be part of the State Advisory Board if they:
- (a) have gone bankrupt, stopped paying their debts, made a deal with creditors to settle debts for less, or
  - (b) have been legally declared to have a mental condition that makes them unable to manage their affairs, or
  - (c) have been found guilty of a crime that the State Government believes shows a lack of good moral character, or
  - (d) have been found guilty of a crime under this specific law, or
  - (e) have misused their position as a Board Member in a way that the State Government thinks harms the public's interest.
- (2) Before the State Government can remove a Board Member, they must give the member a fair chance to explain and defend themselves.



(3) Even if other sections of the law allow it, a Member who is removed based on this section cannot be appointed again as a Member.

### **Explanation using Example**

Imagine a scenario where Mr. Sharma is a member of the State Advisory Board created under The Rights of Persons with Disabilities Act, 2016. He recently faced financial difficulties and had to declare bankruptcy. As a result, he was adjudged insolvent by the court. According to Section 68(1)(a) of the Act, a person who has been adjudged insolvent cannot be a member of the State Advisory Board.

The State Government, upon learning of Mr. Sharma's insolvency, initiates the process to remove him from his position on the board. However, as mandated by Section 68(2), before removing him, the State Government provides Mr. Sharma with an opportunity to present his case and show cause as to why he should not be removed from the board.

Despite Mr. Sharma's arguments, the State Government decides to proceed with the removal due to the clear stipulations of the Act. Consequently, under Section 68(3), Mr. Sharma is not only removed but also becomes ineligible for renomination to the State Advisory Board in the future.

### **Section 69: Vacation Of Seats**

If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68, his seat shall become vacant.

### **Simplified Act**

Section 69 Simplified - If someone serving on the State Advisory Board for the rights of persons with disabilities no longer meets the necessary qualifications because they fall under any of the no-no's listed in section 68, they will lose their spot on the board.

### **Explanation using Example**

Imagine there is a member, Mr. Sharma, on the State Advisory Board under The Rights of Persons with Disabilities Act, 2016. Mr. Sharma has been actively participating in board meetings and contributing to policy-making for the welfare of persons with disabilities. However, it comes to light that Mr.

Sharma has recently been convicted of a crime involving moral turpitude, which is one of the disqualifications specified in section 68 of the Act.

As a result of this conviction, according to Section 69, Mr. Sharma's seat on the State Advisory Board automatically becomes vacant. This means he can no longer serve as a member of the board, and the concerned authorities must take steps to fill the vacancy according to the provisions of the Act.

### **Section 70: Meetings Of State Advisory Board On Disability**

The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

#### **Simplified Act**

Section 70 Simplified: The group that advises the state on disability issues, known as the State Advisory Board, must have a meeting at least two times a year. They also need to follow certain rules set by the state government when they conduct their meetings and handle their work.

#### **Explanation using Example**

Imagine a State Advisory Board has been established under The Rights of Persons with Disabilities Act, 2016, in the state of Karnataka. According to Section 70, this board is required to convene a meeting at least twice a year. In practical terms, the board schedules regular bi-annual meetings, one in June and another in December, to review the implementation of policies, discuss new initiatives for the welfare of persons with disabilities, and address any complaints or issues that have arisen. They follow a set of rules for conducting these meetings, which are outlined by the Karnataka state government, ensuring that the meetings are productive and adhere to the legal requirements.

### **Section 71: Functions Of State Advisory Board On Disability**

(1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:

(a) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(b) develop a State policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the State Government.

### **Simplified Act**

(1) The State Advisory Board is a group that gives advice and suggestions at the state level about disability issues. This group helps create and update policies that support people with disabilities and ensure they can fully enjoy their rights.

(2) Specifically, the State Advisory Board on disability has several important jobs to do:

(a) They give advice to the state government about plans, laws, and projects that affect people with disabilities.

(b) They create policies for the state that focus on solving problems faced by people with disabilities.

(c) They check and coordinate the work of all state government departments and other organizations that help people with disabilities.

(d) They advocate for people with disabilities to make sure they are included in state plans and projects.

(e) They suggest ways to make sure people with disabilities can access everything easily, are treated fairly, and can participate in society just like anyone else.

(f) They watch over and assess the effectiveness of laws and policies that are meant to help people with disabilities be fully involved in all aspects of life.

(g) They do any other jobs that the state government asks them to do over time.

### **Explanation using Example**

Imagine a small town in a state where there is a lack of accessible public transportation for persons with disabilities. The State Advisory Board, as outlined in Section 71 of The Rights of Persons with Disabilities Act, 2016, steps in to address this issue. The board advises the state government to introduce low-floor buses and to modify existing transport facilities to include ramps and auditory signals. They work closely with the local transportation department and disability advocacy groups to develop a comprehensive policy that ensures all public transportation is accessible to persons with disabilities. Additionally, the board monitors the implementation of these changes and evaluates their effectiveness, ensuring that the rights and empowerment of persons with disabilities are upheld.

### **Section 72: District-Level Committee On Disability**

The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

### **Simplified Act**

The government of each state is required to set up a committee at the district level that focuses on issues related to disabilities. This committee will carry out tasks that the state government assigns to it.

### **Section 73: Vacancies Not To Invalidate Proceedings**

No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

#### **Simplified Act**

If the Central Advisory Board, State Advisory Board, or District-level Committee that works on disability issues does something or holds a meeting, you can't challenge or question it just because there was an empty seat (a vacancy) or a problem with how the group was set up (a defect in the constitution of the Board or Committee).

#### **Explanation using Example**

Imagine a scenario where the Central Advisory Board on disability, which advises the government on policies and programs for persons with disabilities, has made a recommendation for a new policy. However, it is later discovered that there was a vacancy on the Board at the time the recommendation was made. According to Section 73 of The Rights of Persons with Disabilities Act, 2016, this recommendation cannot be invalidated solely because there was a vacancy on the Board. The work of the Board remains legitimate and must be considered despite this technicality.

## **CHAPTER XII: CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES**

### **Section 74: Appointment Of Chief Commissioner And Commissioners**

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

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

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

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

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

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

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

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

### **Simplified Act**

(1) The government can officially create the position of a Chief Commissioner for Persons with Disabilities to oversee this law.

