

**Bill No. 347 of 2019**

THE RIGHTS OF PERSONS WITH DISABILITIES (AMENDMENT)  
BILL, 2019

By

SHRI VINCENT H. PALA, 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 Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rights of Persons with Disabilities (Amendment) Act, 2019.

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.

Amendment of section 2.	<b>2.</b> In section 2 of the Rights of Persons with Disabilities Bill, 2016 (hereinafter referred to as the principal Act), in clause(s), the word "long term" shall be omitted.	19 of 2016.
Amendment of section 17.	<b>3.</b> In section 17 of the principal Act— <i>(i)</i> in clause (a), for the words "to conduct survey of school going children in every five years", the words "to conduct separate surveys for school going and out of school children in every five years" shall be substituted; <i>(ii)</i> in clause (c) for the words, "intellectual disability", the words "intellectual disability, learning disability, autism, deaf blindness and cerebral palsy" shall be inserted; and <i>(iii)</i> in clause (i), after the words, "exemption from second and third language courses", the words, "substitution of mathematics with subjects like music or drawing" shall be inserted.	5 10
Amendment of section 19.	<b>4.</b> In section 19 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:— “(fa) identification of jobs which may absorb subjects with disability judiciously; and <i>(fb)</i> ensuring equivalence of wages at par with the non disabled in all sectors need attention and reinforcement of article 14 related to right to equality.”.	15
Amendment of section 25.	<b>5.</b> In section 25 of the principal Act, in sub-section (2),— <i>(a)</i> in clause (c), for the words "screen", the words "screen, follow up and maintain records of" shall be substituted; <i>(b)</i> in clause (h), the words "causes of disabilities", the words "causes of disabilities, signs for early detection of disabilities" shall be substituted; and <i>(c)</i> for clause (k), the following clauses shall be substituted, namely:— " <i>(k)</i> sexual healthcare, reproductive healthcare and genetic counselling especially for women with disability.”.	20 25
Amendment of section 60.	<b>6.</b> In section 60, of the principal Act, in sub-section (2), in clause (r),— <i>(a)</i> for sub-clause <i>(ii)</i> the following sub-clause shall be substituted, namely:— " <i>(ii)</i> six Members to represent the non-Governmental Organisations concerned with disabilities or disabled persons organisations: Provided that out of the six Members nominated, at least three Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;"; and <i>(b)</i> after sub-clause <i>(iii)</i> , the sub-following clause shall be inserted, namely:— " <i>(iiia)</i> at least four Members who are persons with disabilities: Provided that out of the four Members nominated, at least two Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes.”.	30 35
Amendment of section 66.	<b>7.</b> In section 66, of the principal Act, in sub-section (2), in clause (e),— <i>(a)</i> for sub-clause <i>(iii)</i> , the following sub-clause shall be substituted, namely:— " <i>(iii)</i> six Members to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations: Provided that out of the six Members nominated, at least three Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;"; and	40 45

(b) after sub-clause (iv), the following sub-clause shall be inserted, namely:—

"(v) at least four Members who are persons with disabilities:

5 Provided that out of the four Members nominated, at least two Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes."

**8.** In the Schedule to the principal Act, in paragraph 3, for the words "Mental Behaviour", the words "Mental Illness" shall be substituted.

Amendment  
of the  
Schedule.

## STATEMENT OF OBJECTS AND REASONS

The Rights of Persons with Disability Act, 2016 was enacted to expand the scope of the then existing law to ensure equitable rights for persons with disabilities. Under the existing provisions of the Act, several terminological and structural issues cause uncertainty and hinder the dissemination of such rights to those deserving.

Hence this Bill.

NEW DELHI;  
*November 6, 2019.*

VINCENT H. PALA

ANNEXURE

EXTRACT FROM THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

(49 OF 2016)

*	*	*	*
	<b>2.</b>	In this Act, unless the context otherwise requires,—	Definitions.
*	*	*	*
	(s)	"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;	
*	*	*	*
	<b>17.</b>	The appropriate Government and the local authorities shall take the following measures for the prupose of section 16, namely:—	Specific measures to promote and facilitate inclusive education.
	(a)	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;	
*	*	*	*
	(c)	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;	
*	*	*	*
	(i)	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;	
*	*	*	*
	<b>19. (1)</b>		Vocational training and self employment.
	(2)	The schemes and programmes referred to in sub-section (1) shall provide for—	
*	*	*	*
	(f)	maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.	
*	*	*	*
	<b>25. (1)</b>		Healthcare.
	(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—	
*	*	*	*
	(c)	screen all the children at least once in a year for the purpose of identifying "at-risk" cases;	
*	*	*	*
	(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;	
*	*	*	*

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

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Constitution  
of Central  
Advisory  
Board on  
Disability.

**60. (1)**

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(2) The Central Advisory Board shall consist of,—

\* \* \* \*

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

\* \* \* \*

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisation:

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;

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State Advisory  
Board on  
Disability.

**66. (1)**

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(2) The State Advisory Board shall consist of,—

\* \* \* \*

(e) Members to be nominated by the State Government:—

\* \* \* \*

(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;

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THE SCHEDULE  
SPECIFIED DISABILITY

\* \* \* \*

**3.** Mental behaviour,— "mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

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*(Shri Vincent H. Pala, M.P.)*