

Proposed amendments to the RPwD Bill, 2014

S.No.		Proposed clause by the Ministry
1	Clause 2 (q)-	‘Persons with disability’ means a person with long term physical, mental, intellectual, or sensory impairment which in interaction with barriers in the environment , hinder his/her full and effective participation in society on an equal basis with others
2.	Clause 2 (j)-	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
3.	Clause 2 (v)-	‘Rehabilitation’ refers to a process aimed at enabling persons with disabilities to attain and maintain optimal physical, sensory, intellectual, psychological , or social function levels
4.	Clause 12- Legal Capacity	New sub-clause to be added:- 12(1) 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.
5.	Clause 13- 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,

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		<p>may be provided further support of a limited guardian to take legally binding decisions on his/her behalf in consultation with such person, in such manner, as may be prescribed by the State Government.</p> <p>Explanation – For the purposes of this section –</p> <p>(i) limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability. The limited guardianship would be time limited and for specific decisions and situations and would work in accordance to the will of the person:</p> <p>Provided that the District Court or any other designated authority may grant total support to the person with disability requiring such support or when the limited guardianship has to be granted repeatedly. The decision regarding the support to be provided would be reviewed by the designated authority to determine the nature and manner of support to be provided.</p> <p>(2). On and from the date of commencement of this Act, every plenary guardian appointed under any provision of any law for persons with disabilities shall be deemed to function as limited guardian.</p> <p>(3) The person with disability shall have the right to appeal this decision of appointment of a legal guardian before an appellate authority as appointed by the State Government for the purpose.</p>

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6.	Clause 2	(a) "appellate authority" means an authority notified under sub-section (3) of section 13 , sub section (1) of section 52 and sub-section (1) of section 58, as the case may be;
7.	<p>Clause 57- Procedure for certification</p> <p>(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.</p> <p>(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 55, and shall, after such assessment, as the case may be -</p> <p>(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;</p> <p>(b) inform him in writing that he has no specified disability.</p>	<p>New sub clause to be added :-</p> <p>(3) The certificate so issued will be valid across the country</p>
8.	<p>Clause 3 (3)- Equality and non-discrimination</p> <p>No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is appropriate to achieve a legitimate aim.</p>	<p>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.</p> <p>New sub clause to be added:-</p> <p>3(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.</p>

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9.	<p data-bbox="350 258 751 321">Clause 15- Duty of educational institutions</p> <p data-bbox="350 352 878 562">The appropriate Government and the local authorities shall endeavour that all educational institutions funded by them provide inclusive education to the children with disabilities and towards that end shall,-</p> <ul style="list-style-type: none"> <li data-bbox="370 657 878 825">(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; <li data-bbox="370 831 878 894">(ii) make building, campus and various facilities accessible; <li data-bbox="370 900 878 1005">(iii) provide reasonable accommodation according to the individual's requirements; <li data-bbox="370 1012 878 1201">(iv) provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion; <li data-bbox="370 1207 878 1375">(v) 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; <li data-bbox="370 1381 878 1518">(vi) detect specific learning disabilities in children at the earliest, and take suitable pedagogical and other measures to overcome them; <li data-bbox="370 1524 878 1650">(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; <li data-bbox="370 1656 878 1824">(viii) provide transportation facilities to the children with disability and also the attendant of the children with disabilities having high support needs. 	<p data-bbox="898 352 1425 562">The appropriate Government and the local authorities shall endeavor that all educational institutions funded or recognized by them provide inclusive education to children with disabilities and towards that end shall, -</p> <ul style="list-style-type: none"> <li data-bbox="898 569 1425 695">(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; <li data-bbox="898 701 1425 764">(ii) make building, campus and various facilities accessible; <li data-bbox="898 770 1425 875">(iii) provide reasonable accommodation according to the individual's requirements; <li data-bbox="898 882 1425 1071">(iv) provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion; <li data-bbox="898 1077 1425 1245">(v) 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; <li data-bbox="898 1251 1425 1377">(vi) detect specific learning disabilities in children at the earliest, and take suitable pedagogical and other measures to overcome them; <li data-bbox="898 1383 1425 1520">(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; <li data-bbox="898 1526 1425 1694">(viii) provide transportation facilities to the children with disability and also the attendant of the children with disabilities having high support needs.

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10.	Clause 32 – Identification of post for reservation	<p>The appropriate Government shall -</p> <p>(i) identify posts in the establishment which can be held by respective category of benchmark disabilities in respect of the vacancies reserved in terms of section 33;</p> <p>(ii) constitute an expert committee with adequate representation of persons with benchmark disabilities for identification of such posts;</p> <p>(iii) undertake periodic review of the identified posts at an interval not exceeding three years.</p>
11.	Clause 33- Reservation	<p>(1) Every appropriate Government shall appoint in every establishment under them, not less than five 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 following benchmark disabilities,-</p> <p>(a) blindness and low vision;</p> <p>(b) hearing impairment and speech impairment;</p> <p>(c) locomotor disability including cerebral palsy, leprosy cured and muscular dystrophy;</p> <p>(d) autism, intellectual disability and mental illness;</p> <p>(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf blindness in the posts identified for each disabilities:</p> <p>Provided that the National Commission or the State Commission for persons with</p>

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		<p>disabilities, as the case may be, may , having regard to the duties and functions of a particular posts in any establishment, exempt the recruitment to such post by notification from the purview of this section.</p> <p>(3) The appropriate Government shall, by notification, provide relaxation of upper age limit for employment of persons with benchmark disability in accordance with the instructions issued by that Government from time to time.</p>
12.	Clause 76 - Removal of Chairperson and Members.	<p>(c) is of unsound mind and stands so declared by a competent court, or</p>
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		(c) is of unsound mind and stands so declared by a competent court, or
14.	Clause 114. Power of Central Government to make rules.	New sub clause may be added:- (2) (b) the manner of providing support of limited guardian under sub-section (1) of section 13.
15.	S.No. 1 of the Schedule	<p>“Autism Spectrum Disorder” means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person’s ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.</p>
15.	S.No. 11 of the Schedule	The definition of low vision to be notified by the Central Government.
16.	Clause 39.	<p>The National Commission shall, formulate and enforce regulations for the 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.</p>