

The Rights of Persons with Disabilities Act, 2016

Who is a 'person with disability'?

A person with disability is “a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his or her full and effective participation in society equally with others.”

Who is a 'person with benchmark disability'?

A “person with benchmark disability” is a person with not less than forty per cent of any of the 21 specified disabilities including physical, visual, hearing and speech, intellectual, mental, neurological and blood disorders and multiple disabilities.



Rights of Persons with Disabilities

- **Equality, non-discrimination and personal liberty**
- Equal rights for **women and children with disabilities** along with others
- **Right to live in the community** and have access to support services and personal assistance
- **Protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters** and inclusion of persons with disabilities in disaster management interventions
- **Protection from cruelty, inhuman treatment, abuse, violence & exploitation**
- **Right to home & family**
- Access to information **on reproductive rights and family planning.** No person with disability to be subject to medical procedure leading to infertility, without informed choice
- **Accessibility in voting**
- **Access to justice**
- **Legal capacity** - People with disabilities to have equal rights to own, inherit property, control financial affairs, have access to bank accounts, loans, mortgages and financial credit
- **Guardianship** – to provide support of a limited guardian to take legally binding decisions
- **Cultural life, recreational facilities and participation in sports activities**

Health



Government to provide **free healthcare** (subject to family income), **barrier free environment** in all hospitals and **priority in attendance and treatment.**

Education



Educational institutions funded or recognized by Government / local authorities to provide **inclusive education (IE)** to children with disabilities.

Specific measures to promote IE like establish teacher training institutions; train / employ teachers qualified in sign language, Braille and trained in teaching children with intellectual disability; detect specific learning disabilities in children at the earliest and take pedagogical measures; individualized support to maximize academic and social development; provide for transport facilities; remove architectural barriers from educational institutions; reasonable accommodations; suitable modification in the curriculum and examination system; and provide scholarships.

- **Every child with benchmark disability to have free education between the age of 6 to 18 years** in a neighbourhood school of choice.
- **5% seats to be reserved** for persons with benchmark disabilities in all government institutions of higher education.
- **Upper age relaxation of 5 years** for persons with benchmark disabilities for admission in institutions of higher education.

Employment



- There **should be no discrimination** in employment on the ground of disability.
- Every establishment to notify **equal opportunity policy**.
- Every government establishment to provide **reasonable accommodation** and **barrier free environment** and appoint **Grievance Redressal Officer**.
- **4% reservation in identified government jobs**.

Social Security



Government to formulate necessary schemes and programmes to **safeguard and promote the rights of persons with disabilities for adequate standard of living to enable them to live independently or in the community**.

5% reservation for persons with disabilities in poverty alleviation and development schemes, with priority to women with benchmark disability.

The quantum of assistance to persons with disabilities shall be at least 25% higher than what is applicable to others under similar schemes.

Duties & responsibilities of governments

- Develop human resources, mandate training and create awareness on disability rights.
- Mandatory observance of accessibility norms in infrastructure, transport, information & communication technology, consumer goods.
- Existing public buildings to be made accessible within 5 years and service providers to comply with accessibility norms within 2 years.

Penalties for

- Offenses of atrocities against persons with disabilities including insult, intimidation, assault, exploitation, neglect, voluntary injury/damage and / or performance of medical procedure upon persons with disability without their informed consent.
- Contravention of provisions of the Act.
- Fraudulently availing benefits meant for persons with benchmark disabilities.

21 Disabilities:

Physical

Locomotor Disability
Leprosy Cured Person
Cerebral Palsy
Dwarfism
Muscular Dystrophy
Acid Attack Victims

Visual

Blindness
Low Vision

Hearing

Deaf and
Hard of Hearing

Speech and Language Disability

Intellectual Disability

including
Specific Learning Disability
Autism Spectrum Disorder

Mental Illness

Disability due to **Chronic Neurological Conditions**, such as
Multiple Sclerosis
Parkinson's Disease

Blood Disorder

Haemophilia
Thalassemia
Sickle Cell Disease

Multiple Disabilities

Including
Deaf-Blindness

Others

As may be notified by
Central Government

Some disabilities are visible and some are invisible disabilities, like hearing disability and blood disorders.

A person with specified disability has to have a Disability Certificate to avail of rights and benefits provided under the Act.



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Supported by



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