

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 7TH DECEMBER, 2012

**Bill No. LXVI of 2012**

THE PHYSICALLY CHALLENGED (INFRASTRUCTURE FOR  
ACCESSIBILITY TO PUBLIC AREAS) BILL, 2012

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BILL

*to provide for the restructuring of existing infrastructure and establishment of new infrastructure in public places, public buildings and public transport in a manner that is accessible and convenient to use for the physically challenged persons and for matters connected therewith or incidental thereto.*

WHEREAS the preamble of Constitution of India mandates to ensure equality of status and of opportunity and justice, social, economic and political to all its citizens;

AND WHEREAS article 41 of the Constitution in its Directive Principles of State Policy suggests that "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want";

AND WHEREAS the National Policy for Persons with Disabilities, 2006 recognizes that persons with disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and equal participation in society;

AND WHEREAS the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) adopted in 2006 recognizes the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms;

AND WHEREAS India is a signatory to the convention and has ratified it on 1st October, 2007;

AND WHEREAS the convention makes it the obligation of all States parties to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the convention.

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

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the physically challenged (infrastructure for Accessibility to Public areas) Act, 2012.

(2) It extends to the whole of India.

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

Definitions.

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

(a) "Accessibility Infrastructure" means such infrastructural facilities which are convenience to use or make the movement easy for persons who are physically challenged, or such infrastructure which facilitates the free physical movement of such persons and includes:— 10

(i) audible signals at signalised intersections of roads;

(ii) bell pushes in buses to signal particular requests;

(iii) braille signs on push buttons and keyboards in lifts;

(iv) centre islands on roads for easy road crossing; 15

(v) disabled friendly toilets;

(vi) electric wheel chairs;

(vii) enlarged bathroom stabs and grab bars;

(viii) enlarged doorways and hallways;

(ix) escalators; 20

(x) handrails and grab handles;

(xi) low floor buses with flexible bridge to cover the gap between road and the step;

(xii) lowered keyboards and push buttons in lifts;

(xiii) mobility scooters; 25

(xiv) pedestrian footways;

(xv) lamps;

(xvi) seating arrangements at waiting stations;

(xvii) special parking places for wheel chairs;

(xviii) stairway chair lifts; 30

(xix) visual alarms;

(xx) priority seats on buses for the physically challenged;

(xxi) continuing hand rails from the steps till the priority seats for the physically challenged, in buses; or

(xxii) any other infrastructure facilities that are deemed necessary by the Inter-Ministerial Coordination Committee and the Disability Rights Studies Committee appointed under the Act.

(b) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government;

(c) "Disability Rights Studies Committee" means a committee to study about the accessible infrastructural facilities for the physically challenged, constituted under section 7 of this Act;

(d) "Inter-Ministerial Coordination Committee" means a committee appointed under section 6 for the purposes of this Act;

(e) "National Welfare Officer for physically challenged means the officer appointed under section 8 of this Act;

(f) "Officer-in-charge for disability welfare" means the officer appointed under section 9 of this Act, at the State, district, block and panchayat levels;

(g) "physically challenged" includes all such persons who have any kind of loco motor disability or visual or hearing impairment;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public areas" means places which are open to the public for use, including roads, footpaths, bus and railway stations, airports, etc.;

(j) "public buildings" means and includes all buildings belonging to Central, State and Local self-Government or owned by private sector which provide services to the public.; and

(k) "public transport facility" means state or privately owned buses, which operates within the country for the use of public.

**3.** (1) All authorities having ownership over or in-charge-of maintenance of public places and owners of private buildings shall remove all types or obstructions for the free movement of persons with disability as listed in the report of the Disability Rights Studies Committee constituted under section 6, in all existing public areas, buildings and transport facilities, under their supervision and jurisdiction, within two years of the commencement of this Act.

Removing obstructions for free movement of persons with disability.

(2) (a) All national infrastructure projects shall have a barrier free environment to ensure easy access to the physically challenged.