(2) The government can also appoint two additional Commissioners to help the Chief Commissioner. One of these must be a person with a disability.

(3) To be eligible for these roles, a person must have specific knowledge or experience in helping people with disabilities.

(4) The salary, benefits, and other work conditions for the Chief Commissioner and Commissioners will be decided by the government.

(5) The government will decide what kind of staff and officers the Chief Commissioner needs to do their job and will provide them.

(6) These staff and officers will work under the direction and control of the Chief Commissioner.

(7) The salaries and work conditions of these staff and officers will also be decided by the government.

(8) The Chief Commissioner will have a team of up to eleven advisory members, who are experts in different kinds of disabilities, as set by the government.

### **Explanation using Example**

Imagine a scenario where the Indian government recognizes the need to strengthen the rights and facilities for persons with disabilities. To ensure proper implementation of the Rights of Persons with Disabilities Act, 2016, the government decides to appoint a dedicated official to oversee these matters.

Following the provisions of Section 74, the government issues a notification appointing an experienced individual as the Chief Commissioner for Persons with Disabilities. This individual has a well-documented background in rehabilitation and rights of disabled persons.

To support the Chief Commissioner, two additional Commissioners are appointed. One of these Commissioners is a person with a disability, ensuring representation and insight from within the community.

The government sets forth the salaries, allowances, and service conditions for these roles. Additionally, it provides the necessary staff to assist the Chief Commissioner, all of whom will work under his guidance.

Moreover, an advisory committee with experts from various types of disabilities is formed to aid the Chief Commissioner, thus ensuring a wide range of perspectives and expertise are available to inform decisions and policies.

### **Section 75: Functions Of Chief Commissioner**

(1) The Chief Commissioner shall

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

(b) inquire, suo motu or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the

Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

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

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

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

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

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

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

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

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

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

### **Simplified Act**

Simplified Explanation of Section 75 of The Rights of Persons with Disabilities Act, 2016

The Chief Commissioner has several responsibilities:

**Identify Issues:** They must find and suggest fixes for any laws, policies, or procedures that don't match up with this Act, on their own initiative or if someone brings it to their attention.

**Investigate Rights Deprivation:** They need to look into cases where disabled people's rights are being denied and then work with the relevant authorities to solve these issues, especially in areas controlled by the Central Government.



Review Safeguards: They should check the protections in place for disabled people and recommend how to make them work better.

Address Barriers: They must examine what's stopping disabled people from enjoying their rights and suggest ways to fix these problems.

Implement International Agreements: They should study international agreements about disabled people's rights and advise on how to put them into action effectively.

Research: They are expected to support and carry out research related to the rights of disabled people.

Raise Awareness: They have to spread the word about the rights of disabled people and the protections they have.

Monitor the Act's Implementation: They need to keep an eye on how well this Act and related programs for disabled people are being put into practice.

Monitor Funds: They should watch how the Central Government's money for disabled people is being spent.

Other Duties: They may have to do other tasks that the Central Government asks them to.

Additionally, the Chief Commissioner should talk with other Commissioners when working on matters related to this Act.

### **Explanation using Example**

Example Application of Section 75 of The Rights of Persons with Disabilities Act, 2016

Imagine a scenario where a new public transportation policy is announced that inadvertently makes it difficult for persons with disabilities to access the service. For instance, the policy might require passengers to climb steps to board buses, which is not feasible for individuals who use wheelchairs.

In this situation, the Chief Commissioner for Persons with Disabilities, acting under Section 75(a) of The Rights of Persons with Disabilities Act, 2016, might identify the policy as being inconsistent with the Act. The Chief Commissioner could then recommend necessary corrective steps, such as the installation of ramps or the procurement of low-floor buses, to ensure that the transportation service is accessible to all persons with disabilities.

Additionally, if a person with a disability reports that they were denied access to the transportation service, the Chief Commissioner could inquire into the matter under Section 75(b), and if the rights of the person were found to be deprived, they could take up the matter with the appropriate authorities to seek corrective action.

This example illustrates how the Chief Commissioner uses the powers granted by Section 75 to promote and protect the rights of persons with disabilities and ensure the effective implementation of the Act.

### **Section 76: Action Of Appropriate Authorities On Recommendation Of Chief Commissioner**

Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of subsection (1) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

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

#### **Simplified Act**

If the Chief Commissioner gives advice to an organization because of a specific rule (clause (b) of subsection (1) of section 75), that organization must act on the advice. They must also tell the Chief Commissioner what they did in response to the advice within three months after getting it.

However, if the organization decides not to follow the advice, they must explain why they are not accepting it to the Chief Commissioner. This explanation must be given within three months. They must also tell the person who was directly affected by the issue.

#### **Explanation using Example**

Imagine a scenario where a person with disabilities has filed a complaint regarding the lack of wheelchair ramps at a newly constructed public library. The Chief Commissioner for Persons with Disabilities investigates and recommends that the library should install ramps to ensure accessibility. According to Section 76 of The Rights of Persons with Disabilities Act, 2016,

the library authority must act on this recommendation and inform the Chief Commissioner of the steps taken within three months.

If, for some reason, the library authority disagrees with the recommendation, perhaps due to structural limitations or budget constraints, they are required to provide a written explanation to the Chief Commissioner detailing the reasons for not following the recommendation. They must also communicate their decision and reasons to the person who lodged the complaint, ensuring transparency and accountability.

### **Section 77: Powers Of Chief Commissioner**

(1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:

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

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

### **Simplified Act**

(1) The Chief Commissioner has the same powers as a regular court when it comes to doing his job under this law, which includes:

- (a) calling witnesses to come and making sure they show up;
- (b) asking for documents to be shown or handed over;
- (c) getting any government records or copies from courts or offices;

(d) accepting written statements made under oath; and

(e) ordering that witnesses or documents be examined in detail.

(2) Every case that the Chief Commissioner deals with is considered a legal case, just like in certain parts of the Indian Penal Code. For some legal matters, the Chief Commissioner is treated as if he were a court.

