

Rights of Persons with Disabilities Act 2016

Easy Read Version

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This book is an Easy Read version to the Rights of Persons with Disabilities Act 2016. It is not the entire law. This law gives effect to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The entire law is on the government of India website at: <http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf>

The basic ideas of UNCRPD followed by the new disability law:

- People are free to make their own choices.
- No one will be discriminated against.
- Persons with disabilities have the same rights to be included in society as any body else.
- Persons with disabilities are to be respected for who they are.
- Everyone should have equal opportunities.
- Everyone should have equal access.
- Men and women should have equal opportunities.
- Disabled children should be respected for who they are as they grow up.
- Government of India should make sure that persons with disabilities actually do get treated equally.

Definitions (What the words mean)

- Barrier means any thing that doesn't allow persons with disabilities to participate in school, work, playground etc.



- Care-giver means any person including parents and other family members who assist the person with disability.



- Communication means the ways that help persons with disabilities to talk and understand information, for example computers, easy read, sign language or Braille.



- Discrimination means being treated unfairly or not getting the changes you need because you are disabled.



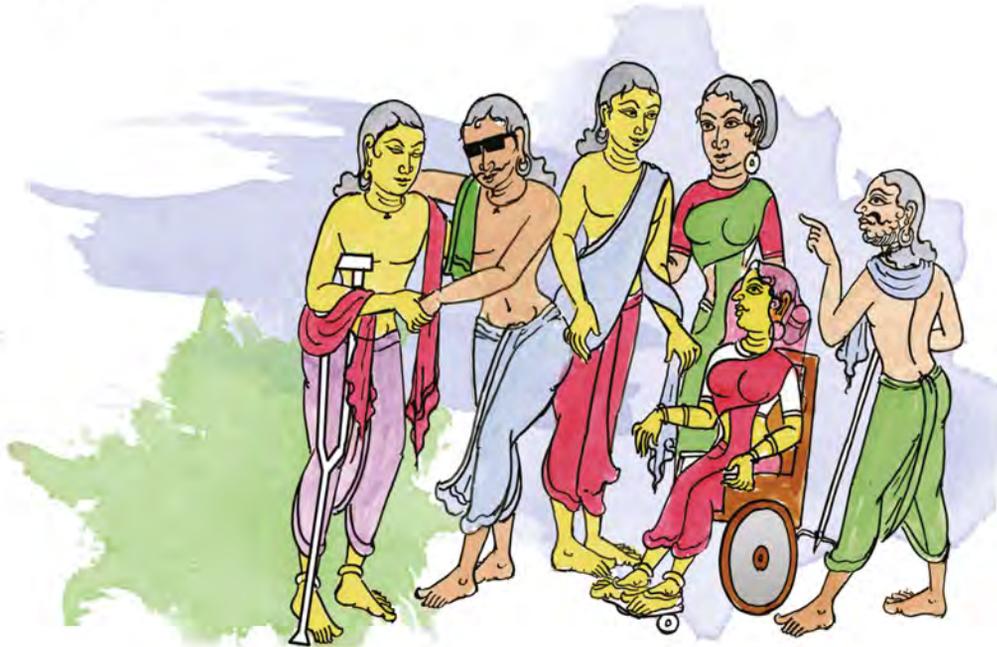
- Inclusive Education means studying together in same class and school with the non-disabled children.



- Language means any way people talk to each other including sign language.



Being Equal



Government will ensure that everyone is equal under the law and that discrimination against persons with disabilities will not be allowed. (Chapter-II, Article - 3)

Women and Children treated equally



- Women and girls with disabilities have full, free and equal lives. (Chapter-II, Article -4)
- Government will ensure that disabled children have the same rights as other children and are treated equally with others. (Chapter-II, Article - 4)
- What is best for the child will be the most important thing to think about. (Chapter-II, Article – 4 [2])
- Government will provide support to ensure children with disabilities speak on issues that can affect them in their lives. Support will be given to children to help make this happen. (Chapter-II, Article – 4 [2])
- All children with disability will stay with parents. If parents are unable to take care then court will take decision to keep them in community or a shelter home. (Chapter-II, Article – 9 [2])
- Government will provide facilities for children with disabilities who have no family or have been abandoned, or are without shelter or livelihood. (Chapter-V, Article – 24[3b])

No cruelty / and Free from Violence and Abuse



- Persons with disabilities are not tortured and no cruelty is done to them. (Chapter-II, Article – 6[1])
- Protection of persons with disabilities from all forms of abuse, violence and exploitation (Chapter-II, Article – 7[1])
- Punishments are prescribed for offences which may be fine, jail term or both. (Chapter-II, Article – 7[3])

