

Bill No. 12 of 2023

THE RIGHTS OF PERSONS WITH DISABILITIES
(AMENDMENT) BILL, 2023

By

DR. SANJEEV KUMAR SINGARI, M.P.

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BILL

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

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

1. (1) This Act may be called as the Persons with Disabilities (Amendment) Act, 2023.

Short title, and
commencement.

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

5 2. In section 2 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the principal Act), for clause (za), the following clause shall be substituted, namely:—

Amendment of
section 2.

10 “(za) “rehabilitation” refers to a process aimed at enabling and empowering persons with disabilities to attain and maintain an optimal level of physical, sensory, intellectual, psychological, environmental and social function levels, according to World Health Organisation standards and in alignment with the right to an adequate standard of living as

enshrined in the Constitution of India.”.

Amendment of
section 7.

3. In section 7 of the principal Act,—

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) establish District Disability Rehabilitation Centres for rehabilitation persons with disabilities who have been subjected to abuse, violence and exploitation;”;

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(b) in sub-section (4), for clause (b), the following clause shall be substituted, namely:—

“(b) the particulars of the nearest District Disability Rehabilitation Centre established under clause (aa) of sub-section (1) working for the rehabilitation of persons with disabilities.”.

Amendment of
section 27.

4. In sub-section (2) of section 27 of the principal Act, for the words “non-Governmental Organisations” the words “District Disabilities Rehabilitation Centre and non-Governmental Organisations” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

To safeguard the rights and well-being of people with disabilities, the Rights of Persons with Disabilities Act, 2016, was passed. The Act was a significant piece of legislation in India's history in safeguarding the rights of those who were specially abled.

According to the 2011 census, 2.68 crore, *i.e.*, over 2.2 per cent. of the Indian population live with certain mental or physical disabilities. However, the objective of guaranteeing a holistic growth through social and educational advancement, welfare, protection and empowerment for specially abled persons has yet not been achieved comprehensively across the country.

The principal act gives responsibility to the appropriate government and local authorities for implementing services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities. However, the act does not mandate responsibility to the appropriate Governments for establishing District Disability Rehabilitation Centers. Thus, the amendment proposes to establish these centres based on the recommendations of the parliamentary standing committee on the "Assessment of Scheme for Implementation of the Rights of Persons with Disabilities Act, 2016 (SIPDA)". Thus, through this amendment we propose mandating establishment of District Disability Rehabilitation Centres (DDRC) in every district for physical and mental disabilities.

Along the same lines it is only valid to make the definition of Rehabilitation, in the Act, more holistic and in accordance with World Health Organisation (WHO) standards, which is defined as "a set of interventions designed to optimize functioning and reduce disability in individuals with health conditions in interaction with their environment", based on international standards.

Hence, this Bill.

NEW DELHI;
December 19, 2022

SANJEEV KUMAR SINGARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of District Disability Rehabilitation Centre by the appropriate Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees Ten Crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Twenty Crores is also likely to be involved.

ANNEXURE

EXTRACTS FROM THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016
(49 OF 2016)

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<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) * * * *</p> <p>(za) “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;</p>			<p>Definitions.</p>
*	*	*	*
<p>7. (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—</p> <p>(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;</p> <p>(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;</p> <p>(c) take steps to rescue, protect and rehabilitate victims of such incidents; and</p> <p>(d) create awareness and make available information among the public.</p> <p>(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.</p> <p>(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—</p> <p>(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;</p> <p>(b) for providing protective custody to the person with disability, if such person so desires;</p> <p>(c) to provide maintenance to such person with disability.</p> <p>(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—</p> <p>(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;</p>			<p>Protection from abuse, violence and exploitation.</p>

(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.

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Rehabilitation.

27. (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.

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BILL

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

(Dr. Sanjeev Kumar Singari, M.P.)