### **Explanation using Example**

Example Application of Section 77 of The Rights of Persons with Disabilities Act, 2016

Imagine a scenario where a person with a disability files a complaint alleging that a public facility is not providing adequate accessibility features as mandated by law. The Chief Commissioner for Persons with Disabilities initiates an investigation into the complaint.

In the course of this investigation, the Chief Commissioner exercises the powers similar to those of a civil court:

The Chief Commissioner summons the facility manager and other key witnesses to attend a hearing to gather evidence about the accessibility of the facility.

They require the facility to produce documents such as building plans, permits, and accessibility audit reports.

If necessary, they requisition public records from the municipal office that detail the facility's compliance with accessibility standards.

The Chief Commissioner accepts affidavits from individuals who are unable to attend the hearing in person.

If a witness resides in a different location and cannot travel, the Chief Commissioner issues a commission to a local court to examine the witness and report back.

The proceedings before the Chief Commissioner are considered judicial proceedings, thus providing legal weight to the investigations and ensuring that any false testimony is subject to penal consequences under the relevant sections of the Indian Penal Code and the Code of Criminal Procedure.

## **Section 78: Annual And Special Reports By Chief Commissioner**

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

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

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

### **Simplified Act**

(1) The main person in charge of disability rights, known as the Chief Commissioner, must give the government a report every year about how things are going. If something really urgent or important comes up, the Chief Commissioner can send a special report about it right away, without waiting for the yearly report.

(2) The government must share these yearly and special reports from the Chief Commissioner with both groups of national lawmakers (the Houses of Parliament). They also have to include a note explaining what they did or plan to do about the Chief Commissioner's suggestions and why they might not follow some of them.

(3) Both the yearly and special reports must be put together in a certain way and include specific details that the government decides on.

### **Explanation using Example**

Imagine a scenario where the Chief Commissioner for Persons with Disabilities notices a significant increase in complaints about inaccessible public transportation for wheelchair users. Concerned by this trend, the Chief Commissioner decides to investigate and finds that many buses and trains lack proper ramps and designated spaces for wheelchairs.

Given the urgency of the situation, the Chief Commissioner compiles a special report outlining the issues and recommending immediate actions, such as

retrofitting existing vehicles with ramps and ensuring that new vehicles meet accessibility standards. This special report is submitted to the Central Government for prompt attention.

Subsequently, the Central Government presents this special report to both Houses of Parliament, along with a memorandum detailing the actions they intend to take, such as allocating funds for modifications and implementing stricter compliance checks. In cases where certain recommendations cannot be followed, the government provides reasons for the non-acceptance of those specific suggestions.

### **Section 79: Appointment Of State Commissioner In States**

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

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

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

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

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

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

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

## **Simplified Act**

- (1) The government of a state can officially create the position of a State Commissioner for Persons with Disabilities to carry out the work required by this law.
- (2) To be eligible for the role of State Commissioner, a person must have specific knowledge or experience in helping people with disabilities.
- (3) The State Commissioner's pay and benefits, including retirement benefits, will be decided by the state government.
- (4) The state government will decide what kind of staff and help the State Commissioner needs to do their job and will provide these resources.
- (5) The staff given to the State Commissioner will work under his direction and control.
- (6) The pay and work conditions for the staff will also be set by the state government.
- (7) An advisory group of up to five experts from the disability field will help the State Commissioner. The state government will provide details on how this group will be selected.

## **Explanation using Example**

Imagine a scenario where the government of a state in India recognizes the need to strengthen the support system for persons with disabilities within its jurisdiction. To address this, the state government decides to appoint a dedicated State Commissioner for Persons with Disabilities, in accordance with Section 79 of The Rights of Persons with Disabilities Act, 2016.

They issue a notification for the appointment and invite applications. However, they only consider candidates who have a background in rehabilitation or special knowledge related to the field, as per the qualifications outlined in subsection (2) of the act.

Once appointed, the State Commissioner's salary, allowances, and terms of service, including retirement benefits, are clearly defined and prescribed by the state government as per subsection (3).

To effectively carry out his duties, the State Commissioner requests the state government to provide a team of officers and other employees. The state

government assesses the needs and provides the necessary staff as mentioned in subsection (4).

The appointed officers and employees work under the general superintendence and control of the State Commissioner, ensuring that the functions are discharged efficiently as per subsection (5). Their service conditions are also prescribed by the state government, in line with subsection (6).

Furthermore, an advisory committee of up to five members, who are experts in the disability sector, is formed to assist the State Commissioner, ensuring that the implementation of the act is informed by expert knowledge and practical experience as stated in subsection (7).

### **Section 80: Functions Of State Commissioner**

The State Commissioner shall -

identify, suo motu or otherwise, provision of any law or policy, programme and procedures, which are inconsistent with this Act, and recommend necessary corrective steps;

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

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

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

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

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

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



monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

perform such other functions as the State Government may assign.

### **Simplified Act**

The State Commissioner's responsibilities include:

Finding and suggesting fixes for any laws, policies, or procedures that don't match this Act, whether they notice the issue themselves or are informed about it.

Looking into, on their own initiative or because someone informs them, situations where the rights of disabled people are being denied, and working with the right authorities to fix these issues.

Checking if the protections for disabled people provided by this Act or other laws are working well and recommending how to make them better.

Studying what stops disabled people from enjoying their rights and suggesting how to solve these problems.

Conducting and supporting research about the rights of disabled people.

Increasing public awareness about the rights of disabled people and the protections available to them.

Watching over the application of this Act and checking how well programs for disabled people are working.

Keeping an eye on how the State Government spends money meant to help disabled people.

Carrying out any other tasks given to them by the State Government.

### **Explanation using Example**

Imagine a scenario where a local government office building in a state does not have a wheelchair-accessible entrance, despite regulations requiring public buildings to be accessible to persons with disabilities. A citizen with a disability reports this issue to the State Commissioner for Disabilities.

The State Commissioner, acting under their powers from Section 80 of The Rights of Persons with Disabilities Act, 2016, could:

Review the complaint and identify the lack of an accessible entrance as being inconsistent with the Act, recommending the installation of a ramp or an elevator.