Education



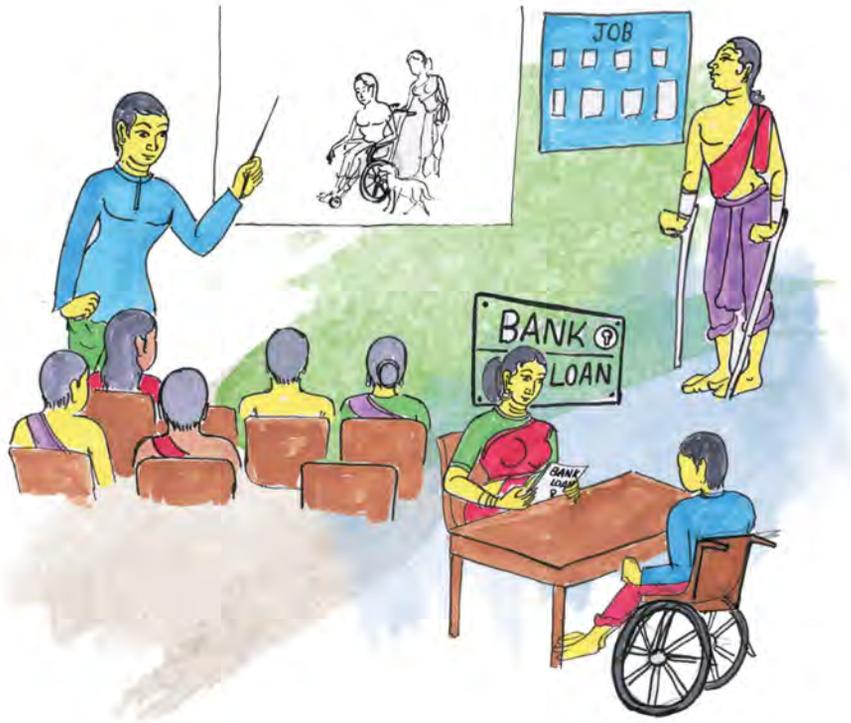
- All schools and colleges will admit children with disabilities without discrimination and provide opportunities for sports and recreation like all other students. (Chapter-III, Article – 16)
- Every child with 40% or more disability between the age of six to eighteen years will get free education in a neighbourhood school, or in a special school, of his choice. (Chapter-III, Article – 17 [g.h] & Chapter –VI, Article - 31)
- Government will reserve 5% seats for students with disabilities in colleges, universities and all higher education institutions. (Chapter –VI, Article - 32)
- Schools/colleges will make building, campus and playground accessible. (Chapter –III, Article – 16 & (Chapter –VIII, Article - 40)
- Schools will provide necessary individualized support like hearing aid for deaf, large print books for low vision person, ramps for wheelchair etc. (Chapter –III, Article – 17)
- Education will be given in the most appropriate language, ex sign language for the deaf. (Chapter –III, Article – 16-v)

Employment



- Persons with disability can join in all mainstream formal and non-formal vocational and skill training schemes and programmes. (Chapter –IV, Article – 19[2a])
- Special skill training programmes for persons with with developmental, intellectual, multiple disabilities. (Chapter –IV, Article – 19[2c])
- Loans at concessional rate, marketing the products for self employed (Chapter –IV, Article – 19[2c])
- No discrimination in employment. (Chapter –IV, Article – 20)
- Reservation of 4% jobs in government services (Chapter –VI, Article – 34-1)
- Persons with blindness and persons with low vision – 1%; Deaf and hard of hearing persons - 1%; Persons with locomotor disabilities, including persons with cerebral palsy, leprosy-cured, dwarfism, acid attack victims, and muscular dystrophy - 1%; Persons with autism, intellectual disability, specific learning disability, mental illness, and persons with multiple disabilities including the deaf-blind – 1% (Chapter –VI, Article – 34-a to e)
- Provide loans in confessional rates. (Chapter –IV, Article – 19 (2-d))

