

GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (DIVYANGJAN)
LOK SABHA

UNSTARRED QUESTION NO.5775
TO BE ANSWERED ON 03.04.2018

Rights of Persons with Disabilities Act, 2016

5775. SHRI RAKESH SINGH:

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

- (a) whether the Government has taken cognizance of the complaints regarding non-implementation of the Rights of Persons with Disabilities Act, 2016 in some States;
- (b) if so, the details thereof, Statewise;
- (c) whether non-enforcement of the said law by the State Governments are depriving the disabled from getting the benefits of reservation;
- (d) if so, the details thereof; and
- (e) whether the Government has taken any corrective steps in this regard and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SHRI KRISHANPAL GURJAR)

(a) & (b) The Rights of Persons with Disabilities Act, 2016 (the RPwD Act, 2016) came into force on 19.04.2017. As per information received from the Office of Chief Commissioner for Persons with Disabilities, during the year 2017-18, the status of implementation of the Act has been reviewed in 12 States/UTs, namely, A&N Island, Tripura, Telangana, Maharashtra, Chhattisgarh, Madhya Pradesh, West Bengal, Rajasthan, Odisha, Delhi, Andhra Pradesh and Jharkhand. These States/UTs have started implementation of the said Act. However, few complaints have been received in their office, alleging non-implementation of various provisions of the above Act. Since the State Commissioners for Persons with Disabilities are empowered to monitor implementation of provisions of the above Act, the complainants/individuals have been advised to pursue their grievance with the Office of the respective State Commissioners.

(c) & (d) Section 34 of the RPwD Act, 2016 provides reservation of at least four per cent in vacancies in Government establishments for persons with disabilities. The State Governments are required to issue appropriate instructions for implementation of this provision by their establishments. Similarly, Section 32 of the Act provides for reservation of not less than five per cent seats for students with benchmark disabilities in Government/Government aided higher educational institutions and Section 37 of the Act provides for reservation of five percent for persons with benchmark disabilities in various special schemes and development programmes. It is for the States/UTs to issue appropriate instructions for implementation of the Act. Non-issuance of instructions by the States/UTs could delay implementation of these provisions thereby affecting benefits to persons with benchmark disabilities.

(e) Since the enactment of the RPwD Act, 2016, the Central Government has been pursuing the matter with the States/UTs for its effective implementation. Regional conferences were held during May-June 2017 in Mumbai (Western Region), Chennai (Southern Region), Chandigarh (Northern Region), Bhopal (Central Region) and Delhi (Eastern & North Eastern Region) to sensitize States/UTs about timely implementation of the Act. Further, Hon'ble Minister has also written to Chief Minister of all the States/UTs on 16/01/2018 requesting them to take immediate steps for effective implementation of the provisions of the Act.
