



# **RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016**

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# AGENDA

- Introduction
- How are barriers broken?
- Key principles
- RPWD ACT 2016
- Salient features of RPWD ACT
- List of disabilities under RPWD ACT
- Education
- Rights & Entitlements
- Offence and Penalties
- Registration, Grant and Certificate



# INTRODUCTION

- Why do disabled people's rights matter?
  - Ensuring the rights of disabled persons is part of the larger effort to expand civil rights
  - So that every person can participate fully in society
- How do we define equality in this context?
  - While "equality" is about ensuring that every person has the same opportunities, "equity" is focused on making sure that every person can access those opportunities
  - Guaranteeing the rights of PWD is a key aspect of ensuring equity in society
  - Discrimination, lack of adequate accessible facilities and lack of representation in decision-making processes are all key challenges for PWD
- What has the UN done to make the world better for PWD?
  - The Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities
  - This convention aims to cement various rights and freedoms for PWD, including the right to participate in electoral processes, the right to a full education, the right to work in a freely chosen domain and the right to a high standard of living independently, among others



# INTRODUCTION

Persons with disabilities are integral part of human diversity



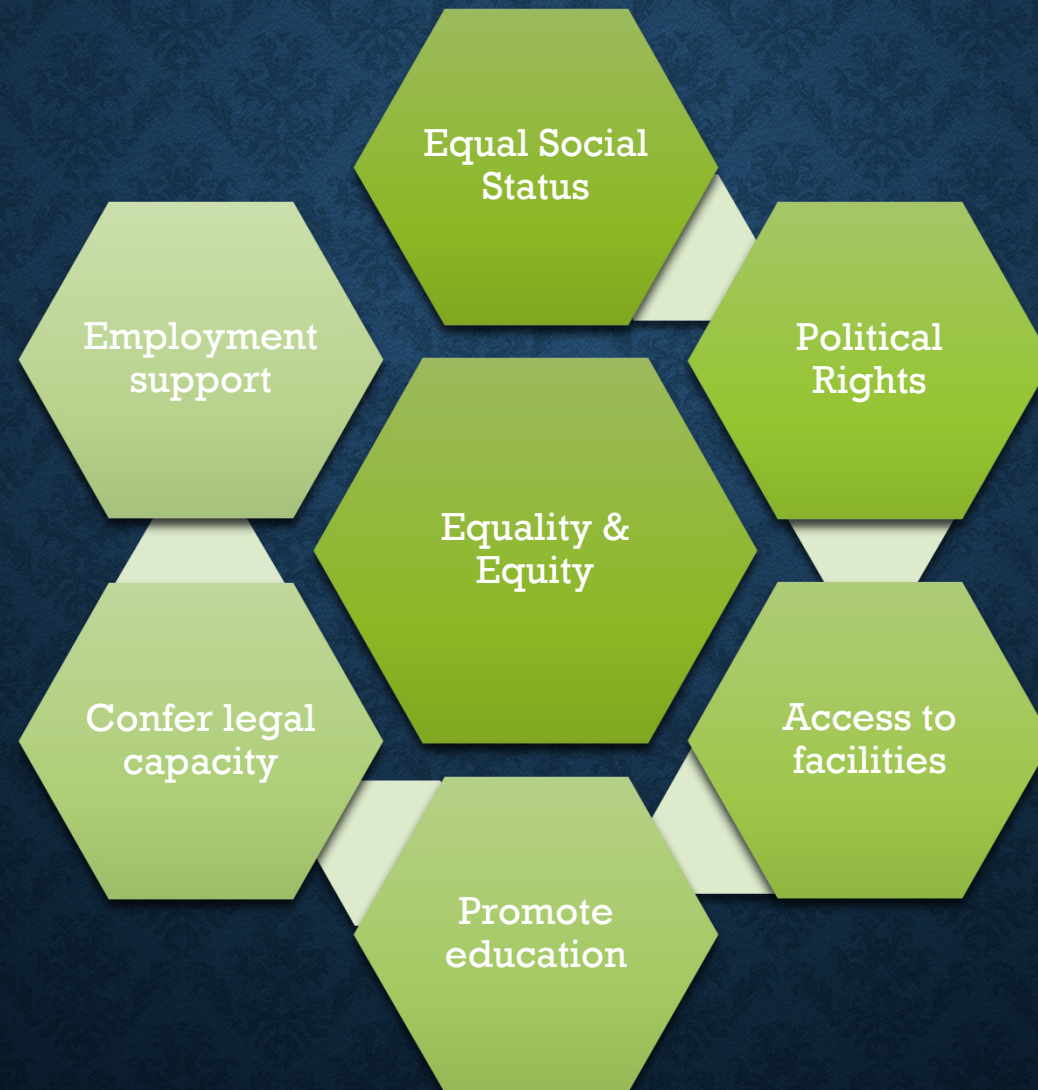
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graph TD; A[Persons with disabilities are integral part of human diversity] --> B[United Nations convention on the rights of person with intellectual disabilities (UNCRPD) 2007]; B --> C[Rights of Persons With Disability (RPWD) ACT 2016];
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United Nations convention on the rights of person with intellectual disabilities (UNCRPD) 2007

