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### I. CERTIFICATE OF DISABILITY STUDIES COURSE



### II. PROFORMA OF DOCUMENT ANALYSIS

Sr No.	Particulars	Observations	
1	DEFYING THE ODDS ON A GREEN PITCH		
	Cup 2017 organized by Cricket Associat matches of the tournament shall be pla	ne Sri Lanka and England teams that are participating in the T20 World tion for the Blind in India at Sardar Patel Stadium on Friday. Two ayed in the city. The tournament's second match, between India and The state is considered a bub of cricket for the blind as state players	
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### III. Examples of different categories of stories related to disability published in

The Times of India and Divya Bhaskar from 2015 to 2017 (10 stories each from 3 years)

### The Times of India

	Story		
Eye of th	Eye of the tiger, thrill of the fight		
Blind Navigators I To Triumph At Ra Times News Network Ahmedabad: The anticipation of challenge drove more than 100 tear edition of Round Table Blind Car association with Blind People's As (BPA) on Sunday morning at Sa Riverfront. The event, supported by TOI a raised more than Rs 5 lakh for a s Naaz village for normal and disal Ankit Agarwal, convener of the that every year throws new challe this year was no different. "We were a bit skeptical about ticipation due to World Cup match India and South Africa on Sunday However; our apprehensions were almost all registered participants t for the event. I believe that the par	Winners (Car driver/Navigator)F fun and ns to 19th ? Rally in abarmatiand NGS, school in bled kids, anges and t the par- morning, wrong as urned upMarket Age t the para- morning, wrong as urned upMarket Age morning, wrong as urned upMarket Age t the para- morning, wrong as 		
were men and women of the match today for us who supported the cause of the blind," he said. Bhushan Punani, executive counters DPA and the match the matching	e of the executive <b>'Start of a friendship'</b>		
secretary, BPA, said that the par- came from all walks of life. "Man blind navigators were veterans than 10 rallies." he said.	ny of the I truly unique. "My navigator, Firdausbano, was very sharp. Even when I was not seeing		

its head in	Guj again
Vijaysinh.Parmar	INCREASING NUMBERS?
@timesgroup.com	Year Prevalence Rate
Rajkot: Is leprosy back to	> 2009-10 0.78
haunt the state 11 years af-	> 2010-11 0.77
ter Gujarat achieved the Na- tional Leprosy Eradication	> 2011-12 0.81
Programme (NLEP) goal of	> 2012-13 0.96
keeping the prevalence rate below one? Data available with the state's health de-	> 2013-14 0.83
	> 2014-15 (upto Oct) 1.16
partment suggests so.	Prevalence Rate is one per 10,000 population
The goal of NLEP was to reduce the prevalence rate	the International Leprosy
to less than one per 10,000	Union and Sasakawa
population by 2005. The state health department on	Health Foundation for its achievement and commit-
its website has stated that	ment in January, 2007. For-
the goal was achieved in Oc-	mer President Dr APJ Ab-
tober 2004 with the preva- lence rate coming down to	dul Kalam had also hailed Gujarat for its feat.
0.95.	Gujaration Itsieat.
Gujarat was awarded by	► Continued on P 6

## Callous babus put disabled athletes on obstacle course

### Make Them Defecate, Bathe In Open

3.

4.

Ayaskant.Das@timesgroup.com

Ghaziabad: Over 600 disabled athletes from across India, who are in Ghaziabad for the 15th National Para-Athletic Championship, have been crammed into a couple partially of constructed buildings that will serve as their dorms for the three-day meet. Forget being disabledfriendly, the buildings are unfurnished and don't even have functional toilets and drinking water, forcing both male and female athletes to sleep on the floor and bathe



In the absence of ramps, athletes are forced to abandon their wheelchairs

and defecate in the open. Organized by the Paralympic Committee of India (PCI), the championship lasting from March 20 to March 22, will serve as a qualifier for an international grand prix event for paraathletes that will be held in Delhi later this year.

March 22, 2015: The story is example of negative coverage at national level from point of view of persons with disabilities as media highlighted plight of para-athletes with a telling image

### Autistic boy who has alpha memory

### Ankur.Tewari@timesgroup.com

Ahmedabad: As you enter an apartment on New CG Road, this 'mini-supercomputer' will be all alone in his room. His mother is busy in household chores. But that hardly matters for Bhuvnesh Saxena who has been diagnosed with a severe form of autism. He has some important things to grasp—different religious scriptures. Surprised?