Initiate an inquiry into why the building has not been made accessible and contact the responsible authorities to ensure corrective measures are taken.

Examine the safeguards that should have been in place to prevent such an oversight and suggest improvements to prevent future occurrences.

Investigate if there are other factors preventing the full enjoyment of rights by persons with disabilities in similar situations, such as lack of information or awareness, and propose solutions.

Conduct or encourage research on the prevalence of accessibility issues in public buildings within the state.

Organize awareness campaigns to educate the public and government officials about the rights of persons with disabilities and the importance of accessible infrastructure.

Monitor the overall implementation of the Act in the state, ensuring that all public buildings comply with accessibility requirements.

Track the state government's budget allocations and expenditures aimed at improving accessibility for persons with disabilities, ensuring funds are properly utilized.

Carry out any additional tasks assigned by the State Government that further the objectives of the Act.

### **Section 81: Action By Appropriate Authorities On Recommendation Of State Commissioner**

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

Provided that where an authority does not accept a recommendation, it shall convey reasons for nonacceptance to the State Commissioner for Persons with

Disabilities within the period of three months, and shall also inform the aggrieved person.

### **Simplified Act**

When the State Commissioner for Disabilities suggests something to an organization according to clause (b) of section 80, the organization must act on this suggestion. They must also tell the State Commissioner what they did about the suggestion within three months after they received it.

However, if the organization decides not to follow the suggestion, they must explain why they are not accepting it to the State Commissioner for Disabilities. This explanation must be given within three months. They must also tell the person who is affected by the issue.

### **Explanation using Example**

Imagine a scenario where a local school in Bangalore is not adequately equipped to facilitate the education of children with disabilities, lacking ramps and accessible toilets. A concerned parent files a complaint to the State Commissioner for Persons with Disabilities in Karnataka. The Commissioner, after investigation, recommends that the school install ramps and modify the toilets to be accessible.

The school, as the authority in this case, is required by Section 81 of The Rights of Persons with Disabilities Act, 2016, to act on this recommendation. It must either take the necessary steps to make the school accessible and inform the Commissioner of the actions taken within three months, or if it decides not to follow the recommendation, it must provide the Commissioner with reasons for this decision. Additionally, the school must also inform the parent who made the complaint about their decision not to comply with the recommendation.

## **Section 82: Powers Of State Commissioner**

(1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of witnesses;

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

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

### **Simplified Act**

(1) The State Commissioner has the authority similar to that of a regular court when working under this law. This includes the power to:

- (a) call people to testify and require them to show up;
- (b) ask for documents to be shown;
- (c) request official records from courts or offices;
- (d) accept evidence written on sworn statements (affidavits); and
- (e) order detailed investigations or questioning of witnesses or inspection of documents.

(2) Every case handled by the State Commissioner is considered a legal case, just like in sections 193 and 228 of the Indian Penal Code. For certain legal matters, the State Commissioner is treated as if they were a civil court.

### **Explanation using Example**

Imagine a scenario where a person with a disability has filed a complaint alleging that a government office is not providing adequate accessibility features, contrary to the provisions of The Rights of Persons with Disabilities Act, 2016. The State Commissioner for Disabilities initiates an investigation into the complaint.

During this investigation, the State Commissioner exercises their powers similar to those of a civil court:

The Commissioner summons the head of the government office to attend a hearing and provide testimony regarding the accessibility of the office.

The Commissioner requires the office to produce documents related to their building plans and any recent renovations to examine if accessibility standards were considered.

They requisition a copy of the public record showing the office's compliance with accessibility laws from the municipal corporation.

The Commissioner receives evidence in the form of affidavits from employees with disabilities working in that office.

If necessary, the Commissioner issues a commission to a third party to inspect the premises and report on the accessibility features.

Proceedings before the State Commissioner are treated with the same seriousness as a court case, ensuring that any false testimony or evidence given during the investigation can result in penal consequences under the relevant sections of the Indian Penal Code.

### **Section 83: Annual And Special Reports By State Commissioner**

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

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

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

### **Simplified Act**

(1) Every year, the State Commissioner for persons with disabilities must write a report for the state government. If there's something really urgent or important, the Commissioner can write a special report about it without waiting for the yearly report.

(2) The state government has to share these yearly and special reports with the state's lawmakers. If the state has two groups of lawmakers, the report goes to both. If there's only one group, it goes to them. Along with the reports, the government must include a note explaining what they did or plan to do about the Commissioner's suggestions. If the government didn't follow any suggestions, they have to explain why.

(3) These reports should be written in a certain way and include specific information as decided by the state government.

### **Explanation using Example**

Imagine a scenario where the State Commissioner for Persons with Disabilities in the state of Karnataka identifies a significant increase in complaints regarding the lack of accessible public transportation for individuals with disabilities. Recognizing the urgency of the situation, the Commissioner decides to draft a special report detailing the issue, the impact on the disabled community, and recommendations for immediate action by the state government.

Upon completion, the Commissioner submits this special report to the Karnataka State Government. In accordance with Section 83 of The Rights of Persons with Disabilities Act, 2016, the state government is then required to present this report to the Karnataka Legislative Assembly. Alongside the report, the government includes a memorandum outlining the actions it has taken or plans to take based on the Commissioner's recommendations, such as allocating funds for retrofitting buses with wheelchair lifts. Additionally, the government must provide explanations for any recommendations it has chosen not to follow, perhaps due to budgetary constraints or technical feasibility issues.

This process ensures that the concerns of persons with disabilities are not only heard but are also addressed with transparency and accountability by the state government, fostering better policy-making and inclusivity.

## **CHAPTER XIII: SPECIAL COURT**

### **Section 84: Special Court**

For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

#### **Simplified Act**

Section 84 Simplified: The state government, after agreeing with the Chief Justice of the High Court, will announce which Court of Session in each district will become a Special Court. This Special Court will handle cases quickly that are related to crimes under this law, which is about the rights of people with disabilities.