Rights of Persons With Disability (RPWD) ACT 2016



# HOW ARE BARRIERS BROKEN?





# RPWD ACT 2016

- After India signed and ratified the UNCRPD in 2007, the process of enacting a new legislation in place of the Persons with Disabilities Act, 1995 (PWD Act, 1995) began in 2010 to make it compliant with the UNCRPD
- The RPWD Act replaced the existing Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995
- The RPWD Act aims to create a more inclusive society in which PWD can achieve their full potential in their academic, professional and social lives
- The principle reflects a shift in thinking about disability from a social welfare concern to a human rights issue



# RPWD ACT 2016

- The previous Act recognized seven conditions of disabilities and its primary goals were ensuring the provision of medical services for PWD as well as reservation in educational institutions and government jobs
- The current legislation expands the list of recognized disabilities to 21 conditions, including victims of acid attacks, those who are hard of hearing, people with learning disabilities and people with blood disorders
- It also provides for access to inclusive education, vocational training, and self-employment of disabled persons without discrimination



# KEY PRINCIPLES

1

- Respect for inherent dignity, individual autonomy, including the freedom to make one's own choices and independence of persons

2

- Non-discrimination

3

- Full and effective participation and inclusion in society

4

- Respect for difference and acceptance of person with disability as part of human diversity and humanity

5

- Accessibility

6

- Equality between men and women.