While most autistic kids get lost in details, Bhuvnesh's triumph over neurobehavioral disorder can even puzzle researchers. Put special days aside, Bhuvnesh can even tell you what he was wearing and what



he ate in 2013.

The 18-year-old has also rattled off Hanuman Chalisa and Ramayana verses and can chant them without fail for hours. But it was not always that way. Once Bhuvnesh was forced out into the hall at play school as a punishment because he could not memorize one-digit numbers properly. But, that is a fun memory for Bhavnesh and his parents to look back on now.

Associated with B M Institute of Mental Health since 2004, Bhuvnesh was unable to speak, make eye contact, or even allow someone to touch him for the first six years of his life. His father Raghuvesh says, "Bhuvnesh's hidden talent wasn't something that I realized overnight. While driving him to an ice-cream parlour one morning, I discovered that he was quite good at remembering things. And rest is history."

Over the years, Bhuynesh has also found dance as the most beautiful way of expressing himself. In fact, stage is the one place where he feels right at home. When Bhuvnesh's parents introduced him to dancing, they hoped the activity would be a fun diversion. But as soon as Bhuvnesh was enrolled in a dance class, something clicked. His parents and teachers were blown away by how he approached the dance and began to notice a difference too. Today, he is now one of the entertaining dancers among a batch of autistic kids at the institute and has been winning accolades at various events.

April 2, 2015: An example of 'savant representation of autism,' the story is a feature on a boy who can recount minute details and memorize with 'alpha memory' and is also described as 'mini supercomputer'

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Continued on P 12

### Getting real on reel with disability

5.

with films like Dev.D. That Girl In Yellow Boots and Shanghai. She worked exten-sively for six months to get right the dis-tinctive speech patterns and physicality necessary for the role and says the film is unique in many ways. "We never talk about disability and

We never talk about disability and sexuality on the same page. What also struck me about the script was that it wasn't preachy. If you took the disability out, it was still an interesting film about a young, horny, awkward teenager and a coming of age story. If's actually a rom-com about love and life," she says. This is rarely the approach used in Hin-di cinema. In Vishal Bhardwaj's Omkara, Langda Tyagi had a first name. But his par-ents (and the scriptwriters) needn't have bothered because it was his limp that be-came his calling card, quite literally. Ethan Mascarenhas In Guzaarish spent an entire film wanting to die rather than remain a dependant quadriplegic. And Gabbar in



CANDID SHOTS: Kalki Koechlin's character in the film is neither heroic nor flawless

Sholay believed that living as a double amputee was a fate far worse than death, a punishment he doled out to Thakur.

punishment he doled out to Thakur. The Bollywood environment of exagger-ated perfection also makes it more hostile to physical disability The onscreen disabil-tity of choice is usually bilnness because it interferes the least with an actor's looks and speech delivery. If it can be cured miracu-lously by an operation or a divine statue or some blunt force trauma, even better. Rustom Irani is an independent film-maker, guest columnist and more than 60% disabled wheelchair user. He recently finished writing a ten-part series for Mum-bai Mirror called 'Mumbai On Wheels' which focussed on life in Mumbai as a disabled person. According to him, recent Bollywood movies haven't made much

progress in creating characters who are

progress in creating characters who are more than just a sum of their disabilities. "Except Barfl, one can't really cite any progress or evolution in a Bollywood film. There are a few like Sanjay Dutt's blind turn in Dushman, Vidya Balan in Guru or Am-itabh Bachchan's character recruiting three blind men to rob a bank in Aankhen. But if you go back a bit, then the 1986 film Qati is a great film featuring a disabled blind per-son played by Sanjeev Kumar planning to murder his wife. Koshish in 1976 had two deafmutes fall in love and raise a normad blind man piggybacking his physically disabled friend and teaming up to make a living. Show disabled people with flaws, evil, humour and I might say we are getting there," says Irani.