#### **Explanation using Example**

Suppose there is a person named Rohan who has a hearing impairment. Rohan was denied entry into a restaurant because of his disability, which is an offence under The Rights of Persons with Disabilities Act, 2016. To ensure that Rohan's case is heard quickly and justice is served without unnecessary delay, the State Government has designated a Special Court in Rohan's district to handle such offences. This is in line with Section 84 of the Act, which mandates the creation of Special Courts for speedy trials of offences against persons with disabilities. Consequently, Rohan's case will be heard by this Special Court, ensuring his rights are protected in a timely manner.

### **Section 85: Special Public Prosecutor**

(1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

#### **Simplified Act**

(1) The State Government can announce through an official notice the appointment of a Public Prosecutor or select a lawyer with at least seven years of experience to serve as a Special Public Prosecutor. This person's job will be to handle legal cases in a Special Court that deals with the rights of persons with disabilities.

(2) The Special Public Prosecutor chosen based on the above condition will get paid an amount that the State Government decides upon.

### **Explanation using Example**

Imagine a situation where a person with disabilities has been a victim of discrimination at their workplace in the state of Karnataka, India. The case is to be tried in a Special Court designated for handling cases under The Rights of Persons with Disabilities Act, 2016. To ensure the case is prosecuted effectively, the Karnataka State Government issues a notification appointing Ms. Anjali Rao, an experienced advocate with over seven years of practice, as the Special Public Prosecutor for this case. Ms. Rao's appointment is made specifically for this court, and she is tasked with representing the state and conducting the prosecution of the case. Furthermore, as per the provisions of the Act, she is entitled to receive a fee for her services, which is determined and prescribed by the State Government.

## **CHAPTER XIV: NATIONAL FUND FOR PERSONS WITH DISABILITIES**

### **Section 86: National Fund For Persons With Disabilities**

(1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto -

all sums available under the Fund for people with disabilities, constituted vide notification No. S. O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted vide notification No. 30 - 03/2004 - DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890 (6 of 1890).

all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;



all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

all sums received from the Central Government including grants-in-aid;

all sums from such other sources as may be decided by the Central Government.

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

### **Simplified Act**

A special bank account called the National Fund for persons with disabilities will be set up. Money will be added to this account from the following sources:

Money that was already in funds created by specific government notifications in 1983 and 2006 for helping people with disabilities.

Money that banks, corporations, and financial institutions have to pay because of a court decision made by the Supreme Court on April 16, 2004.

Any money given as gifts or donations, or left to the Fund when someone dies, or transferred to it for any reason.

Money given by the Indian government, including special grants.

Money from any other sources that the Indian government decides are okay.

The way this Fund is used and looked after will be decided by specific rules that will be made later.

### **Explanation using Example**

Imagine a scenario where a local bank decides to contribute a part of its annual profits to support social causes. The bank's board of directors resolves to assist individuals with disabilities. They choose to donate to the National Fund for persons with disabilities, as established by Section 86 of The Rights of Persons with Disabilities Act, 2016.

The bank's donation is a sum of money that falls under the category of "all sums received by way of grant, gifts, donations, benefactions, bequests or transfers" as per Section 86(1)(c) of the Act. This contribution is then credited to the National Fund, which is managed according to the prescribed manner,

ensuring that the funds are utilized to empower and support persons with disabilities.

### **Section 87: Accounts And Audit**

(1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor - General of India.

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

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

(4) The accounts of the Fund as certified by the Comptroller and Auditor - General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

### **Simplified Act**

(1) The Indian central government must keep accurate financial records for the Disability Fund, including yearly reports of money received and spent. These records must be prepared in a specified format that is approved by the main accounting official of India, known as the Comptroller and Auditor-General.

(2) The Comptroller and Auditor-General will check (audit) the Disability Fund's accounts at times he decides. The cost of these audits will be paid for by the Fund itself.

(3) The Comptroller and Auditor-General, and anyone he appoints to help with the audit, has the authority to examine the Fund's financial records

thoroughly. They can ask to see all relevant accounting books, receipts, documents, and visit the offices where the Fund's records are kept.

(4) After the audit, the accounts and the auditor's report will be presented to both houses of the Indian Parliament by the central government.

### **Explanation using Example**

Imagine a government fund established under the Rights of Persons with Disabilities Act, 2016, called the Accessibility Promotion Fund, which is dedicated to financing accessibility projects for individuals with disabilities. According to Section 87 of the Act:

The Ministry of Social Justice and Empowerment, as the Central Government authority, is required to keep detailed financial records for this fund. They must prepare an annual financial statement, which includes details on how much income was received (such as donations, grants, etc.) and what expenditures were made (like funding ramps, accessible toilets, or sign language interpretation services).

The Comptroller and Auditor-General (CAG) of India will periodically audit the fund to ensure the money is being managed properly. The CAG's office might conduct these audits annually or at different intervals, depending on what the CAG decides.

During the audit, the CAG has the authority to examine all financial records related to the fund. This means the CAG can ask for any relevant documents, such as receipts, vouchers, or contracts, and can inspect the offices where the fund is managed.

Once the audit is complete, the CAG will create a report. This report, along with the certified accounts, must be presented to both houses of the Indian Parliament by the Central Government. This ensures transparency and accountability for how the fund is being used to help persons with disabilities.

This section ensures that the Accessibility Promotion Fund is managed with financial integrity and that its management stands up to public scrutiny.

## **CHAPTER XV: STATE FUND FOR PERSONS WITH DISABILITIES**

## **Section 88: State Fund For Persons With Disabilities**

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

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

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

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

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

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

### **Simplified Act**

(1) The state government will create a special bank account (Fund) to help people with disabilities. They will decide how to set it up.

(2) How the money in this Fund is used and looked after will be decided by the state government.

(3) The state government must keep detailed records of the money in and out of this Fund, following rules they agree on with India's national auditor (Comptroller and Auditor-General of India).

(4) India's national auditor will check the Fund's accounts regularly. If there are any costs for these checks, the Fund will pay for them.

(5) The national auditor has the power to check the Fund's accounts thoroughly, including asking for any related documents, and can inspect the offices where the Fund is managed.