(b) For this purpose buildings or places or other facilities of the National Infrastructure Projects shall remove all types of likely obstructions for the free movement of physically challenged, as decided by the Disability Rights Studies Committee within two years of the commencement of this Act.

(3) Adequate clearance as decided by the Disability Rights Studies Committee shall be provided to prevent visually challenged people from hitting overhanging branches or hanging bill boards in the footways.

Public places to have free movement of person with disability.

**4.** (1) All buildings and new public places under construction shall be required to be supervised and shall ensure the free movement of physically challenged, by the officer-in-charge of disability welfare at the concerned level; State, district, block or panchayat.

(2) The officer-in-charge of disability welfare at the concerned level shall issue a easy access environment certificate to all corporations, municipalities, panchayats and public buildings that adhere by the physically challenged friendly infrastructure requirements specified by the rules under this Act on receipt of a verification report of such places or buildings, submitted by the concerned officer in charge of disability welfare. 5

(3) Possession of such Easy Access Certificate shall be necessary, from two years of the enactment of this Act, for any authority who has ownership over or in charge of the maintenance of any public area, public authority or private owner of any building or public transport facility, to avail any type of Central or State Government grants. 10

Creating and maintaining facilities.

**5.** (1) The existing facilities and infrastructure for the free movement of physically challenged in public places, buildings, and transport facilities shall be remodeled, improved and increased for each category of physically challenged persons in all public places and buildings as mentioned in the rules made under the Act; based on the study report by Disability Rights Studies Committee and such infrastructure facilities shall be in place within three years of the commencement of the Act. 15

(2) The accessibility infrastructure facilities so created shall include those mentioned in section 2 of this Act, wherever necessary and the concerned authorities shall also be responsible for maintaining the same. 20

(3) New public places and buildings which are being constructed shall adhere to the rules and standards of accessibility infrastructure as prescribed under the rules of this Act.

(4) All National infrastructure projects like highways, airports, railway stations shall have all accessibility infrastructure facilities as laid down in section 2 of this Act, wherever necessary. 25

(5) All owners or persons or authorities in-charge-of any public buildings shall ensure that the way into such building is completely accessible and step free for physically challenged.

(6) From the date of commencement of this Act, no person or bodies, either Government or private shall be given permission to construct buildings unless they have a plan for Accessibility infrastructure for the physically challenged in place incorporated in any building. Such plan shall adhere to the rules and standards and specified in the rules under the Act. 30

(7) All such standards of the accessibility infrastructure shall be certified by the Bureau of Indian Standards. 35

(8) The officer-in-charge for disability welfare at the concerned level shall supervise the construction of such buildings in his/her jurisdiction to ensure the disabled friendly infrastructure at different stages of construction and report to the National Welfare Officer for Persons with Disability.

(9) The Disability Rights Studies Committee shall undertake extensive campaigning projects for one year to spread awareness about the need for accessibility infrastructure. 40

Constitution of Inter-Ministerial Coordination Committee and its functions.

**6.** (1) An Inter-Ministerial Coordination Committee shall be constituted at the Centre, by the appropriate Government to look into all matters related to the creation of accessible infrastructure for physically challenged and to coordinate with different Ministeries or Departments, the work related to this Act. 45

(2) The Inter-Ministerial Coordination Committee shall be chaired by the Minister of Social Justice and Empowerment and co-chaired by the Minister of Urban Development.

(3) The Inter-Ministerial Coordination Committee shall consist of three Secretaries, one from the Ministry of Social Justice and Empowerment, one from the Ministry of Urban Development or from the Ministry of Panchayati Raj and one from the Ministry of Planning or Ministry of Railways.

5 (4) The Inter-Ministerial Coordination Committee subject to the provisions of this Act shall,—

(a) coordinate and supervise the work of different Ministries for the implementation of the Act;

10 (b) monitor the allocation of funds for the implementation of the Act, by different Ministries and ensure the utilization of funds;

(c) look into the complaints regarding non-implementation of the Act;

(d) submit the reports of the implementation of the Act from time to time, to the Central Government; and

15 (e) appoint the Disability Rights Committee and the National Welfare Officer for persons with disability for the implementation of the Act.

