

Actions Required to be Taken on Various Sections of RPwD Act 2016

Sections	Points	Concerned Departments	Updated ATR as on 30.01.2018 (This column duly filled by Depts. concerned should be brought at the meeting)
Section 3	Equality and non – discrimination <ul style="list-style-type: none"> • Personal liberty • Reasonable accommodation • Appropriate environment 	All Departments are requested to furnish their updated ATRs.	
Section 4	Women and children with disabilities- <ul style="list-style-type: none"> • Equal rights • Freedom of expression of views 	All Departments are requested to furnish their updated ATRs.	
Section 5	Community Life- <ul style="list-style-type: none"> • Right to live in the community • No particular living arrangement • Community support 	RD& LSG, Social Welfare,	
Section 6	Protection from cruelty and inhuman treatment- <ul style="list-style-type: none"> • Protection from torture, cruel or inhuman treatment • Subject of any research with informed consent 	Police Department.	
Section 7	Protection from abuse, violence and exploitation- <ul style="list-style-type: none"> • Protection from abuse, violence and exploitation • Duties & responsibilities of Police officer, Executive Magistrate 	District Administration, Police department, Social Welfare, NCPCR, ICPS.	
Section 8	Protection and safety <ul style="list-style-type: none"> • Equal protection & safety from humanitarian emergencies & natural disasters • Appropriate measures by District Disaster Management Authority 	Department of Disaster Management	
Section 9	Home and family- <ul style="list-style-type: none"> • Separation from parents • Accommodation in shelter home 	ICPS, Social Welfare, Police Department	
Section 10	Reproductive Rights- <ul style="list-style-type: none"> • Access to information • Medical procedures leading to infertility without informed consent 	Health Department, NRHM & Education Department	

Section 11	Accessibility in voting- • Accessible Polling Stations	Election Commission	
Section 12	Access to Justice- • Access to court, tribunal, authority • Access to schemes, programmes or service by State Legal service Authority	District Administration, Legal service Authority, ICPS	
Section 13	Legal Capacity- • Right to inherit property, bank loans & mortgages • Right to equal recognition	Revenue Department	
Section 14	Provision for guardianship- • Limited guardian for legally binding decisions	Revenue Department	
Section 15	Designation of authorities to support- • Social awareness & community mobilization	Social Welfare, Health, RD & LSG	
Section 16	Duty of educational institutions- • Admission without discrimination • Accessible institute building • Reasonable accommodation • Detect learning disabilities • Monitor progress & participation • Transport facility	Education Department & Transport Department	
Section 17	Specific measures to promote and facilitate inclusive education- • Survey for identification of disabled children every 5 years • Establish teacher training institutions • Inclusion of teachers with disability • Adequate resource centers • Learning materials & assistive devices to students • Scholarships • Modification in curriculum & examination system	Education Department	
Section 18	Adult education- • Promote, protect & participation in adult education	Education Department	
Section 19	Vocational training and self employment- • Schemes & programmes to support employment • Loans at concessional rates • Vocational & skill training • Marketing products manufactured by PwDs	Industries, Social Welfare & Education Department	
Section 20	Non-discrimination in employment- • Barrier free environment for employees • Reasonable accommodation • Denial of promotion on basis of disability	All Departments are requested to furnish their updated ATRs.	

	• Posting & transfer of employees		
Section 21	Equal opportunity policy- • Policy Notification for equal opportunity	Directorate of Economics & Statistics and Chief Pay & Accounts Office	
Section 22	Maintenance of records- • Records of employment, facilities provided • Maintenance of record by employment exchange of PwDs • Records open to inspection	All Departments are requested to furnish their updated ATRs.	
Section 23	Appointment of Grievance Redressal Officer- • Every Government establishment to appoint Grievance Redressal Officer	All Departments are requested to furnish their updated ATRs.	
Section 24	Social security- • Formulate schemes & programmes • Quantum of assistance through schemes be at least twenty five percent • Facilities for abandoned children • Access to safe drinking water & sanitation facilities • Provision of aids & appliances • Disability pension subject to income ceiling • Unemployment allowance to PwDs for being unemployed more than two years • Care-giver allowance for PwDs with high support needs • Comprehensive insurance schemes	Social Welfare, APWD, Department of Labour & Employment	
Section 25	Health care- • Free Healthcare clinics • Barrier free hospitals & healthcare institutions • Priority in attendance & treatment • Surveys, investigations and research on occurrence of disabilities • Screening of all children once in a year • Sponsor awareness campaigns • Prenatal, Post natal care of mother and child • Public awareness through village level and Anganwadi workers • Awareness on disability through electronic and print media • Medical facilities for emergency treatment and procedures	Health Department & NRHM	