(6) After the audit, the Fund's financial report and the auditor's findings will be presented to the state's legislative assembly, whether it's made up of one or two groups of elected officials.

### **Explanation using Example**

Imagine a scenario where the State Government of Karnataka decides to establish a dedicated fund to support various initiatives for persons with disabilities. This fund, known as the Karnataka State Fund for Persons with Disabilities, is created under the guidelines of Section 88 of The Rights of Persons with Disabilities Act, 2016.

The fund is financed through government contributions, donations, and other sources defined by the state's legislation. It is intended to finance accessibility projects, provide assistive devices, and support the employment of persons with disabilities.

The Karnataka State Government meticulously maintains records of all transactions related to this fund. These records are prepared in accordance with the accounting standards prescribed by the state in consultation with the Comptroller and Auditor-General of India.

Annually, the fund's accounts are audited by the Auditor-General to ensure transparency and proper utilization of the funds. The audit findings and the audited accounts are then presented to the Karnataka Legislative Assembly to keep the elected representatives informed about the fund's management and impact.

## **CHAPTER XVI: OFFENCES AND PENALTIES**

## **Section 89: Punishment For Contravention Of Provisions Of Act Or Rules Or Regulations Made Thereunder**

Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

### **Simplified Act**

Section 89 - Penalties for Breaking the Law: If someone breaks any rules of the Rights of Persons with Disabilities Act, 2016 or any rules made under it, they will have to pay a fine. For the first time they break the law, the fine can be up to 10,000 rupees. If they break the law again, the fine will be at least 50,000 rupees and could go up to 5 lakh rupees.

### **Explanation using Example**

Imagine a restaurant owner who fails to provide wheelchair access despite the legal requirement to do so under the Rights of Persons with Disabilities Act, 2016. Upon this being reported and the owner being found in contravention of the Act for the first time, they could be fined up to ten thousand rupees. If the owner doesn't comply and is reported again, the subsequent fines would be much steeper, ranging from fifty thousand to five lakh rupees, to ensure compliance and protect the rights of persons with disabilities.

## **Section 90: Offences By Companies**

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section, -

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

### **Simplified Act**

Simplified Explanation:

(1) If a company breaks the law according to The Rights of Persons with Disabilities Act, 2016, both the company itself and the people who were in charge at the time will be considered guilty. These people could face legal action and punishment:

However, if a person in charge can show that they didn't know about the offence or that they tried everything they could to prevent it, they won't be punished under this law.

(2) If a company breaks the law and it turns out that the offence happened because a director, manager, secretary, or other officer either agreed to it, ignored it, or didn't pay attention, then that person will also be considered guilty. They too can face legal action and punishment.

Definitions:

(a) "company" includes any kind of business entity, whether it's a corporation, a partnership, or any other group of people working together.

(b) "director" means a partner in a firm for the purposes of this law.

### **Explanation using Example**

Imagine a hypothetical scenario where a software development company, TechAccess Inc., creates a new mobile application. Despite regulations, the app is not designed to be accessible to persons with disabilities, lacking features

such as screen reader compatibility and voice control integration. This is a violation of The Rights of Persons with Disabilities Act, 2016, which mandates accessibility features.

Under Section 90 of the Act, both TechAccess Inc. and the individuals in charge of the company at the time the app was developed could be held legally responsible for this oversight. If it is found that the CEO or any senior manager was aware of the accessibility requirements but chose to ignore them, they could be deemed guilty of the offence and face legal consequences.

However, if a manager can demonstrate that they were not aware of the violation and had consistently checked to ensure all products met legal standards, they might not be held liable under this section.

### **Section 91: Punishment For Fraudulently Availing Any Benefit Meant For Persons With Benchmark Disabilities**

Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

#### **Simplified Act**

Simple Explanation of Section 91

If someone lies or tries to lie to get benefits that are supposed to be for people with significant disabilities, they can be sent to jail for up to two years, fined up to 100,000 rupees (one lakh rupees), or both.

#### **Explanation using Example**

Example Application of Section 91:

Imagine a scenario where a person named John, who does not have a benchmark disability, forges a medical certificate to claim that he is a person with a disability. John uses this fake certificate to apply for a government job that has a reservation quota for persons with benchmark disabilities. His intent is to take advantage of the lower competition and higher chance of securing the job within that quota.



However, during the verification process, it is discovered that John's certificate is fraudulent and that he does not actually have a disability. Under Section 91 of The Rights of Persons with Disabilities Act, 2016, John's actions constitute an offense as he fraudulently attempted to avail a benefit meant exclusively for persons with benchmark disabilities. Consequently, John could face legal action and may be subject to imprisonment for up to two years, a fine of up to one lakh rupees, or both, if convicted.

## **Section 92: Punishment For Offences Of Atrocities**

Whoever -intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

### **Simplified Act**

If someone does any of the following things:

Deliberately insults or scares a person with a disability in order to make them feel ashamed, and does this where others can see;

Attacks or physically forces a person with a disability in a way that is meant to dishonor them or is sexually inappropriate, especially towards women with disabilities;

Is responsible for a person with a disability and purposely refuses to give them food or drink;

Has power or influence over a child or woman with a disability and abuses that power to sexually take advantage of them;

Intentionally hurts a person with a disability, damages or messes with their ability to use their body or any equipment they need for support;

Performs or orders a medical procedure on a woman with a disability that ends or is likely to end her pregnancy without her clear agreement, unless the procedure is necessary because of a severe disability and is approved by a doctor and the woman's guardian,

they can be sent to jail for at least six months but up to five years, and also have to pay a fine.

### **Explanation using Example**

Imagine a scenario where a restaurant owner publicly ridicules a customer with a visible disability, making derogatory remarks about their condition in front of other patrons. This act of intentionally insulting and humiliating a person with a disability in a place within public view falls under clause 1 of Section 92 of The Rights of Persons with Disabilities Act, 2016.

The restaurant owner's behavior is not only socially unacceptable but also legally punishable. Under the mentioned section, the owner could face an imprisonment of not less than six months, which may extend to five years, along with a fine for such discriminatory conduct.