Disabled characters in Bollywood films are often unreal and clichéd. But there is rare

candour and humour in a new coming-of-age

film where the protagonist is a disabled teen

Shonali Bose, the director of Margarita With A Straw, is deeply familiar with cer-ebral palsy and disability. "The grown up with my cousin Malini Chith who has acute cerebral palsy and my mother and auti-worked in schools that had kids with cere-tral palsy Malini and I were like any other isbilings with our fights etc. and I never felt the need to tiptoe around her disability." The provide the schools that had shifts with cere-tral palsy Malini and I were like any other isbilings with our fights etc. and I never felt the need to tiptoe around her disability." The Jim Sheridan's My Left Poot and James Marsh's The Theory of Everything feature up do the disability. But when Bose set ut to write the film, she was certain that Laila's story would not be a heroic triumph against adversity. "Within the first ten min-tures of the film you will get past the disabi-lyty. Not only will you not pity Laila, you will ab ond put her on a pedestal and make them amazing, heroic people. We didn' you of the disabled on a pedestal and make them amazing, heroic people. We didn' you of the disabled on a pedestal and make them amazing, heroic people. We didn' you of the atracter that was ordinary." Thy Statem Irani has a handy list of disabil-ty tropes that need to disappear from Bol-tywood. "First, if a handicapped character uns a race against an able-bodied person and loses, it's like, "Wow! A+ for effort." Myr7 Hey shouldn't be competing with the pist really good. Like in Taba'. Secondly, the anadicapped character is either totally sub-missive or going all out with raging fury sangap Duti in Saajan is spurned early by a woman who says that no female would ver consider him worthy because of his disability. He accepts this and Madhuri bixit's character has too to great lengths to with nim over. Good luck with that in the early word. Thirdly please don't enhance her al word. Thirdly, please don't enhance her al word. Thirdly, please don't enhance her alway articular physical ability. And fi

April 5, 2015: The national feature on disability portrayed in Indian (more specifically Bollywood) films talks about stereotypes and why depiction of a teen with cerebral palsy in 'Margarita with a Straw' is an important landmark with no heroics

### TIMES

SUNDAY TIMES OF INDIA, AHMEDABAD JUNE 28, 2015

6.

# Mentally disturbed woman bludgeons 2 kids, 1 critical

#### TIMES NEWS NETWORK

Ahmedabad: A 50-year-old woman bludgeoned two kids, aged three and seven with an iron mortar in New Nikol on Friday evening.

The cousins — Tanmay and Anuj Parikh — have been rushed to a private hospital. "Tanmay has sustained 11 wounds on his head while the younger one Anuj is belived to be critical with a brain hemorrhage," said a source. Police sub inspector R G Khant of Nikol police station

Police sub inspector R G Khant of Nikol police station said, "The accused, Kamla Savani, seems to be mentally ill and is undergoing treatment. She lives with her sons in the same apartment building. She was thrashed by an agitated mob and is also in hospital."

According to the kids' maternal uncle Sanjay Parekh, the duo had come to the city to spend their vacation. "They were both playing in the compound at about 5.30 pm on Friday when Savani, who lives in the adjoining block rushed out of the house with a metal mortar and hit them repeatedly on the head," said Parekh.

He adds, "On hearing their cries, the watchman, Lagdhir Desai rushed out to help them. However, Savan I attacked him."

A neighbour, Chetan Kadai said that local residents ran in, caught the woman and





Savani, the accused

handed her over to the police. Parekh further adds, "the neighbours suspect her to be involved in black magic, why else did she attack the little kids."

Relatives of the children say Tanmay is believed to be out of danger while the younger one Anuj, is critical.

"A case of assault has been registered Kamla Savani and we have also put her under surveillance at the hospital where she has been admitted," added Khant. Man mistaken for thief lynched, 34 held

#### TIMES NEWS NETWORK

Ahmedabad: A mentallychallenged man was beaten to death by a mob in Kuha village, 25 kilometers from Ahmedabad, on Friday afternoon. Sources said he was plcked up near the highway and taken to the village where he was assaulted and killed. When a police team

When a police team rushed to the villages to rescue the man, the villagers pelted stones at the vehicles of the cops. The police were forced to lob teargas to disperse the mob. Kanbha police, who are investigating the killing, had arrested 34 persons by Saturday evening. A State Reserve Police (SRP) team has been deployed in the village to maintain law and order.

Kanbha police said some Kuha villagers had taken the man for a thief who used to enter houses in Kuha and nearby villages during the night and steal valuables. The man had an unkempt appearance and was found wearing only a thief near Ahmedabad-Vadodara Expressway.