	<ul style="list-style-type: none"> • Sexual and reproductive health care 		
Section 26	<p>Insurance schemes-</p> <ul style="list-style-type: none"> • Insurance schemes for PwDs 	Social Welfare Insurance schemes for Divyang is under consideration	
Section 27	<p>Rehabilitation-</p> <ul style="list-style-type: none"> • Grant financial assistance to NGOs for rehabilitation • Formulate rehabilitation policies in consultation with NGOs 	Social Welfare	
Section 28	Research and development	Health Department	
Section 29	<p>Culture and recreation-</p> <ul style="list-style-type: none"> • Sponsorship to artists and writers with disability • Establishment of disability history museum • Art accessible to PwDs • Recreational Centres • Participation in cultural activities • Redesign courses in cultural and arts subjects 	Department of Art & Culture Department of Sports & Youth Affairs	
Section 30	<p>Sporting activities-</p> <ul style="list-style-type: none"> • Accord recognition to PwDs for participation in sports • Redesign and support infrastructure facilities of all sporting activities • Multi-sensory essentials and features • Allocate funds for sport facilities • Organise disability specific sporting events 	Department of Sports & Youth Affairs Education Department	
Section 31	<p>Free education for children with benchmark disabilities-</p> <ul style="list-style-type: none"> • Right to free education in a neighborhood school • Free education till eighteen years of age. 	Education Department	
Section 32	<p>Reservation in higher educational institution-</p> <ul style="list-style-type: none"> • Seat reservation not less than five percent • Upper age relaxation of five years for admission in institutions of higher education 	Department of Higher Education & ANIIMS, DBRAIT, ANCOL, JNRM	
Section 33 & 34	<p>Identification of posts for reservation-</p> <ul style="list-style-type: none"> • Identify posts in the establishments in respect of the vacancies reserved • Constitution of an expert committee for identification of such posts <p>Reservation-</p>	All Departments are requested to furnish their updated ATRs.	

	<ul style="list-style-type: none"> • Reservation not less than four per cent of the total number of vacancies • Three percent for: <ul style="list-style-type: none"> i) Blindness & low vision, ii) Deaf & hard of hearing iii) Loco motor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; • One percent for: <ul style="list-style-type: none"> i) Autism, intellectual disability, learning disability & mental illness; ii) Multiple disabilities from amongst clause listed above • Vacancy be carried forward in the succeeding recruitment year for non-availability of suitable PwD 		
Section 35 & 36	<p>Incentives to employers in private sector-</p> <ul style="list-style-type: none"> • Incentives to employer in private sector to ensure at least five per cent of their work force is composed of PwDs <p>Special employment exchange-</p> <ul style="list-style-type: none"> • Furnish information on vacancies appointed for PwDs that have occurred or are about to occur in the establishment to special employment exchange 	Department of Labour & Employment	
Section 37	<p>Special schemes and development programmes-</p> <ul style="list-style-type: none"> • Five per cent reservation in allotment of agricultural land and housing • Five per cent reservation in all poverty alleviation and developmental schemes with priority to women • Five per cent reservation in allotment of land on concessional rate 	Revenue & Agriculture Department	
Section 38	<p>Special provisions for Persons with Disabilities with high support-</p> <ul style="list-style-type: none"> • PwDs in need of high support, may apply to an authority • An Assessment Board to assess the case referred and send a report to the authority certifying the need of high support 	Health & Revenue Department	
Section 39	<p>Awareness Campaigns & Sensitization programs to ensure:</p> <ul style="list-style-type: none"> i) Values of inclusion, tolerance, empathy and respect for diversity 	Social Welfare RD & LSG Health & NRHM District Administration (DDRC & LLC)	

	<p>ii) Advance recognition of the skills, merits and abilities of PwDs</p> <ul style="list-style-type: none"> • Orientation and sensitization at the school, college, University and professional training level on the human condition of disability 		
Section 40	<p>Accessibility-</p> <ul style="list-style-type: none"> • Formulate rules for persons with disabilities laying down standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems 	APWD	
Section 41	<p>Access to transport-</p> <ul style="list-style-type: none"> • Facilities for PwDs at bus stops, railway stations and airports conforming to the accessibility standards • Access to all modes of transport that conform the design standards, including retrofitting old modes of transport 	Transport Department	
Section 42	<p>Access to information and communication technology-</p> <ul style="list-style-type: none"> • All contents available in audio, print & electronic media in accessible format 	Department of IP &T IT Department	
Section 43	<p>Consumer goods-</p> <ul style="list-style-type: none"> • Production and distribution of universally designed consumer products and accessories for general use for PwDs 	Civil Supplies	
Section 44, 45 & 46	<p>Mandatory observance of accessibility norms-</p> <ul style="list-style-type: none"> • Permission to build any structure only if the building plan adheres to rules formulated by the Central Government under section 40 <p>Time limit for making existing infrastructure and premises accessible and action for that purpose-</p> <ul style="list-style-type: none"> • Within a period not exceeding five years from the date of notification of such rules • Formulate and publish an action plan based on prioritization, for providing accessibility in all buildings <p>Time limit for accessibility by service providers</p>	PBMC APWD	
Section 47	<p>Human resource development-</p> <ul style="list-style-type: none"> • Mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, 	Administrative Reforms Education Department	

