

December 14, 2016

Press Statement

After a long and excruciating wait for nearly three years after its introduction in the Rajya Sabha, the Rights of Persons with Disabilities Bill has finally been passed.

We convey our heartfelt thanks to all Members of the Rajya Sabha for the smooth passage of the Bill after a discussion lasting nearly two hours.

Victory of Sustained Campaign

We thank the millions of the disabled in the country and their organisations who had participated in the sustained campaign that the National Platform for the Rights of the Disabled (NPRD) and the All India Disability Alliance (AIDA) had conducted along with various other organisations demanding that the government come forward with amendments and place the Bill for consideration and passage in this session of parliament. Ever since the Standing Committee had submitted its recommendations in May 2015, we have undertaken this phased countrywide campaign. As part of this campaign we had dharnas and rallies in all major state capitals and two big rallies in Delhi on December 3, 2015 and December 3, 2016. Fourteen national level disability rights organisations had participated in the rally on December 3, 2016.

Amendments Address Some Concerns

We welcome the fact that some of the major concerns we had raised with regard to certain provisions contained in the Bill have been addressed through official amendments. One of the major amendments concerns bringing private entities within the purview of the definition of "establishment". Another glaring inadequacy in the Bill was absence of definition of "discrimination", which has now been introduced as an official amendment. The definition with regard to communication has been changed to include "sign language" as well as video and visual displays. Another amendment provides for sign language interpretation and captioning in TV programmes. Another important amendment strengthens the specific provisions for women and children with disabilities. Reservations in promotions for employees with disabilities has also been provided for in the Bill.

Assurance Given By Minister

However, one of the major concerns that disability rights organisations had was with regard to the Section 3(3) of the 2014 Bill which states that "No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is appropriate to achieve a legitimate aim." This clause we had opined gives unfettered power to the implementing authorities to discriminate against persons with disabilities, on the pretext of serving a "legitimate aim". The official amendment proposed to this section has, to some extent, attempted to narrow the scope of arbitrariness by substituting the word "appropriate" with the words "proportionate means".

On this however, the Minister for Social Justice & Empowerment, in response to amendments moved by CPI(M) MPs, has given an assurance in the House to see that provisions are made in the rules to ensure that this clause is not misused to the disadvantage of persons with disabilities.

The Minister has also assured the House on the amendment moved by CPI(M) MPs Sitaram Yechury, KK Ragesh and C P Narayanan to Section 33 of the Act that the provision with regard to reservation in employment will be ensured in the Act against the total number of vacancies

in the cadre strength and not against identified posts by deleting the words "post meant to be filled by persons with Benchmark disabilities".

However, we would like to also record our dissatisfaction with the reduction in the percentage of employment from 5 per cent proposed in the original Bill to 4 per cent and the removal of the provisions for National Commission and State Commission for persons with disabilities.

We hope that the Bill will be discussed and passed in the Lok Sabha in the remaining two days of this session itself including the concerns that have not been addressed adequately in the Bill will be taken care of when the rules are being framed.

Sd/-

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