The mob from Kuha did not have any evidence

against the man. Yet it took him to the village at 4:30 pm and beat him up savagely. A Kanbha police official

A Kanbha police official said a villager had called the police control room to give information about the incident. "Police teams were immediately dispatched to rescue the man. However, when the police reached Kuha, the villagers confronted them and refused to release the man. They began to throw stones at the police causing damage to van and injuring two policemen," said the police officer.

Police finally took the injured man to a nearby health centre where he died during treatment. "The man was in early forties and had no identity documents on him," sald the Kanbha police official.

Police arrested Juvansinh Thakor and 33 others during a search operation late on Friday night and charged them with rioting, assault on government servanis and damaging government property. PP Vaghela, sub-inspector of Kanbha police station, said they are questioning the arrested persons to identify the others who were involved the violence.

June 28, 2015: The story uses 'persons with mental health issues pose danger to society' frame where a woman undergoing treatment is named for attacking two kids with apparent no provocation. She is described as 'mentally disturbed/ ill'

293





## 95% disabled, Bunty Dada battles huge odds to get PhD

### JNU Student Grew Up With Cerebral Palsy

9.

Manash.Gohain @timesgroup.com

New Delhi: At a special convocation in the vicechancellor's office recently, Delhi's Jawaharlal Nehru University awarded a doctorate degree to Bunty Dada. The proud PhD student struggled to reach out for his degree being handed to him by VC SK Sopory, though his eyes shone bright and his hands moved animatedly towards the document that signified a tremendous victory of mind over matter. The name inscribed on the doctorate degree was "Akshsansh Gupta". But Bunty Dada he is on the campus of India's top university.



Akshansh Gupta was conferred PhD at a special function in JNU

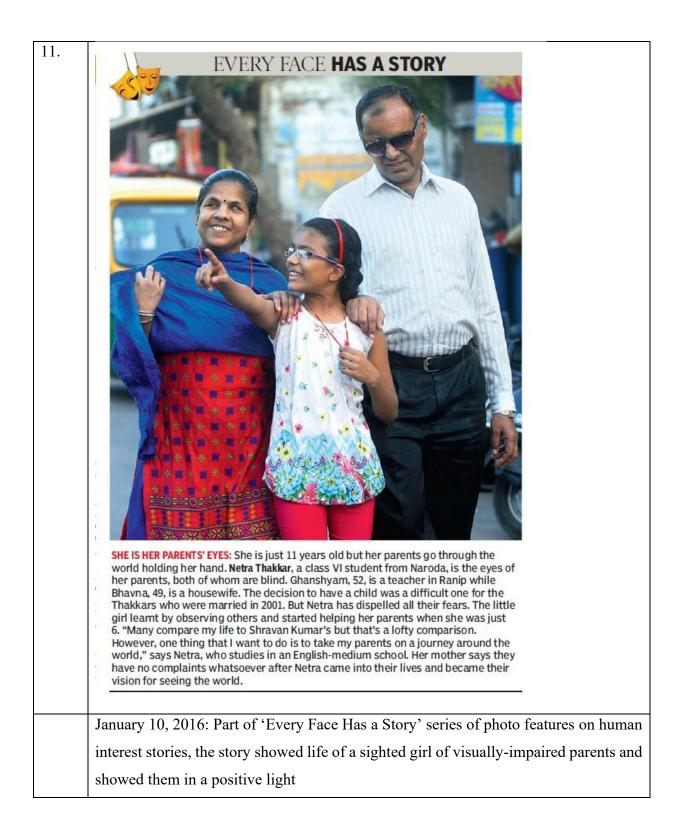
Gupta's lower limbs are useless, his slurred speech is difficult to decipher and his arms have the stiff, awkward flailing of someone not quite in control of his movements. In a system that insensitively rates disability in terms of percentages, the 32-year-old is deemed 95% disabled – he grew up with cerebral palsy. More equipped people would have quailed at the extraordinary hardships he faced in trying to get a "Dr" as a prenomial, but he persevered and that is why the university honoured him with the special convocation, months in advance of the formal ceremony next year.

