

Standing Committee Report Summary

The Rights of Persons with Disabilities Bill, 2014

- The Standing Committee on Social Justice and Empowerment (Chairperson: Mr. Ramesh Bais) submitted its report on the Rights of Persons with Disabilities Bill, 2014 on May 7, 2015.
- The Bill addresses rights and entitlements for disabled persons. It classifies 19 conditions as disabilities and allows the central government to notify any other condition as a disability. It seeks to replace the existing Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- The Committee endorsed the Bill. However, it made a few recommendations as outlined below.
- The Bill identifies 19 conditions as disabilities such as autism spectrum disorder, blindness, cerebral palsy, locomotor disability, etc. The Committee recommended including special kidney failure, blood cancer and diabetes type I as disabilities, as they are long term and incurable. It also recommended including dwarfism as a disability, separate from locomotor disability.
- The United Nations Convention on the Rights of Persons with Disabilities, ratified by India in 2007, defines discrimination as any exclusion on the basis of disability which has the effect of impairing the exercise of fundamental freedoms of a person. The Committee recommended that this definition of discrimination be included in the Bill.
- The Bill provides for two types of guardianship for mentally ill persons. The Ministry has agreed to amend this provision to provide guardianship for all disabled persons. However, the Committee said that there was a need to revisit the guardianship provision. It noted that this provision may violate the right to equality guaranteed by the Constitution and non-discrimination provisions of the Bill. The Committee did not give any specific reasons for such violations.
- The Bill defines establishments as any corporation owned or controlled by the centre or state governments. The Committee recommended including private bodies within this definition as well, considering many government services have been outsourced to private bodies. These services too should be made accessible for persons with disability.
- The Bill requires all existing public buildings to be made accessible for persons with disability, within five years of the date of notification. The Committee observed that while the time period of five years would suffice for small infrastructure buildings, larger infrastructures may require extensions on a case by case basis.
- The Bill penalises any person who performs a medical procedure to terminate the pregnancy of a woman with disability, except with consent of a registered medical practitioner and the guardian of the woman. The Committee stated that the right of consent for such women should not be taken away as it affects their dignity.
- Notwithstanding anything in the Right to Education Act, 2009 the Bill mandates free and compulsory education for all disabled children between six to 18 years. The Committee recommended increasing the upper age limit of free education to 21 years.
- The Bill states that the appropriate government shall conduct a survey of school going children, to identify those with disabilities and with special needs. It shall also determine to what extent these needs are being met. The Committee recommended conducting this survey once in every five years.
- The Committee noted that the difficulties faced by persons with disability to earn a livelihood are more than those faced by normal persons. It recommended that basic social security such as food, clothing, shelter and healthcare should be provided to persons with disabilities, free of cost.
- In the chapter on rights and entitlements in the Bill, the Committee recommended including a sub-section on rights of women and children with disabilities. It also suggested bringing transgender persons within the ambit of the Bill.

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