7

- Respect for the evolving capability of children with disability

8

- Respect for the right of children with disability to preserve their identities

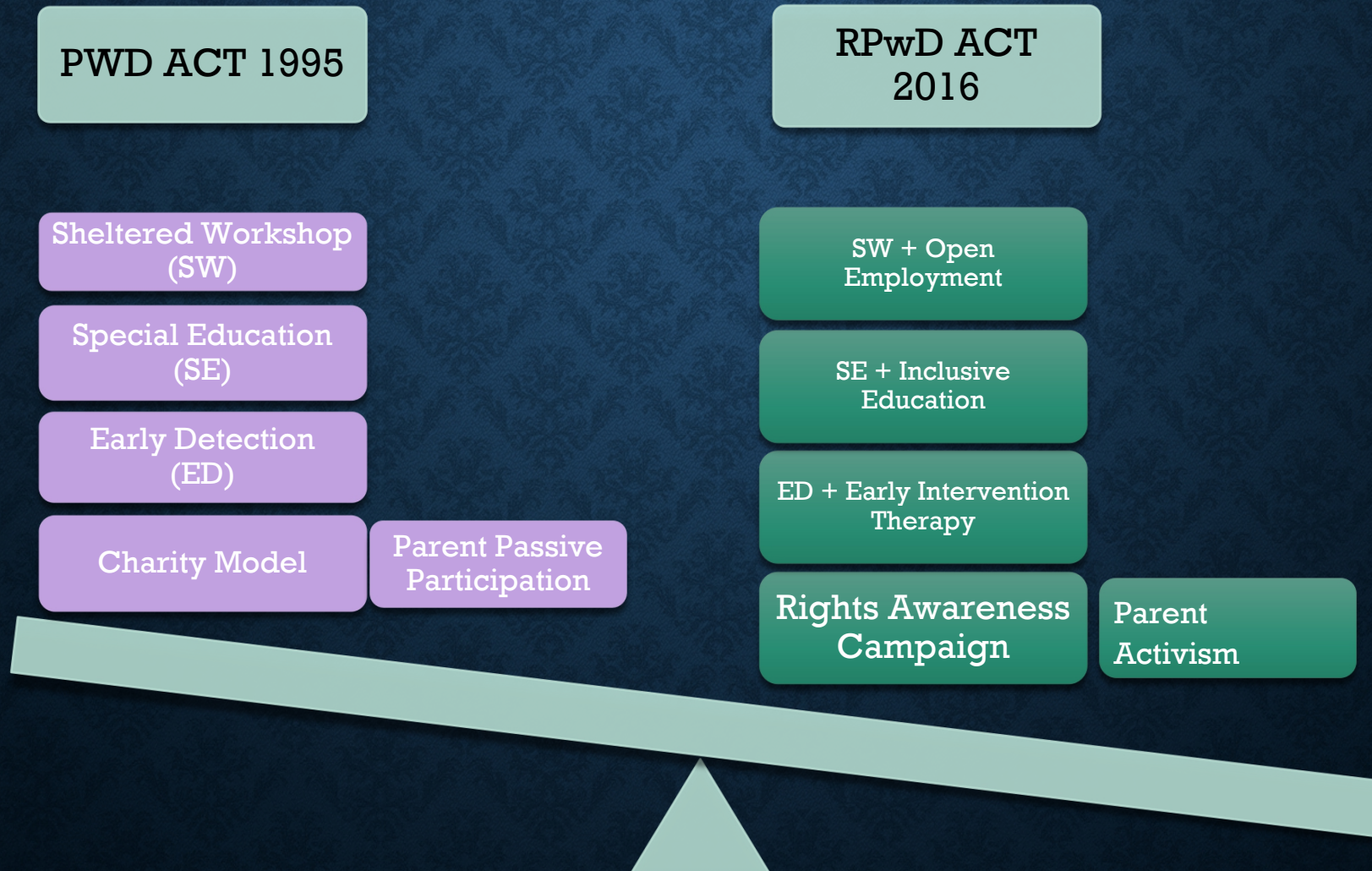


# RPWD ACT 2016





# RPWD ACT 2016





# SALIENT FEATURES OF RPWD ACT



**Types of disabilities increased from existing 7 to 21**



**Responsibility on State and Centre government to take measures to ensure that PwDs enjoy their rights equally with others**



**Reservation in vacancies in government establishments increased from 3% to 4%**



**Right to free education for children with benchmark i.e., 40% and above disability of 6-18 years**



**Reservation of 5% seats for students with benchmark disability in Govt. and Govt. aided higher education institutions**



**Reservation in allocation on land, poverty alleviation schemes etc.**



# SALIENT FEATURES OF RPWD ACT



**Education institutions funded/recognized by Govt. to provide inclusive education**



**Stress on accessibility in public buildings (both Govt. and Private)**



**Act provides for grant of legal guardianship by District Court or authority designated by the state**



**Creation of National and State fund**



**Formation of district level committees by the state/UTs**





# LIST OF DISABILITIES UNDER RPWD ACT

## 1. Blindness:

- Blindness is defined as the state of being sightless. A blind individual is unable to see. In a strict sense the word blindness denotes the condition of total blackness of vision with the inability of a person to distinguish darkness from bright light in either eye.

## 2. Low Vision:

- Low-vision means a condition where a person has any of the following conditions, namely:
  - visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or
  - limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

### दृष्टि बाधित (Blindness)

- \* देखने में कठिनाई
- \* पूर्ण दृष्टिहीन



### अल्पदृष्टि (Low Vision)

- \* कम दिखना  
(60 वर्ष से कम आयु)  
की स्थिति में रंगों की  
पहचान नहीं कर पाना)





# LIST OF DISABILITIES UNDER RPWD ACT

## 3. Leprosy Cured persons:

- *Leprosy*, also known as Hansen's disease (HD), is a chronic infectious disease caused by a bacteria called *Mycobacterium leprae*. The disease mainly affects the skin, the peripheral nerves, mucosal surfaces of the upper respiratory tract and the eyes. Leprosy is known to occur at all ages ranging from early infancy to very old age. About 95% of people who contact *M. Leprea* do not develop the disease.