► Continued on P 10

November 19, 2015: The story highlights 'success against all odds' framing where a student at Jawaharlal Nehru University was featured for completing his PhD despite having '95% disability' due to cerebral palsy

#### 10. Less than 50% govt buildings in city disabled-friendly: Survey Study By **Times View** In working condition | 40% he central government is **BPA, GNLU** GLOOMY planning Rights of Non-existent | 57% Persons with Disability Bill 2014 that will replace two-decade old PwD Act. The Students In unusable FINDINGS condition | 3% experts believe that the bill esy Parth.Shastri@timesgroup.com will provide the much-needed Present | 7% equal rights to the disabled Ahmedabad: If you are a dis-> Absent | 93% instead of sympathy. In such a Disabled-friend abiled person, the chances are scenario, it is important that that there will be no ramps or such rules are communicated Available | 46% Aware | 55% Present 17% lifts tailored to your needs at goand implemented at the vernment buildings. What ma Absent | 93% Not available | 54% ▶ Not aware | 45% lowest level of government kes matters worse is that despifunctioning. The RECOM ENI ATIONS OF STUD infrastructural facilities such te the provisions of Persons as ramps and lifts not only help the disabled but also with Disabilities (Equal Oppor-> Provide ramps in all public Ensure reserved seating for tunities, Protection of Rights disabled in public transport buildings and ensure they are and Full Participation) Act, ve maintained elderly and children. The Sensitize govt employees and officials about the law for ry few government officials are survey shows that less than Provide tactile map of larger half government buildings provide basic facilities – a aware of what the law requires. government clusters where possible disabled persons and its These are some of the findings implementation grim picture even after of a survey conducted recently Provide lifts or ramps at Undertake inspection for by Legal Services Committee of twenty years of PwD Act. schools, colleges and govt offices frequented by public implementation of the law and Gujarat National Law Univerimpose penalties for its violation As part of the study Level of sity (GNLU) and Blind People's Association (BPA). Accessibility Available to Per-sons with Disabilities at Public On December 3 - the Inter-Indifference is the rule in public places, amenities national Day of Persons with Places', the eight committee he survey was divided into interviews, disabled persons said Disabilities – Prime Minister Narendra Modi launched the members surveyed 53 govern-ment buildings over a period of threeparts-physical verification of the infrastructure that though the BRTS is lauded for its low-floor buses and same ambitious 'Accessible India' campaign for the disabled. The two months and interviewed 15 at places such as courts, police height of platform and bus, most government officials. stations, hospitals, etc.; talks with of the time they find it difficult to aim of the campaign is to provi-de barrier-free environment to Shipra Mishra, a GNLU committee member who was government authorities to assess sit on designated spots. The the disabled. According to 2011 their awareness about the legal practice of announcing the part of the survey, said that provisions; and talks with names of approaching bus stops census, there are over 2.68 crore when one looks at legal definidisabled persons to know their disabled persons in India. has also been discontinued. The tion of 'disabled', the word co-vers a number of disabilities. views. The survey found that ramps are slippery. Many of these We welcome the government's efforts through this inimost places, including banks and problems can be found in the "While the law itself is strong, AMTS as well. Most disabled police stations, did not have tiative to make disabled people its implementation is not satis more acceptable in society," safunctional ramps for wheelchairs people complained that it is factory. India has also been part Most modern lifts with digital impossible to crossroads id Bhushan Punani, executive of a number of international keypad did nothave Braille because of the heavy traffic and secretary of BPA. conventions that support the symbols, Likewise, barring a few "But it is necessary to have non-adherence to traffic rules. right of the disabled. But duplaces such as Kalupur railway Even colleges that teach a reality check to understand ring the survey at Ahmedabad. the situation on the ground. As station, none had auditory cues engineering and architecture are the picture that emerged finalfor the blind. During the not equipped with ramps. TNN ly did not support the claims. the Legal Services Committee of GNLU was working closely she said. She further said that the matter from the point of vi-ew of legal rights," said Puna-GNLU and BPA is the first one with BPA for the academic year. at most places, they did not find students were asked to find out of its kind to be conducted in government officials very sup the facts without bias and see ni. Incidentally, the survey by Guiarat. portive of the cause.

December 11, 2015: Shortly after the Accessible India campaign launch, the story highlighted the less-than-desirable share of accessible buildings even in government setup. The story highlights media's role of fact-checking and recommendations



Mentally ill 40-yr-old killed by parents Coimbatore: In a case of filicide, a couple on Saturday allegedly thrashed their 41-yearold mentally challenged son to death because of his "unprovoked physical assaults" on them, police said. The couple-Krishnasamv and Mahalakshmi -beat their son with a hammer and an iron rod, resulting in his death, in their house near Sulur after he started attacking them soon after waking up in the morning, police said, adding that the two has been arrested.