	<p>administrators, police officials, judges and lawyers</p> <ul style="list-style-type: none"> • Capacity building programmes • Training programmes for sports teachers 		
Section 48	<p>Social audit-</p> <ul style="list-style-type: none"> • Government to undertake social audit of all general schemes and programmes involving PwDs 	All Departments are requested to furnish their updated ATRs.	
Section 49, 50, 51, 52, 53	<p>Competent authority-</p> <ul style="list-style-type: none"> • Appointment of a competent authority for registration of Institutions for PwDs <p>Registration of Institutions for PwDs-</p> <p>Certificate of registration to be issued by the competent authority</p> <p>Application and grant of certificate of registration-</p> <p>Competent authority to grant a registration certificate to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall refuse to grant the certificate</p> <p>Revocation of registration-</p> <p>If the competent authority has reason to believe that the holder of a certificate of registration granted has committed any breach of rules, after making an inquiry, revoke the certificate and such institution shall cease to function from the date of such revocation</p> <p>Appeal-</p> <p>Appeal to an appellate authority by a PwD aggrieved by the order of the competent authority for refusing to grant a certificate of registration</p>	Social Welfare	
Section 54	Act not to apply to institutions established or maintained by Central or State Government	Not Applicable	
Section 55	Assistance to registered institutions for PwDs	The following amendment shall be considered by Chief Commissioner for PwDs	
Section 56	<p>Guidelines for assessment of specified disabilities-</p> <ul style="list-style-type: none"> • Central Government to notify guidelines for assessing the extent of specified disability in a person 	Not Applicable	

<p>Section 57, 58 & 59</p>	<p>Designation of certifying authorities-</p> <ul style="list-style-type: none"> • Competent certifying authorities for issuing disability certificate <p>Procedure for certification-</p> <ul style="list-style-type: none"> • Issue disability certificate as prescribed by the Central Government • Inform applicant in writing if he has no specified disability • Disability certificate issued under this section shall be valid across the country <p>Appeal against a decision of certifying authority-</p> <ul style="list-style-type: none"> • The appellate authority shall decide the appeal 	<p>Department of Health Services</p>	
<p>Section 60</p>	<p>Constitution of Central Advisory Board on Disability</p>	<p>As per Central Rules</p>	
<p>Section 61</p>	<p>Terms and conditions of Service of members</p>		
<p>Section 62</p>	<p>Disqualifications Vacation of seats by Members</p>		
<p>Section 63</p>	<p>Meetings of the Central Advisory Board on disability</p>		
<p>Section 64</p>	<p>Functions of Central Advisory Board on disability</p>		
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<p>Section 70</p>			
<p>Section 71</p>			

<p>Section 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84</p>	<p>District-level Committee on disability Vacancies not to invalidate proceedings Appointment of Chief Commissioner and Commissioners Functions of Chief Commissioner Action of appropriate authorities on recommendation of Chief Commissioner Powers of Chief Commissioner Annual and special reports by Chief Commissioner</p> <ul style="list-style-type: none"> • Submit an annual report to the Central Government <p>Appointment of State Commissioner in States Functions of State Commissioner Action by appropriate authorities on recommendation of State Commissioner Powers of State Commissioner Annual and special reports by State Commissioner Special Court-</p> <ul style="list-style-type: none"> • For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act 	<p>Director, Social Welfare has been designated as Chief Commissioner of Persons with Disabilities</p>	
<p>Section 85</p>	<p>Special Public Prosecutor-</p> <ul style="list-style-type: none"> • Appoint Public Prosecutor or an advocate with experience not less than seven years for conducting cases in Court 	<p>Legal Cell Letter issued to Deputy Secretary (Law) regarding appointment of Special Public Prosecutor to address issues of divyangjan and represent them in court</p>	
<p>Section 86</p>	<p>National fund for Persons with Disabilities</p>	<p>Social Welfare</p>	
<p>Section 87</p>	<p>Accounts and audits-</p> <ul style="list-style-type: none"> • Maintenance of accounts and other relevant records and annual statement of accounts of the Fund including income and expenditure accounts in consultation with the 	<p>Directorate of Accounts & Budget</p>	

	Comptroller and Auditor-General of India • Accounts of the Fund to be audited by the Comptroller and Auditor-General of India		
Section 88	State fund for Persons with Disabilities	Finance Department	
Section 89	Punishment for contravention of provisions of Act or rules or regulations made there under- • Fine not be less than fifty thousand rupees but which may extend to five lakh rupees	Not Applicable	
Section 90	Offences by companies		
Section 91	Punishment for fraudulently availing any benefit for persons with benchmark disabilities- • Imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both		
Section 92	Punishment for offences of atrocities- • Imprisonment for a term which shall not be less than six months but which may extend to five years		
Section 93	Punishment for failure to furnish information- • Fine which may extend to twenty-five thousand rupees in respect of each offence		
Section 94	Previous sanction of appropriate Government		
Section 95	Alternative punishments		
Section 96	Application of other laws not barred		
Section 97	Protection of action taken in good faith		
Section 98	Power to remove difficulties		
Section 99	Power to amend Schedule		
Section 100	Power of Central Government to make rules		
Section 101	Power of State Government to make rules		
Section 102	Repeal and savings		