### **Section 93: Punishment For Failure To Furnish Information**

Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence,

and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

### **Simplified Act**

If a person does not provide the required books, financial records, or other documents, or does not give the necessary statements, information, or details that they are supposed to under this law, or if they do not answer questions asked according to the law or any instructions given based on the law, they can be fined. The fine can be up to 25,000 rupees for each time they fail to do so. If they keep not providing the information or answering questions after they have been fined, they can be fined an additional 1,000 rupees for every day they continue to not comply.

### **Explanation using Example**

Imagine a scenario where a restaurant owner is asked by the authorities to provide documentation showing that their establishment is compliant with accessibility standards as per The Rights of Persons with Disabilities Act, 2016. The owner is required to furnish details such as ramp installation, accessible toilets, and Braille menus. However, the owner neglects to submit the requested information. Under Section 93, the owner could be fined up to twenty-five thousand rupees for failing to produce the necessary documents. If the owner continues to ignore the request, a further fine of up to one thousand rupees per day could be imposed until compliance is achieved.

### **Section 94: Previous Sanction Of Appropriate Government**

No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

### **Simplified Act**

Section 94 Simplified: A court cannot start legal proceedings for a crime that is said to have been done by a government worker under this section of the law unless the government that the employee works for gives permission first, or unless someone who has been given authority by the government to do so files a complaint.

### **Explanation using Example**

Imagine a government official who is responsible for ensuring accessibility in public buildings fails to enforce the necessary modifications to make a building accessible for persons with disabilities. This omission could be considered an offence under the Rights of Persons with Disabilities Act, 2016. However, according to Section 94, before a court can address this issue, official permission or sanction from the government that employs the official must be obtained. If the sanction is granted, or if an authorized officer files a complaint, only then can the court take cognizance of the offence and proceed with legal action against the employee.

### **Section 95: Alternative Punishments**

Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

### **Simplified Act**

Plain English Explanation of Section 95: If someone does something (an act) or fails to do something (an omission) that is considered a crime under the Rights of Persons with Disabilities Act, 2016, as well as another law, the person will only be punished under the law that has the stricter (more severe) punishment. This rule applies even if other laws say something different.

### **Explanation using Example**

Imagine a situation where a company refuses to install ramps and other accessibility features, which is required under the Rights of Persons with Disabilities Act, 2016. This act of omission also violates building regulations under a State Act that mandates accessibility features in public buildings. Since both laws are breached, Section 95 of the Rights of Persons with Disabilities Act, 2016, comes into play. If the punishment under the Rights of Persons with Disabilities Act is more severe than the State Act, the company would be prosecuted under the Rights of Persons with Disabilities Act and face the harsher penalty prescribed there.

## **CHAPTER XVII: MISCELLANEOUS**

### **Section 96: Application Of Other Laws Not Barred**

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

#### **Simplified Act**

Simplified Explanation of Section 96: This section means that the rules in The Rights of Persons with Disabilities Act, 2016 are extra protections. They add to any other laws that exist now. They do not replace or reduce the rights given by other laws.

#### **Explanation using Example**

Imagine a scenario where a person with a disability is employed at a company. The company already follows the regulations laid out in other employment laws, which provide certain benefits and protections to all employees. Now, with the introduction of The Rights of Persons with Disabilities Act, 2016, this employee is entitled to additional rights and benefits that specifically address the needs of persons with disabilities. Section 96 ensures that the provisions of this new act do not replace or diminish any rights the employee already has under existing laws. Instead, it adds extra layers of protection and facilities to promote equality and inclusivity in the workplace for persons with disabilities.

### **Section 97: Protection Of Action Taken In Good Faith**

No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

#### **Simplified Act**

Section 97 - Legal Protection for Actions under the Act

This section states that neither the government nor its officers or employees, including those working for the Chief Commissioner or State Commissioner, can be sued or legally charged for actions taken in good faith (with honest

intentions) while performing their duties under the Rights of Persons with Disabilities Act, 2016 or the rules established by it.

### **Explanation using Example**

Example Application of Section 97:

Let's say a government officer is responsible for ensuring that public buildings are accessible to persons with disabilities. The officer orders the installation of ramps and tactile paving to aid those with mobility and visual impairments. However, during the construction, a mistake by the contractor leads to a ramp being steeper than the standards prescribed, which unfortunately causes an accident.

In this case, an individual might consider suing the government officer for negligence. However, under Section 97 of The Rights of Persons with Disabilities Act, 2016, the officer would be protected from legal action if they can demonstrate that the actions taken were in good faith to comply with the Act, even though the outcome was not as intended due to the contractor's error.

### **Section 98: Power To Remove Difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty : Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

### **Simplified Act**

(1) If there are any problems in applying this law, the Central Government has the power to issue orders or instructions to solve those problems. This is as long as these orders or instructions do not conflict with the law itself. However, the government can only do this within two years from when the law started to be used.

(2) Any order the Central Government makes to fix these problems must be shown to both houses of the Indian Parliament as soon as possible after it's made.

### **Explanation using Example**

Imagine a scenario where a new government building is being constructed after the commencement of The Rights of Persons with Disabilities Act, 2016. The building plans include accessibility features, but there is confusion about the implementation of specific technical standards for ramps and lifts, which are not clearly defined in the Act or the subsequent rules. To resolve this, under Section 98(1) of the Act, the Central Government issues an order specifying the gradient for ramps and the size and features for lifts to make them accessible to individuals with disabilities. This order helps to clarify the ambiguity and ensures that the building will be accessible, as required by the Act. The order is made within two years of the Act's commencement and is later placed before both Houses of Parliament in accordance with Section 98(2).

### **Section 99: Power To Amend Schedule**

(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

### **Simplified Act**

(1) If the Central Government thinks it's necessary, based on either suggestions from the state or national governments or on its own, it can change the list of rules in the Schedule of this law. It does this by publishing an official notice. Once the notice is out, the Schedule is considered changed.

(2) After such a notice is published, it must be quickly presented to both the Lok Sabha and the Rajya Sabha, which are the two houses of India's Parliament.