Scope of Entitlements stands enhanced and expanded



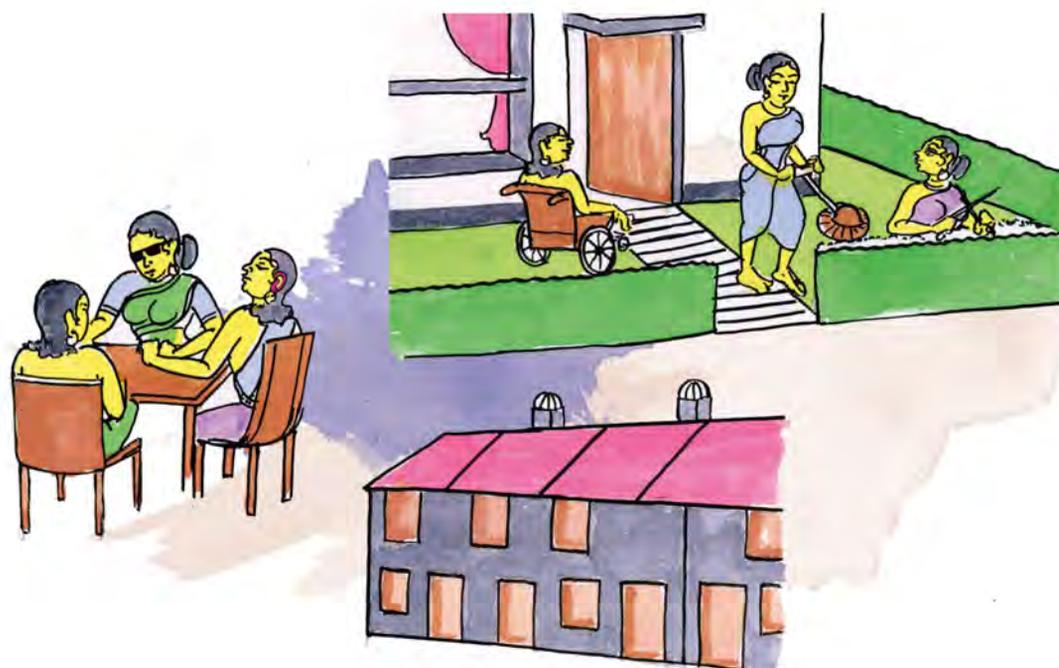
- Reservation in Government jobs increased from 3% to 4% (Chapter –VI, Article – 43-1)
- Reservation in admission to institutions of higher education up from 3% to 5% (Chapter –VI, Article – 32-1)
- Reservation in poverty alleviation schemes up from 3% to 5%, (Chapter –VI, Article – 37-b)

Sports, Leisure and Recreation



- Books, television, films and theaters and museums will be made accessible. (Chapter –V, Article – 29 & 30)
- Sponsorships to artists and writers with disability. (Chapter –V, Article – 29-a)
- Government will facilitate participation in scouting, dancing, art classes, outdoor camps and adventure activities. (Chapter –V, Article – 29-e)
- Persons with disabilities will participate in disability sports. (Chapter –V, Article – 30-1)
- Government will ensure deaf and other cultures are respected. (Chapter –VI, Article – 29-h)
- Sports and other leisure places will be made accessible. (Chapter –VI, Article – 32 & Chapter –VIII, Article - 40)

Land and Housing



- 5% reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities (40% and above disability) (Chapter –VI, Article – 37-a)
- 5% reservation in allotment of land on concessional rate, where such land is to be used for promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres. (Chapter –VI, Article – 37-c)

Accessibility



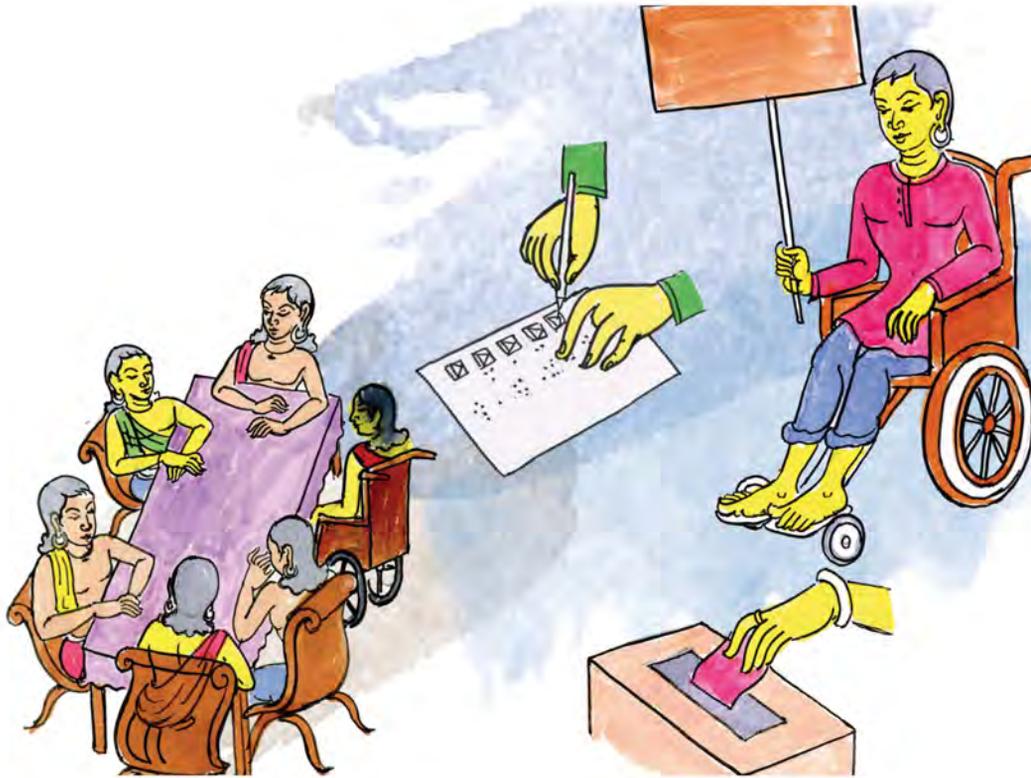
- The terms access or accessibility appear 48 times in the Act - dealing with judicial, political, cultural, economic, educational, housing, institutional, employment-related, health and infrastructural reform and access to art.
- Mandatory conformance to accessibility standards (Chapter –VIII, Article - 44)
- Reasonable accommodation and universal design are critical for facilitating access (Chapter –II, Article - 5)
- Transport - bus stops, railway stations and airports to be accessible including parking spaces, toilets, ticketing counters and ticketing machines; and accessible roads. (Chapter –VIII, Article – 41-1)

