

RAJYA SABHA
Parliamentary Bulletin

PART-II

Nos.: 51773-51777

TUESDAY, FEBRUARY 11, 2014

No. 51773

Bill Office

The Rights of Persons with Disabilities Bill, 2014
(As introduced in the Rajya Sabha)

(Letter No. 16-09/2011 -DD.III, dated 8th February, 2014 from Shri Mallikarjun Kharge, Minister of Social Justice and Empowerment to the Secretary-General, Rajya Sabha)

"The President having been informed of the subject matter of the proposed The Rights of Persons with Disabilities Bill, 2014' recommends to the House for the consideration of the Bill, under article 117(3) of the Constitution of India".

No. 51774

Committee Co-ordination Section

Election to the Jawaharlal Institute of Post-Graduate Medical
Education and Research, Puducherry

The following programme has been Fixed for receiving nominations, withdrawal of candidature and for holding election, if necessary, to the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry. motion in respect of which was adopted by the House on the 11th February, 2014:-

1. Number of Members to be elected: One
2. Last date and time for receiving nominations: 13th February, 2014
(Upto 3.00 P.M.)

RAJYA SABHA
NOTICE OF AMENDMENTS
THE RIGHTS OF PERSONS WITH DISABILITIES BILL, 2014
(As introduced in the Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

CLAUSE 2

BY SHRI MALLIKARJUN KHARGE:

1. That at page 2, line 9, ***after*** the words "notified under", the words, bracket and figures "sub-section (3) of section 13 or" be ***inserted***.
2. That at page 3, line 4, ***for*** the word "accessing", the words "to take independent and informed decision, to access" be ***substituted***.
3. That at page 3, line 24, ***after*** the word "which", the words "in interaction with barriers in the environment" be ***inserted***.
4. That at page 3, line 41, ***for*** the word "psychiatric", the word "psychological" be ***substituted***.

CLAUSE 3

BY SHRI MALLIKARJUN KHARGE:

5. That at page 4, line 19, ***for*** the words "appropriate to achieve", the words "a proportionate means of achieving" be ***substituted***.
6. That at page 4, ***after*** line 21, the following be ***inserted***, namely:-

"(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities."

CLAUSE 12

BY SHRI MALLIKARJUN KHARGE:

7. That at page 6, ***after*** line 33, the following be ***inserted***, namely:-

"12.(1) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law."
8. That at page 6, line 34, ***for*** the figures and bracket "12.(1)", the figure and bracket "(2)" be ***substituted***.
9. That at page 6, line 38, ***for*** the figure and bracket "(2)", the figure and bracket "(3)" be ***substituted***.

10. That at page 6, line 45, **for** the figure and bracket "(3)", the figure and bracket "(4)" be **substituted**.
11. That at page 7, line 4, **for** the figure and bracket "(4)", the figure and bracket "(5)" be **substituted**.

CLAUSE 13

BY SHRI MALLIKARJUN KHARGE:

12. That at page 7, **for** lines 6 to 35, the following be **substituted**, namely:-

"13.(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his or her behalf in consultation with such person, in such manner, as may be prescribed by the State Government.

Explanation. - For the purposes of this section, -

(i) "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability:

Provided that the limited guardianship shall be for a specific period and for specific purpose and shall work in accordance with the will of the person with disability:

Provided further that the District Court or designated authority may grant total support to the person with disability requiring such support or when the limited guardianship has to be granted repeatedly and the decision regarding the support to be provided may be reviewed by the Court or designated authority to determine the nature and manner of support.

(2) On and from the date of commencement of this Act, every plenary guardian appointed under any provision of any law for persons with disabilities shall be deemed to function as limited guardian.

(3) The person with disability shall have the right to appeal against the decision of appointment of a limited guardian before an appellate authority appointed by the State Government for that purpose."

CLAUSE 15

BY SHRI MALLIKARJUN KHARGE:

13. That at page 7, line 45, **after** the word "funded", the words "or recognised" be **inserted.**

CLAUSE 32

BY SHRI MALLIKARJUN KHARGE.

14. That at page 12, **for** lines 37 to 41, the following be **substituted,** namely:-

"32. The appropriate Government shall -

(i) identify posts in the establishment which can be held by respective category of benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 33;

(ii) constitute an expert committee with adequate representation of persons with benchmark disabilities for identification of such posts;

(iii) undertake periodic review of the identified posts at an interval not exceeding three years."