## 4. Hearing Impairment ( Deaf and Hard of Hearing):

- Hearing impairment is a partial or total inability to hear. It is a disability which is sub-divided in two categories of **deaf** and **hard of hearing**.
  - “*Deaf*” means persons having 70 dB hearing loss in speech frequencies in both ears.
  - “*Hard of hearing*” means person having 60 dB to 70 dB hearing loss in speech frequencies in both ears

कुष्ठरोग से मुक्त (Leprosy-Cured)


- \* हाथ या पैर या अंगुलिया में विकृति / टेढ़ापन
- \* शरीर की त्वचा पर संगहीन धब्बे
- \* हाथ या पैर या अंगुलियां सुन्न हो जाना



शारिरिक दिव्यांगता (Physical Disability)

श्रवण बाधित (Deaf)

- \* दोनों कानों में 70 डेसीबल श्रवण क्षति



शारिरिक दिव्यांगता (Physical Disability)

कम/ऊँचा सुनना (Hard of Hearing)

- \* दोनों कानों में 60 से 70 डेसीबल श्रवण क्षति



शारिरिक दिव्यांगता (Physical Disability)



# LIST OF DISABILITIES UNDER RPWD ACT

## 5. Locomotor Disability :


- Strictly speaking Locomotor Disability means problem in moving from one place to another — i.e. disability in legs. But, in general, it is taken as a disability related with bones, joints and muscles. It causes problems in person's movements (like walking, picking or holding things in hand etc.)

## 6. Dwarfism:

- Dwarfism is a growth disorder characterized by shorter than average body height.

**चलन दिव्यांगता (Locomotor Disability)**

- \* हाथ या पैर अथवा दोनों की दिव्यांगता
- \* लकवा
- \* हाथ या पैर कट जाना



**शारिरिक दिव्यांगता (Physical Disability)**

**बौनापन (Dwarifism)**

- \* व्यक्ति का कद व्यस्क होने पर भी 4 फुट 10 इंच या 147 सेमी या इससे कम होना



**शारिरिक दिव्यांगता (Physical Disability)**



# LIST OF DISABILITIES UNDER RPWD ACT

## 7. Intellectual Disability:

- Intellectual disability, also known as general learning disability and mental retardation (MR), is a condition characterized by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior which covers a range of every day, social and practical skills.

## 8. Mental Illness:

- Mental illness or mental disorder refers to a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life. But it **does not include** retardation which is a condition of arrested or incomplete development of mind of a person, specially characterized by sub-normality of intelligence.

बौद्धिक दिव्यांगता (Intellectual Disability)

- \* बौद्धिक कार्य एवं अनुकूल व्यवहार में कमी



बौद्धिक दिव्यांगता (Intellectual Disability)

मानसिक रूग्णता (Mental Illness)

- \* अस्वाभाविक व्यवहार
- \* खुद से बातें करना
- \* माति भ्रम/भय
- \* व्यसन
- \* गुमसुम रहना



मानसिक व्यवहार (Mental Behaviour)



# LIST OF DISABILITIES UNDER RPWD ACT

## 9. Cerebral Palsy:

- Cerebral Palsy (CP) is a disabling physical condition in which muscle coordination is impaired due to damage to the brain. It occurs at or before child birth. Cerebral Palsy is not a progressive condition; meaning it does not get worse with time. However, muscle disuse could increase the extent of disability over the period of time. At present there is no cure available for this condition. Thus, Cerebral Palsy is incurable and life-long condition, at present.

## 10. Specific Learning Disabilities:

- Specific Learning Disabilities is a group of disabling conditions that hampers a person's ability to listen, think, speak, write, spell, or do mathematical calculations. One or more of these abilities may be hampered.

प्रमस्तिष्क घात (Cerebral Palsy)

- \* पैरो में जकड़न
- \* चलने में कठिनाई
- \* हाथ से काम करने में कठिनाई



शारीरिक दिव्यांगता (Physical Disability)

सीखने की दिव्यांगता (Specific Learning Disability)

- \* भाषा बोलने या लिखने की कमी
- \* डिसलेक्सिया, डिसग्राफिया, डिसकेल्युलिया एवं विकासात्मक अफेसिया



बौद्धिक दिव्यांगता (Intellectual Disability)



# LIST OF DISABILITIES UNDER RPWD ACT

## 11. Speech and Language disability:

- A permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

## 12. Muscular Dystrophy:

- Muscular Dystrophy (MD) is a group of neuromuscular genetic disorders that cause muscle weakness and overall loss of muscle mass. MD is a progressive condition; meaning that it gets worse with the passage of time.

