

AS INTRODUCED IN LOK SABHA

Bill No. 107 of 2020

**THE RIGHTS OF PERSONS WITH DISABILITIES (AMENDMENT)
BILL, 2020**

By

DR. NISHIKANT DUBEY, M.P.

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BILL

further to amend the Rights of Persons with Disabilities Act, 2016.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Rights of Persons with Disabilities (Amendment) Act, 2020.

Short title and
commencement.

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

Amendment of
section 2.

2. In section 2 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the principal Act),— 49 of 2016.

(a) after clause (p), the following clause shall be inserted, namely:—

"(pa) 'National Commission' means the National Commission for Persons with Disabilities constituted under section 74;" and 5

(b) the existing clauses (zd) and (ze) shall be renumbered as (ze) and (zf) and before the clause (ze) as so renumbered, the following clause shall be inserted, namely:—

"(zd) 'State Commission' means the State Commission for Persons with Disabilities constituted under section 79;"

Substitution of
references to
certain
expressions by
certain other
expressions.

3. In the principal Act, for the words "Chief Commissioner" and "State Commissioner" wherever they occur, the words "National Commission" and "State Commission", respectively, shall be substituted. 10

Substitution of
new section for
section 74.

4. For section 74 of the principal Act, the following section shall be substituted, namely:—

Constitution of
National
Commission for
Persons with
Disabilities.

" 74. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Commission to be known as the National Commission for Persons with Disabilities to exercise the powers conferred on and to perform the functions assigned to it under this Act. 15

(2) The National Commission shall consist of—

(a) a Chairperson, who is or has been a Judge of the Supreme Court or High Court and is a person with benchmark disability; 20

(b) two persons having special knowledge and expertise in matters relating to rehabilitation -members; and

(c) a member-Secretary, who is or has been an officer not below the rank of Joint Secretary to the Government of India, 25

to be nominated by the Central Government in such manner as may be prescribed.

(3) The National Commission shall be assisted by an Advisory Committee comprising not more than eleven members drawn from amongst the experts on different disabilities in such a manner as may be prescribed. 30

(4) The Chairperson and the members of the National Commission shall hold office for a term of three years from the date of assumption of office:

Provided that the Chairperson or a member shall not hold office for more than two terms.

(5) The salary and allowances payable to and other terms and conditions of service including pension, gratuity and retirement benefits of the Chairperson and members shall be such as may be prescribed." 35

Substitution of
new section for
section 79.

5. For section 79 of the principal Act, the following section shall be substituted, namely:—

Constitution of
State
Commission for
Persons with
Disabilities.

"79. (1) The State Government shall, by notification in the Official Gazette, constitute a State Commission to be known as the State Commission for Persons with Disabilities to exercise the powers conferred on and to perform the functions assigned to it under this Act. 40

(2) The State Commission shall consist—

(a) a Chairperson who is or has been a Judge of the Supreme Court or High Court and is a person with Benchmark disability;

5 **(b) two persons having special knowledge and expertise in matters relating to rehabilitation – Members; and**

(c) a member-Secretary, who is or has been an officer not below the rank of an officer of the Secretary to the State Government,

to be nominated by the State Government in such manner as may be prescribed.

10 **(3) The State Commission shall be assisted by an Advisory Committee comprising not more than five members drawn from amongst the experts on different disabilities in such a manner as may be prescribed.**

(4) The Chairperson and the members of the State Commission shall hold office for a term of three years from the date of assumption of office and shall be eligible for re-appointment:

15 Provided that the Chairperson and the members shall not hold office for more than two terms.

(5) The salary and allowances payable to and other terms and conditions of the service including pension, gratuity and retirement benefits of the Chairperson and the members shall be such as may be prescribed."

STATEMENT OF OBJECTS AND REASONS

In India, as per Census 2011, out of one hundred and twenty-one crore population, about 2.68 crore persons, which is 2.21 per cent. of the total population, are recognized as "Persons with Disabilities".

In the Rights of Persons with Disabilities Act, 2016, many special provisions have been made to promote the rights of persons with disabilities. Under the Act, the Chief Commissioner and the State Chief Commissioner play a crucial role in implementing these provisions. However, for ensuring effective implementation of the provisions under this Act, a strong institutional mechanism is required.

This Bill seeks to amend the parent Act to establish the National Commission for Persons with Disabilities and the State Commissions for Persons with Disabilities, respectively. The Bill aims at meeting our international obligation to the United Nation's Convention on the Rights of Persons with Disability and our national obligation to all the fellow citizens.

Hence the Bill.

NEW DELHI;
January 16, 2020.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill *vide* proposed section 74 provides for the constitution of the National Commission for Persons with Disabilities. It also provides for nomination of Chairperson and members to the National Commission. Clause 5 of the Bill *vide* proposed section 79 provides for the constitution of the State Commission for Persons with Disabilities. It also provides for nomination of Chairperson and members to the State Commission. The expenditure for the State Commissions for the persons with disabilities would be borne by the State Government concerned. The expenditure in relation to National Commission and State Commissions for Union territories would be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to quantify the recurring and non-recurring expenditure that may be involved from the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE RIGHT OF PERSONS WITH DISABILITIES ACT, 2016
[No. 49 OF 2016]

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH
DISABILITIES

2. In this Act, unless the context otherwise requires,—

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(p) "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;

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

(ze) "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.

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Appointment of
Chief
Commissioner
and
Commissioners.

74. (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 Chief Commissioner, of which one Commissioner shall be a person with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect 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.

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79. (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.

Appointment
of State
Commissioner
in States.

(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.

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LOK SABHA

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further to amend the Rights of Persons with Disabilities Act, 2016.

(Dr. Nishikant Dubey, M.P.)