Rajendran, who developed some mental disorder a few months ago, started behaving abnormally and used to attack his wife and nine-year old son, without any provocation, police said. Unable to bear his unprovoked physical assaults, his wife left the house along with their son recently. Though the parents got him treated at a hospital, his condition did not improve. PTI

January 24, 2016: The story from Coimbatore is example of 'persons with disabilities, especially those with mental illness, dangerous for society' frame where narrative mentioned how tired of unprovoked physical assaults parents of a 41-year-old man thrashed him to death





### TIMES CITY

A welcome move,



Pension **Doubled** For Those Retired From Sports

16.

4

#### TIMES NEWS NETWORK

Ahmedabad: Following up on its sports policy declared earlier this month, on Monday, the state government gave specifics in the assem-bly about cash prizes and in-centives for disabled sports-persons, who excel in their field. Coch prizes rendered fields. Cash prizes ranging from Rs5 lakh to Rs5 crore have been proposed for disnave been proposed for dis-abled sportspersons, for winning medals in national or international events. The pension for retired sports-persons was also increased form Def 500 to De0 2000 cm from Rs1,500 to Rs3,000 per month

The cash rewards under the new sports policy are over and above the jobs that have been promised to the differently abled champions

Nanubhai Vanani, minister of state for sports, who announced the cash re-wards, said when asked about the jobs, "It will be accor-ding to the policy announ-ced earlier."

"The reservation in jobs will be according to the poli-cy announced by the govern-ment earlier on March 9 this year. The policy of giving preferences in jobs will be at par with the achievements and experience of the sportsperson. A gold medal in Olym-pics would mean a class-I job



even for sportspersons who are differently abled," Van-ani added. The announcement in

the state assembly came af the state assembly came at-ter several representations to make place for disabled sportspersons in the go-vernment's sports policy. The minister also stated

that for the for team events like doubles tournaments the cash reward will be divided into two, while in other team events, each individu-al will get 33% of the cash award announced for that

say players, activists TIMES NEWS NETWORK Ahmedabad: The state go Animediabadi: The state go-vernment's decision to provi-de incentives to disabled sportspersons with stellar performances has been wel-comed by the players and dis-ability activities. They said

ability activists. They said ability activists. They said that the money would not on-ly motivate more disabled sportspersons to participate in major events but also pro-vide them with a viable care-evention. er option. Nandini Rawal, executive

director of the Blind People's Association (BPA), told TOI that the players of various sports generally come from very humble backgrounds. BPA trains a number of blind sportspersons annually. incentives today Tho

start from Khel Mahakumbh

where the winners get a cash prize. It motivates them to pursue further and excel in the sports they choose. The state has a number of exem-plary disabled players who would make most of it," she read said.

Bhavina Patel, an interna-Bhavina ratei, an interna-tionally acclaimed para table tennis player from Gujarat, said that the sportspersons require money primarily for travels and equipments. "Even for getting selected in union team eno page to col Indian team, one needs to collect points that come from winning these tournaments. Most of the players have to fund it themselves. The in-centive would thus reduce the fundated burden from play. financial burden from play ers and encourage them to go to international events," she said.

Govt sports complex in every district Ahmedabad: The state government has decided to open at least one sports complex in every district of the state. There are 16 sports complexes in the state right now. According to minister of state for sports Nanu Vanani, 531 sportspersons are being trained at these 16 sports complexes, of which 281 are men and 213 are women. Vanani's reply was in response to a question on the Khel Mahakumbh by Bharuch MLA Dushyant Patel. The government said 12,656 sportspersons were selected at taluka level, 1,242 at district level and of these 531 were short-listed for training. The insister said the state government has adopted a policy to provide free education, books and other facilities to these sportspersons. The government further told the assembly that 60 coaches were recently appointed by the state government. Those being trained at sports complexes are receiving training from expert coaches. The government, to a question by Khambaliya MLA Meraman Ahir said that to set up a sports complex in each

district, the state requires 15 to 20 acres of land. TNN

March 29, 2016: The story is an example of coverage of government policy announcement and highlighting disability-related issues over other topics in overall placement and prominence

for various sports events. In

for various sports events. In another announcement, Vanani informed the assem-bly that the pension for reti-red sportspersons will be in-creased to Rs 3,000 and there

would be no income ceiling

for the same. Earlier, the go-vernment use to give a pen-

sion of Rs1,500 for retired sportspersons whose monthly income was Rs 2,500 or lower.

