

Bill No. 40 of 2022

THE RIGHTS OF PERSONS WITH DISABILITIES
(AMENDMENT) BILL, 2022

By

SHRIMATI CHINTA ANURADHA, 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-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Rights of Persons with Disabilities (Amendment) Act, 2022.

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

Short title
and
commencement.

Insertion of new Chapter XA.	2. After Chapter X of the Rights of the Persons with Disabilities Act, 2016 the following Chapter and sections thereunder shall be inserted, namely:—	49 of 2016.
Constitution of the National Commission for Persons with Disabilities.	<p>“59A. (1) The Central Government shall, as soon as may be by notification in the Gazette, constitute a body to be known as the National Commission for Persons with Disabilities, hereinafter referred to in this Chapter as the National Commission, to exercise the power and to perform the functions conferred on it under this Act.</p> <p>(2) The Commission shall consist of the following members, namely:—</p> <p>(a) a Chairperson who shall be a person with disability, having special knowledge in matters relating to the disability issues and knowledge in law;</p> <p>(b) a member who may be a person with disability or not, having special knowledge in matters relating to the disability issues and knowledge in law;</p> <p>(c) a woman who may be a person with disability or not, having special knowledge in matters relating to the disability issues and knowledge in law and has proved working excellence in such matters, to be appointed by the Central Government in such manner as may be prescribed.</p> <p>(3) An officer not below the rank of an Additional Secretary to the Government of India shall be the Member–Secretary and the Chief Executive Officer of the National Commission and shall exercise such powers and discharge the functions as the National Commission may, by its order, authorize.</p>	5
Terms of office and conditions of service of Chairperson and Members.	<p>59B. (1) Each member may continue in office till the completion of three years from the date on which he assumes office.</p> <p>(2) The Chairperson or a member of the National Commission may, at any time, by giving intimation to the Central Government in writing under his hand, demit his office.</p> <p>(3) The Central Government shall remove a person from the office of the Chairperson or of a Member, if that person—</p> <p>(a) becomes an undischarged insolvent; or</p> <p>(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(c) becomes of unsound mind and stands so declared by a competent court; or</p> <p>(d) refuses to work or becomes incapable to work;</p> <p>(e) without obtaining prior permission from the National Commission, does not attend three consecutive meetings of the National Commission; or</p> <p>(f) in the opinion of the Central Government, has so abused the official position of Chairperson or Member as to render that person’s continuance in office detrimental to the interest of disabled people or public interest:</p> <p style="padding-left: 40px;">Provided that no person shall be removed under this sub-section unless that person is given a reasonable opportunity of being heard in the matter.</p>	10
Officers and other employees of the National Commission.	<p>59C. (1) The Central Government shall provide such officers and other employees as may be required for the efficient performance of the National Commission.</p> <p>(2) The salary and allowances payable to, and the terms and conditions of service of the officers and other employees appointed for the purpose of the National Commission shall be such as may be prescribed.</p>	45
Salary, allowances and administrative expenses to be paid by the Central Government.	<p>59D. The salary and allowances payable to the Chairperson and Members, and the administrative expenses, including salary, allowances and pension payable to the officers and other employees referred to in sub-section (1) of section 59(C), shall be paid by the Central Government.</p>	50

	59E. The National Commission shall,—	Functions of the National Commission.
	(a) evaluate the progress of the development of persons with disabilities in the country;	
5	(b) enquire and monitor the manner of functioning of various safeguards provided, in the Constitution or under any other law or under any order of the Central Government for the welfare, protection and empowerment of the persons with disability in the country;	
10	(c) enquire into specific complaints about deprivation of social, economic, educational and linguistic rights, safeguards and benefits of the persons with disabilities to bring such matters into the notice of authorities concerned and to suggest remedial measures;	
	(d) participate in and give creative suggestions on the planning programmes for the educational, social and economic development of the persons with disabilities;	
15	(e) make recommendations as to the steps to be taken by the Central Government for the effective implementation of the measures and safeguards for the educational, social and economic development, welfare and protection of the persons with disabilities and to make report to the Central Government either annually or at such other time, as the National Commission may deem fit and to monitor their timely implementation;	
20	(f) cause studies to be undertaken into various problems arising out of discrimination towards persons with disabilities and recommend measures for their removal; and	
25	(g) conduct studies, research and analysis and to organise seminars, symposium and awareness classes on the issues relating to social, economic and educational advancement of persons with disabilities.	
30	59F. In case of any difficulty relating to issue of Certificate of Disability under section 58 in the manner and form specified by the Central Government to the persons with disability comes to the notice of the National Commission, the National Commission may report the same to the Central Government and suggest remedial measures therefore.	Supervision of issuing Certificate of Disability.
35	59G. The Central Government shall cause the reports referred to in section 59F, to be laid before each House of the Parliament along with the action taken or proposed to be taken thereon and also the reasons, if any, for non-acceptance of the recommendations in such manner as may be prescribed.	Laying of Report.
40	59H. (1) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Act which appear to it to be necessary or expedient, for removing the difficulty:	Power to remove difficulties.
	Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.	
	(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Parliament of India.”.	

STATEMENT OF OBJECTS AND REASONS

The Rights of Persons with Disabilities Act, 2016 was enacted to protect the rights and ensure welfare of the persons with disabilities. Under the aforesaid Act a Central Advisory Board on Disability has been constituted. However, the comprehensive social and educational advancement, welfare, protection and empowerment of persons with disability is yet to achieved.

The need is to constitute a National Commission for the Persons with Disability on the lines for the development of National Commission for the Minorities, Women, Other Backward Classes, the Scheduled Castes and the Scheduled Tribes. The establishment of the National Commission is intended to provide equality and welfare as well as the safeguard to the four per cent. of the persons with disability in the national population.

The Bill, therefore, seeks to amend the Persons with Disability Act, 2016 with a view to constitute a National Commission for Persons with Disabilities.

Hence this Bill.

NEW DELHI;

CHINTA ANURADHA

16 December, 2021.

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 59A provides for the constitution of National Commission of Persons with Disabilities. It also provides for appointment of a Chairperson and other members of the National Commission. It also *vide* proposed section 59C provides for appointment of officers and employees to the National Commission. It further *vide* proposed section 59D provides for the salary and allowances payable to the Chairperson and members of the National Commission to be paid out of the grants available to the Central Government. The Bill if enacted will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crore would be involved.

A non-recurring expenditure of rupees three hundred crore would also be involved.

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

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(Shrimati Chinta Anuradha, M.P.)