CLAUSE 33

BY SHRI MALLIKARJUN KHARGE:

15. That at page 12, **for** lines 42 to 45, the following be **substituted,** namely:-

"33.(1) Every appropriate Government shall appoint in every establishment under them, not less than five per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent, each shall be reserved for persons with following benchmark disabilities,- "

16. That at page 13, **for** lines 8 to 14, the following be **substituted,** namely:-

"Provided that the National Commission or the State Commission, as the case may be, may, having regard to the duties and functions of particular posts in any establishment, exempt the recruitment to such post by notification from the purview of this section."

17. That at page 13, **for** lines 25 and 26, the following be **substituted,** namely:-

"(3) The appropriate Government shall, by notification, provide relaxation of upper age limit for employment of persons with benchmark disability in accordance with the instructions issued by that Government from time to time."

CLAUSE 39

BY SHRI MALLIKARJUN KHARGE:

18. That at page 14, line 35, **after** the word "formulate", the words "and enforce" be **inserted**.

CLAUSE 57

BY SHRI MALLIKARJUN KHARGE:

19. That at page 18, **after** line 22, the following be **inserted**, namely:-
"(3) the certificate so issued will be valid throughout the country."

CLAUSE 76

BY SHRI MALLIKARJUN KHARGE:

20. That at page 25, **for** line 21, the following be **substituted**, namely:-
"(c) is of unsound mind and stands so declared by a competent court; or".

CLAUSE 89

BY SHRI MALLIKARJUN KHARGE:

21. That at page 29, **for** line 3, the following be **substituted**, namely:-
"(c) is of unsound mind and stands so declared by a competent court; or".

CLAUSE 114

BY SHRI MALLIKARJUN KHARGE:

22. That at page 34, **after** line 28, the following be **inserted**, namely:-
"(b) the manner of providing support of a limited guardian under sub-section (1) of section 13;"
23. That at page 34, line 29, **for** the bracket and alphabet "(b)", the bracket and alphabet "(c)" be **substituted**.
24. That at page 34, line 31, **for** the bracket and alphabet "(c)", the bracket and alphabet "(d)" be **substituted**.
25. That at page 34, line 33, **for** the bracket and alphabet "(d)", the bracket and alphabet "(e)" be **substituted**.
26. That at page 34, line 35, **for** the bracket and alphabet "(e)", the bracket and alphabet "(f)" be **substituted**.
27. That at page 34, line 37, **for** the bracket and alphabet "(f)", the bracket and alphabet "(g)" be **substituted**.
28. That at page 34, line 39, **for** the bracket and alphabet "(g)", the bracket and alphabet "(h)" be **substituted**.

29. That at page 34, line 42, ***for*** the bracket and alphabet "(h)", the bracket and alphabet "(i)" be ***substituted.***
30. That at page 34, line 44, ***for*** the bracket and alphabet "(i)", the bracket and alphabet "(j)" be ***substituted.***
31. That at page 34, line 46, ***for*** the bracket and alphabet "(j)", the bracket and alphabet "(k)" be ***substituted.***
32. That at page 35, line 1, ***for*** the bracket and alphabet "(k)", the bracket and alphabet "(l)" be ***substituted.***
33. That at page 35, line 3, ***for*** the bracket and alphabet "(l)", the bracket and alphabet "(m)" be ***substituted.***
34. That at page 35, line 5, ***for*** the bracket and alphabet "(m)", the bracket and alphabet "(n)" be ***substituted.***
35. That at page 35, line 7, ***for*** the bracket and alphabet "(n)", the bracket and alphabet "(o)" be ***substituted.***

THE SCHEDULE

BY SHRI MALLIKARJUN KHARGE:

36. That at page 36, line 4, ***for*** the word "neuro-psychological", the word "neuro-developmental" be ***substituted.***
37. That at page 37, for paragraph 11, the following be ***substituted,*** namely:-
"11. "Low vision" as may be notified by the Central Government".

**New Delhi;
February 11, 2014.**

**SHUMSHER K. SHERIFF
SECRETARY-GENERAL**