मांसपेशी दुर्विकास (Muscular Dystrophy)

- \* मांसपेशीयों में कमजोरी एवं विकृति



शारीरिक दिव्यांगता (Physical Disability)

बोलने एवं भाषा की दिव्यांगता  
(Speech & Language Disability)

- \* बोलने में कठिनाई
- \* सामान्य बोली से अलग बोलना
- \* जिसे अन्य लोग समझ नहीं पाते



शारीरिक दिव्यांगता (Physical Disability)



# LIST OF DISABILITIES UNDER RPWD ACT

## 13. Acid Attack Victim:

- An acid attack victim means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

## 14. Parkinson's disease:

- Parkinson's disease (PD) is Central Nervous System disorder which affects movement. Parkinson's disease is characterized by tremors and stiffness. It is a progressive disease, which means that it worsens with time. There is no cure available at present.

**तेजाब हमला पीड़ित (Acid Attack Victim)**


- \* शरीर के अंग हाथ/पैर/आंख आदि तेजाब हमले की वजह से असामान्य/प्रभावित होना



**शारीरिक दिव्यांगता (Physical Disability)**

**पार्किंसंस (Parkinson Disease)**

- \* हाथ/पांव की मांसपेशियों में जकड़न
- \* तंत्रिका तंत्र प्रणाली संबंधि कठिनाई



**दिर्घकालिक तंत्रिका दशाएँ (Chronic Neurological Condition)**



# LIST OF DISABILITIES UNDER RPWD ACT

## 15. Multiple Sclerosis:


- In Multiple Sclerosis (MS), the immune system of body attacks the Central Nervous System, which includes brain and spinal cord. As a result of MS, the **myelin sheath** covering on neurons gets damaged. This exposes the nerve fiber and causes problems in the information flow through nerves. With time, MS can lead to the permanent damage to nerves.

## 16. Thalassemia:

- Thalassemia is a genetically inherited blood disorder which is characterized by the production of less or abnormal hemoglobin. As we know, hemoglobin is a protein found in Red Blood Cells. Hemoglobin is responsible for carrying oxygen around in the body. Thalassemia results in large numbers of red blood cells being destroyed, which leads to anemia. As a result of anemia, person affected with Thalassemia will have pale skin, fatigue and dark coloration of urine.

**बहु-स्केलेरोसिस (Multiple Sclerosis)**

\* दिमाग एवं रीढ़ की हड्डी के समन्वय में परेशानी




चिरकालिक तंत्रिका दशावस्था (Chronic Neurological Condition)

**थेलेसीमिया (Thalassemia)**

\* खून में हिमोग्लोबिन की विकृति

\* खून की मात्रा कम होना



रक्त विकृति (Blood Disorder)



# LIST OF DISABILITIES UNDER RPWD ACT

## 17. Hemophilia:


- Hemophilia is a blood disorder characterized by the lack of blood clotting proteins. In the absence of these proteins, bleeding goes on for a longer time than normal. Hemophilia almost always occurs in males and they get it from their mothers. Females are rarely affected with hemophilia.

## 18. Sickle Cell disease:

- Sickle Cell Disease is a group of blood disorders that causes red blood cells (RBCs) to become sickle-shaped, misshapen and break down. The oxygen-carrying capacity of such misshapen RBCs reduce significantly. It is a genetically transferred disease. Red Blood Cells contain a protein called hemoglobin. This is the protein that binds oxygen and carry it to all the parts of the body

**हेमोफीलिया (Hemophilia)**


- \* चोट लगने पर अत्यधिक रक्त स्राव
- \* रक्त बहना बंद नहीं होना



**रक्त विकृति (Blood Disorder)**

**सिक्ल कोशिका रोग (Sickle Cell Disease)**

- \* खून की अत्यधिक कमी
- \* खून की कमी से शरीर के अंग/ अवयव खराब होना



**रक्त विकृति (Blood Disorder)**



# LIST OF DISABILITIES UNDER RPWD ACT

## 19. Autism Spectrum Disorder:

- Autism Spectrum Disorder (ASD) is a neurological and developmental disorder which affects communication and behavior. Autism can be diagnosed at any age. But still it is called a “developmental disorder” because symptoms generally appear in the first two years of life. Autism affects the overall cognitive, emotional, social and physical health of the affected individual.

