

**Bill No. XLIX of 2019**

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

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BILL

*further to amend the Right 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 right of Persons with Disabilities (Amendment) Act 2019.

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.

2. In the right of Persons with Disabilities Act, 2016 (hereinafter referred to as the Principal Act), For section 74 the following section shall be substituted, namely,—

Establishment  
of National  
Commission  
for Persons  
with  
Disabilities.

10 (1) The Central Government shall constitute a body to be known as the National Commission for Persons with Disabilities, to exercise the powers conferred on, and to perform the functions assigned to, under the Act.

(2) The Commission shall consist of the following Members nominated by the Central Government,—

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

(b) two Commissioners, who have special knowledge and expertise in matters relating to rehabilitation as Members; and

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

(3) The Chairperson or the shall be assisted by an Advisory Committee comprising of not more than eleven members drawn from the experts from different disabilities in such a manner as may be prescribed by the Central Government.

(4) The Chairperson and the Members shall hold office as such for a term of three years from the date of assumption of office.

Provided that no Chairperson or Member shall 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 other retirement benefits of the Chairperson and Members shall be such as may be prescribed by the Central Government.

Establishment  
of State  
Commission  
for persons  
with  
Disabilities.

**3.** In the Principal Act, for section 79, the following section shall be substituted namely:

(1) The State Government shall constitute a body to be known as the State Commission for Persons with Disabilities to exercise the powers conferred on, and to perform the function assigned to, under the Act.

(2) The Commission shall consist of the following persons nominated by the State Government:—

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

(b) two Commissioners, who have special knowledge and expertise in matters relating to rehabilitation as Members, and

(c) an officer not below the rank of the Secretary to the State Government as the Member Secretary.

(3) The Chairperson or the Chief Commissioner shall be assisted by an Advisory Committee comprising of not more than five members drawn from the experts from different disabilities in such a manner as may be prescribed by the State Government.

(4) The Chairperson or the Chief Commissioner and the Members shall hold office as such for a term of three years from the date of assumption of office and shall be eligible for re-appointment:

Provided that no Chairperson or Chief Commissioner or a Member shall 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 other retirement benefits of the Chairman or the Chief Commissioner and Members shall be such as may be prescribed by the State Government.

#### STATEMENT OF OBJECTS AND REASONS

In India, as per Census 2011, out of the 121 crore population, about 2.68 crore persons, which is 2.21 percent 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 which the Chief Commissioner or the State Chief Commissioner plays a crucial role in implementing these provisions. For ensuring effective implementation of the provisions under this Act, a strong institutional mechanism is required. This Bill seeks to amend the provisions under sections 74 and 79 of the Act to establish the National Commission for persons with Disabilities and the State Commission for Persons with Disabilities respectively. The Bill aims to facilitate in meeting our international obligation to the United Nation's Convention on the Rights of Persons with Disability and its national obligation to all the fellow citizens.

Hence, this Bill.

KUMARI SELJA

#### FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill *inter alia* provide for salary and allowances payable to the Commissioners and Members of the National Commission for Persons with Disabilities and the State Commission for Persons with Disabilities respectively. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However it is not possible, at present, to quantify the funds that may be involved at this stage.

The expenditure for State Commission for persons with disabilities would be borne by the State Govt.

ANNEXURE

EXTRACTS FROM THE RIGHT OF PERSONS WITH DISABILITY ACT, 2016

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

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.

Appointment of Chief Commissioner and Commissioners.

(2) The Central Government may, by notification appoint two Commissioners to assist Chief Commissioner, of which one Commissioner shall be a persons 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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further to amend the Right of Persons with Disabilities Act, 2016.

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*(Kumari Selja, M.P.)*