### **Explanation using Example**

Imagine a scenario where the Central Government, upon recommendations from the state government, recognizes a new medical condition that significantly impacts a person's ability to function on a daily basis as a disability. To ensure that individuals with this condition receive the necessary support and benefits, the government decides to include this condition in the Schedule of The Rights of Persons with Disabilities Act, 2016. According to Section 99(1), the Central Government can issue a notification to amend the Schedule to include the new condition, and once the notification is published, the Schedule is considered updated.

Following the amendment, as per Section 99(2), the notification must be presented to both houses of Parliament at the earliest opportunity. This ensures that the elected representatives are informed about the changes and have the opportunity to discuss and review the amendment to the Schedule.

### **Section 100: Power Of Central Government To Make Rules**

(1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;



(g) rules for person with disabilities laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **Simplified Act**

(1) The Indian government can create rules to implement this law, but they must announce these rules to the public before they take effect.

(2) Specifically, the government's rules can cover topics like:

(a) How to set up a research committee on disability.

(b) How to publicly share the policy on equal opportunities for persons with disabilities.

(c) The way businesses should keep records about employing persons with disabilities.

(d) How the officer who handles complaints about disability issues should keep a record of these complaints.

(e) How businesses should report information about employment of persons with disabilities to the Special Employment Exchange.

(f) Who will be on the board that assesses disability claims and how they will make their assessments.

(g) The rules for creating accessibility standards for persons with disabilities.

(h) The process for getting a disability certificate and what the certificate should look like.

(i) Payments to members of the Central Advisory Board on disability issues.

(j) How the Central Advisory Board should conduct its meetings.

(k) The pay and job conditions for the Chief Commissioner and other Commissioners who work on disability rights.

(l) The pay and job conditions for the staff of the Chief Commissioner's office.

(m) Who will be on the advisory committee on disability issues and how they will be chosen.

(n) What the Chief Commissioner's annual report should include and how it should be presented.

(o) How the disability rights fund should be used and managed.

(p) How the accounts for the disability rights fund should be prepared.

(3) Any new rule must be presented to both houses of Parliament as soon as possible. It has to be reviewed for a total of 30 days, which can happen in one or multiple sessions. If both houses decide to change the rule or not implement it at all, the rule will only be effective in the changed form or not at all. But this won't affect anything that was already done under the rule before the change or cancellation.

### **Explanation using Example**

Imagine a software company that employs over 500 people. The company wants to ensure it is compliant with the Rights of Persons with Disabilities Act, 2016. To do this, they need to follow certain rules set by the Central Government under Section 100 of the Act.

For instance, the company decides to establish a Committee for Research on Disability as per the rules made under clause (a). This committee will focus on developing accessible software solutions for people with disabilities.

Additionally, the company drafts an equal opportunity policy in accordance with clause (b), ensuring that their recruitment process is fair and inclusive for persons with disabilities.

To maintain transparency and accountability, the company adopts a system for keeping records of employees with disabilities as mentioned in clause (c), and sets up a grievance redressal mechanism in line with clause (d).

Moreover, the company follows the guidelines for the form and manner of maintaining a register of complaints by the grievance redressal officer, ensuring that any issues raised by employees with disabilities are properly documented and addressed.

The rules made under Section 100 help the company systematically integrate and support employees with disabilities, fulfilling both legal requirements and promoting an inclusive work environment.

### **Section 101: Power Of State Government To Make Rules**

(1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:

the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;

the manner of providing support of a limited guardian under sub-section (1) of section 14;

the form and manner of making an application for certificate of registration under sub-section (1) of section 51;

the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

the period of disposal of application for certificate of registration under sub-section (7) of section 51;

the period within which an appeal to be made under sub-section (1) of section 53;

the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

the composition and functions of District Level Committee under section 72;

salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

### **Simplified Act**

(1) The state government can create rules to implement this law, as long as they announce these rules publicly beforehand. These rules should be made within six months from when the law starts.

(2) Specifically, the rules can cover topics such as:

How to set up the Committee for Research on Disability;

How to provide support through a limited guardian;

How to apply for a registration certificate;

What facilities and standards institutions need for registration;

How long registration certificates are valid and what conditions they come with;

How quickly applications for registration should be handled;

When and how to appeal if you disagree with a decision;

How much to pay members of the State Advisory Board;

How the State Advisory Board should conduct meetings;

What the District Level Committee does and who is in it;

How much to pay the State Commissioner and their staff;

What experts should be on the advisory committee and how they are chosen;

What the State Commissioner's reports should look like;

How much to pay the Special Public Prosecutor;

How to set up and use the State Fund for persons with disabilities;

How to keep track of the State Fund's money.

(3) After the state government makes a rule, they must present it to the state's legislative body as soon as possible.

### **Explanation using Example**

Imagine a scenario where the State Government of Karnataka decides to enhance the support system for persons with disabilities. To do this effectively, they need to create specific rules under The Rights of Persons with Disabilities Act, 2016. Following Section 101 of the Act, the Karnataka government publishes a notification to make new rules. These rules might include:

Establishing a new Committee for Research on Disability, detailing how members are selected and the committee's function.

Defining the process for disabled persons to apply for a guardian, outlining the responsibilities and limitations of such guardianship.

Creating a standardized form for institutions to apply for registration to provide services to disabled individuals, along with the criteria they must meet to be granted registration.

Once these rules are drafted, they are published for public feedback. After considering the feedback, the rules are finalized and notified. They are then presented before the Karnataka State Legislature to ensure democratic oversight and transparency.

### **Section 102: Repeal And Savings**

(1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996) is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

### **Simplified Act**

(1) The old law called the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act from 1995 is no longer in effect.

(2) Even though the old law is gone, anything that was done under it is still valid. It's like those actions now fall under the new law.

### **Explanation using Example**

Imagine a university that, under the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995, had made its campus accessible for students with disabilities by installing ramps and elevators. With the enactment of The Rights of Persons with Disabilities Act, 2016, the 1995 Act is repealed. However, the university's efforts to make the campus accessible are still valid and recognized under the new 2016 Act, as if those actions were taken under the corresponding provisions of the new law. This ensures continuity and validates the previous efforts made in compliance with the now-repealed Act.