## 20. Multiple Disabilities including Deaf Blindness:

- Multiple Disabilities is the simultaneous occurrence of **two or more disabling conditions** that affect learning or other important life functions. These disabilities could be a combination of both motor and sensory nature.

स्वलीनता (Autism)

- \* किसी कार्य पर ध्यान केन्द्रित करने में कठिनाई
- \* आंखें मिलाकर बात न कर पाना
- \* गुमसुम रहना

बौद्धिक दिव्यांगता (Intellectual Disability)



बहु दिव्यांगता (Multiple Disabilities)

- \* दो या दो से अधिक दिव्यांगता
- \* श्रवण एवं दृष्टि बाधिता



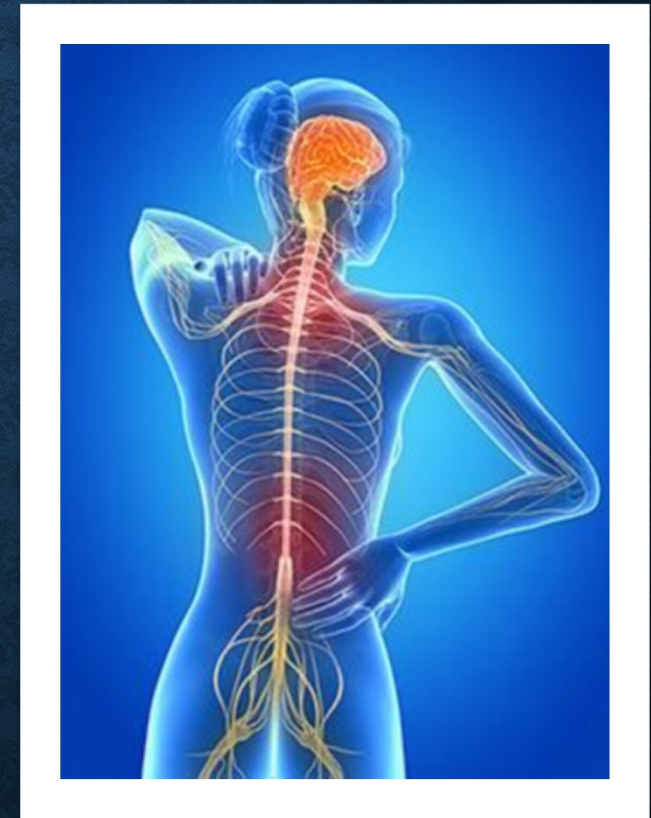
बहु दिव्यांगता (Multiple Disabilities)



# LIST OF DISABILITIES UNDER RPWD ACT

## 21. Chronic Neurological conditions:

- Examples of Chronic Neurological Conditions:
  - Alzheimer's disease and Dementia
  - Parkinson's disease
  - Dystonia
  - ALS (Lou Gehrig's disease)
  - Huntington's disease
  - Neuromuscular disease
  - Multiple sclerosis
  - Epilepsy
  - Stroke





# EDUCATION

## 1. Promote and facilitate inclusive education

- Identify Sp. Children
- Train professionals
- Provide Resources
- Books and Learning material
- Scholarship
- Appropriate curriculum
- Research

## 2. Govt. funded schools to achieve goals of inclusive education

## 3. Promote adult education and continuing education programs for PwDs



# RIGHTS & ENTITLEMENTS





## DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

- Awareness campaign
- Accessibility to physical environment, transport
- Access to information and communication with appropriate technology
- Mandatory observance of accessibility norms
- 5-year time limit for public buildings
- Publish action plan for Health care, Railway, Bus stations
- Human resource development
- Social audit