1 of 1996. 7. (1) The Inter-Ministerial Coordination Committee shall constitute a Disability Rights Studies Committee which includes the State Commissioners and the Chief Commissioner appointed under the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Committee shall be chaired by the Chief Commissioner.

Constitution of Disability Rights Studies Committee and its functions.

20 (2) The Disability Rights Studies Committee shall, subject to the provision of this Act,—

(a) conduct an extensive study and submit a report to the Inter-Ministerial Coordination Committee on the changes that have to be made in the existing accessible infrastructure and suggest new facilities that has to be put in place;

25 (b) suggest the changes needed to be made in each State based on the resources available at the State and the population of different categories of physically challenged persons in that State.

(3) The Disability Right Studies Committee shall submit its report within a year of the commencement of the Act and the Committee shall stand dissolved once the study report is submitted.

30 8. (1) The Inter-Ministerial Coordination Committee shall appoint a National Welfare Officer for Physically Challenged to look into the execution of this Act at various levels of governance.

Appointment of National Welfare Officer.

35 (2) A person shall not be qualified for appointment as the National Welfare Officer unless he has special knowledge or practical experience in respect of matters relating to disability welfare.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the National Welfare Officer shall be such as may be prescribed by the Central Government in the rules under the Act.

(4) The functions of the National Welfare Officer shall be,—

40 (a) coordination with the officers-in-charge of disability welfare at the State level for the implementation of the Act;

(b) monitoring the work of all State, district, block and panchayat level officers of disability welfare;

45 (c) take all necessary steps for the implementation of the Act and grievance redressal; and

(d) submitting reports to the Inter-Ministerial Coordination Committee on the implementation of the Act.

Officer-in-charge of disability welfare at various levels.

**9.** The State Government shall appoint an officer-in-charge of disability welfare at State, district, block and panchayat levels, who shall be responsible for ensuring the implementation of the Act at such levels who shall report to the National Welfare Officer for physically challenged.

Power to make rules.

**10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 5

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 10

#### STATEMENT OF OBJECTS AND REASONS

According to 2001 census data 2.19 crore of the population of the country are suffering with various kinds disabilities. Of which, seventy-five per cent of the persons with disabilities are in rural areas. Only forty-nine per cent of the total population of persons with disabilities are literate. Persons with disabilities and especially those who are physically challenged can contribute productively to the country, reducing their dependency on others, if there are facilities available for them for their free and easy movement. Such facilities would enhance their participation in social, economic and political affairs. The Bill aims at removing various infrastructural obstructions and creating accessible infrastructure for the physically challenged, to:—

(i) provide an enabling and barrier free environment to persons with disability, where they are least dependent on others and more confident to engage in day to day social and economic activities; and (ii) ensure equal status and opportunities to persons with disabilities.

Hence this Bill.

VIVEK GUPTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the removal of obstructions in the infrastructure for the free movement of physically challenged people. Clause 4 provides *inter alia*, that new facilities and accessibility infrastructure shall be installed as suggested by the Disability Rights Studies Committee. Clause 5 provides that existing facilities and infrastructure in public places, buildings and transport shall be remodeled for free movement of physically challenged. Clause 7 provides for constitution of the Disability Rights Studies Committee. However, clause 8 provides for the appointment of National Welfare Officer. The concerned public authority or private owner in charge of or in ownership of the particular public place, building or transportation facilities has to bear the cost for the same. The Bill, therefore, if enacted would involve expenditure from the budget of the concerned Ministry, under which the authority in charge for the maintenance of public place falls. Each Ministry has to set aside the estimated amount for the same, in their annual budget.



#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislation power is of a normal character.

RAJYA SABHA

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*(Shri Vivek Gupta, M.P.)*