

GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (DIVYANGJAN)
RAJYA SABHA

STARRED QUESTION No.* 154
TO BE ANSWERED ON 27.12.2018

Assistance of seriously disabled people

***154. SHRI R. VAITHILINGAM:**

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether it is a fact that the Rights of Persons with Disabilities Act, 2016 contains provisions for Government assistance to the seriously disabled people;
- (b) if so, the details thereof;
- (c) whether it is also a fact that due to lack of norms for determining the seriousness of disability till now, such benefits are not being extended to the needy; and
- (d) if so, the steps taken by Government in this regard?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

SHRI THAAWARCHAND GEHLOT

(a) to (d) A statement is laid on the table of the House.

Statement referred in reply to part (a) to (d) of Rajya Sabha Starred Question No. 154 for answer on 27/12/2018 regarding "Assistance of seriously disabled people " raised by SHRI R. VAITHILINGAM

(a) & (b) As per the provisions of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016), any person with disability having disability of 40% or more is considered as person with benchmark disability. Chapter-VI of the Act deals with special provisions for persons with benchmark disabilities such as 5% reservation in seats in Government and Government aided higher educational institutions, 4% reservation in Government jobs for certain categories of disabilities etc. Thus, persons with benchmark disabilities having disability of 40% to 100% are eligible for availing these benefits.

Further, as per the said Act, a person with disability having high support needs means a person with benchmark disability who needs high support i.e. an intensive support, physical, psychological and otherwise, which may be required by him for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy. Chapter-VII of the Act deals with special provisions for persons with disabilities with high support needs such as provisioning of support by the Government in accordance with relevant schemes based on the recommendations of an Assessment Board.

(c) & (d) As per Section 56 of the RPwD Act, 2016, Government has already notified guidelines for the purpose of assessing the extent of specified disability in a person on 04.01.2018. Persons with benchmark disabilities having valid certificate of disability are eligible for benefits under various Government schemes/programme. Further, as per Section 38 of the RPwD Act, 2016, Central Government is mandated to prescribe the composition of the Assessment Board and manner of assessment of high support needs of persons with disabilities. Accordingly, the Ministry has notified the draft Rights of Persons with Disabilities (Amendments) Rules, 2018 on 22/10/2018 seeking comments/suggestions. These draft rules envisage setting up of Assessment Board at district/division level headed by District Chief Medical Officer or Civil Surgeon or Medical Superintendent. It also specifies the manner of assessment of the high support requirement of persons with disabilities on the basis of hundred point graded weightage on various parameters such as severity of physical/mental disability, extent of daily activity hampered, cognitive ability, socio-economic status etc.