# REGISTRATION, GRANT AND CERTIFICATE



Registration of  
Institutions: Specified  
time – 3 Months

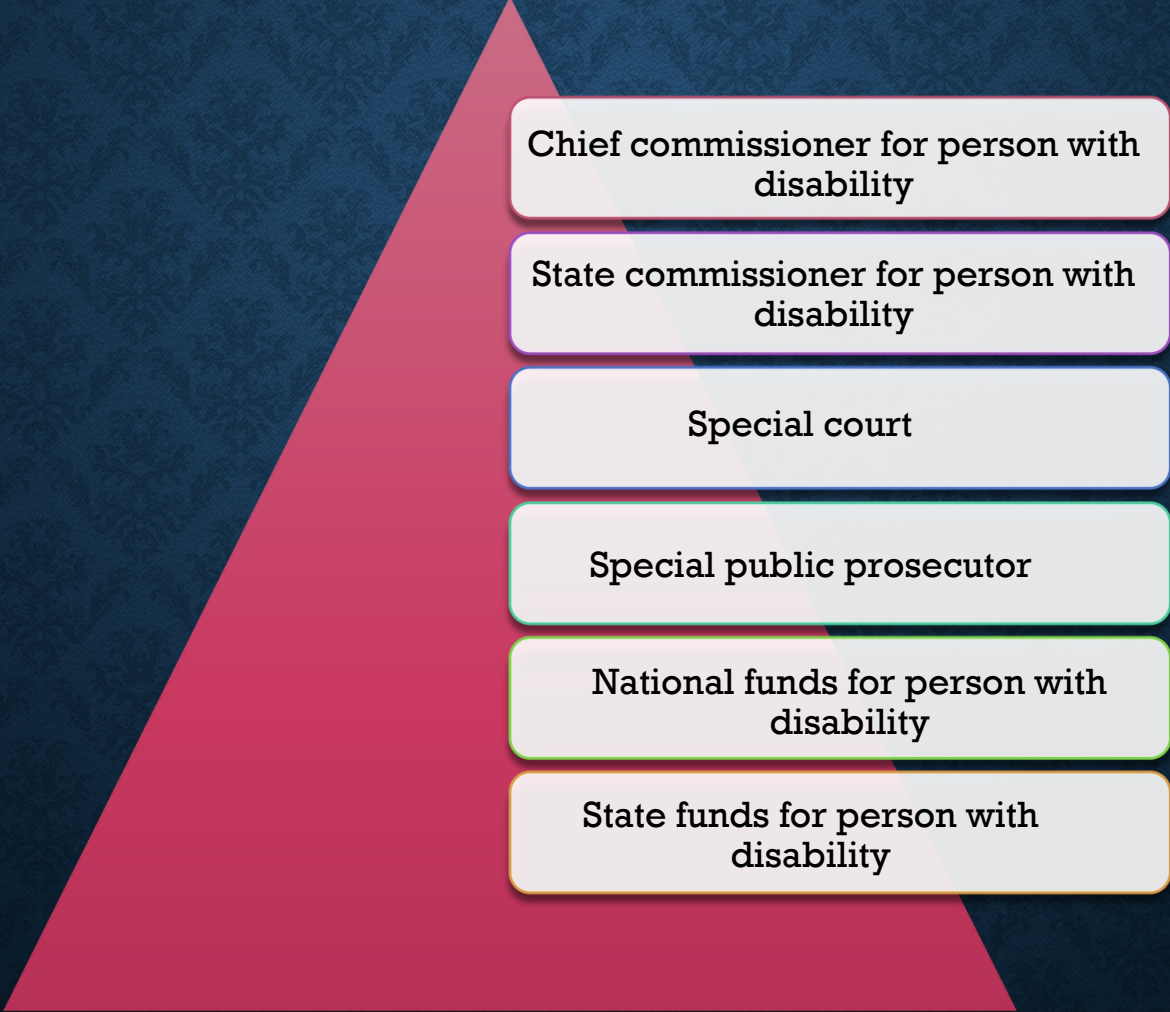
Guidelines for  
certification of  
specified disabilities  
by Government of  
India

Central and state  
advisory boards on  
disability

District level  
committee on  
disability



# OFFICE, COURT AND FUNDS



Chief commissioner for person with disability

State commissioner for person with disability

Special court

Special public prosecutor

National funds for person with disability

State funds for person with disability





**THANK YOU!**