Access in Information and Communications



- All contents available in audio, print and electronic media to be in accessible format like Braille, audio, large print, sign language and easy to read. (Chapter –VIII, Article – 42)
- Electronic media to provide audio description, sign language interpretation and close captioning (Chapter –VIII, Article – 42-ii)
- Electronic goods and equipment which are meant for every day use to be available in universal design. (Chapter –VIII, Article – 42-iii)
- Signs in easy read and Braille everywhere. (Chapter –VIII, Article – 42)
- Anyone providing services (hotel, cinema hall, shops, banks, etc.) should plan for good access for persons with disability. (Chapter –V, Article – 29)
- Persons with disability will have access to new technology. (Chapter –V, Article – 29-g & (Chapter –VIII, Article – 43)

Voting



- All persons with disability will vote on being 18 years old. (Chapter-II, Article – 11)
- All polling booths will be accessible. (Chapter-II, Article – 11)
- All materials related to the electoral process will be available in easily understandable and accessible format like Braille, large print, audio, pictorial and easy to understand. (Chapter-II, Article – 11)

Getting Justice



- Persons with disabilities will have the same rights to go to court, take other people to court or take part in what happens in courts as anyone else. (Chapter –II, Article – 12)
- Registration of grievances with the Chief Commissioner for Persons with Disabilities and the State Commissioners and all Courts. (Chapter –IV, Article – 23)
- All documents and processes in Courts will be in accessible format. For ex. For blind persons everything will be in Braille or audio format. (Chapter –II, Article – 12-4)
- Special Courts will be designated in each district to fast track justice. (Chapter –XIII, Article – 84)

Offences and Penalties



- Violation of provisions of the RPwD Act, or any rule or regulation, punishable with imprisonment up to 6 months and/or a fine of Rs. 10,000 or both. Any subsequent violation, imprisonment of up to 2 years and/or a fine of Rs. 50,000 to Rs. 5,00,000. (Chapter XVI, Article – 89)
- Fraudulent availing of any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both. (Chapter XVI, Article – 91)
- Intentional insult or intimidation of all PwDs or sexual exploitation of a woman or child with disability, punishable with imprisonment between 6 months to 5 years and fine. (Chapter XVI, Article – 92)

Poverty Alleviation Schemes



- Government will provide 5% reservation in allotment of all poverty alleviation schemes and various developmental schemes (Chapter –VI, Article – 37)
- Priority will be given to women with benchmark disabilities (40% and above disability) (Chapter –VI, Article – 37-a)

Existing Disabilities (PwD Act 1995)

1. Blindness
2. Low-vision
3. Leprosy Cured Persons
4. Hearing Impairment
5. Locomotor Disability
6. Intellectual Disability
7. Mental Illness

New Disabilities Added in RPwD Act 2016

8. Dwarfism
9. Muscular Dystrophy
10. Chronic Neurological Conditions
11. Specific Learning Disabilities
12. Multiple Sclerosis
13. Speech and Language Disability
14. Thalassemia
15. Hemophilia
16. Sickle Cell Disease
17. Acid Attack Victim
18. Parkinson's Disease
19. Autism Spectrum Disorder
20. Cerebral Palsy
21. Multiple Disabilities

Swabhiman, founded in 2001, is a state level organization working towards empowering persons with disabilities through information, knowledge advocacy, capacity building, research and training. Swabhiman has been in the forefront of several policy changes that have positively impacted the lives of persons with disabilities. It specifically focuses on supporting education, strengthening youth for availing employment opportunities, increasing public awareness on the issue of disability, working towards accessible cities and conducting research for enabling advocacy.

OSDN (Odisha State Disability Network) was founded in 2003 with the notion that –“ On their own no one can change very much, but by coming together disabled people can have a stronger voice, raise awareness, change attitudes, change laws.” OSDN is a conglomeration of about 125 NGOs and over 150 individuals with disabilities from across the state.

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