17.

### **TIMES NATION**

# One toothbrush & 49 disabled kids: The state of govt homes

Need To Stop Funds Pilferage And Improve Facilities: NHRC Chief

Dhananjay.Mahapatra @timesgroup.com

New Delhi: At a government-aided home for the disabled, 49 children were using a single toothbrush and had just one tube of toothpaste. That picture continues to hurt National Human Rights Commission (NHRC) chairperson Justice H L Dattu, though he witnessed the pitiable sight over two years ago as a judge of the Supreme Court.

"It is not important to say in which state I saw 49 children using one toothbrush as that is the condition in most government-aided or government-run homes housing disabled children, who are the most neglected lot," Justice Dattu told **TOI**.

"There is no dearth of government grant for upkeep of facilities at the homes for disabled and senior citizens," he said, citing the experience he gained after visiting old age homes daily and spending time with the inmates to give them hope and



NHRC chief HL Dattu is also working to improve the living conditions at old-age homes

confidence to lead a cheerful life.

"What we need to stop is pilferage of the money, and (instead) use it to improve the basic facilities for senior citizens and disabled persons," the NHRC chief said. After his retirement as Chief Justice of India in December and before his appointment as NHRC chairperson in February, Justice Dattu spent time every day in old-age homes near Bengaluru.

"An inmate of one of the old-age homes told me that his two sons were very well placed and earning a lot, but neither was keen on keeping him with their family. This is the story in many well-to-do families. What that person needed in old age was a confidence-booster given daily by an expert counsellor. We need to have such experts in every old age home, who will listen to them and give them hope and confidence to live the sunset years of their life with equal vigour," he said.

Sinceassumingchargeat NHRC, Justice Dattu has held several meetings with other members justices Cyriac Joseph and D Murugesan and former IPS officer S C Sinha - on these issues. The NHRC has written to its special rapporteurs across states to visit homes for senior citizens and disabled children, and give a report on the basic facilities available there "Prima facie the living conditions in these homes are pitiable," Justice Dattu said. The NHRC chief has also activated the core group of experts attached with the apex human rights body for suggestions to improve the condition of these homes.

piest moments in my life if the NHRC makes a difference to the living conditions in old-age homes and the homes for disabled children," he said. The Centre, under Deendayal Rehabilitation Scheme, gives aid to 421 NGOs which run 502 projects, including special and residential schools for physically challenged children.

The number of old-age homes has been steadily declining. From 269 homes getting assistance in 2012-13, the number came down to 137 in 2014-15.

The Supreme Court in a recent judgment in Jeeja Ghosh case had said, "Persons with disabilities are the most neglected lot not only in society but also in the family. More often they are an object of pity. There are hardly any meaningful attempts to assimilate them in the mainstream of thenation's life. The apathy towards their problem is so pervasive that even the number of disabled persons existing in the country is not well documented."

"It will be one of the hap-

May 17, 2016: The article is an example of negative news coverage from the context of disability sector where the NHRC chairperson criticized the condition of government-run facilities for children with disabilities

### THE TIM

# Javelin thrower is 1st Indian to win 2 Paralympic golds

### Jhajharia Joined SAI Gandhinagar As Coach In June

18.

Saibal.Bose@timesgroup.com

Jaipur/Ahmedabad: Devendra Jhajharia had promised his wife Manju a gold medal. When Manju got a call from Rio de Janeiro in the early hours of Wednesday, she wept in joy. The 36-year-old javelin thrower, who had lost his left arm below the elbow after being electrocuted as an eight-year old, told Manju proudly that he had won the second gold medal of his career in the Paralympics, creating history for India.

The native of Rajgarh in Churu district of Rajasthan improved on his own world record of 62.15m — set in Athens in 2004 when he won his first



Devendra Jhajharia poses next to the scoreboard showing his world record at the Paralympics in Rio de Janeiro on Wednesday

gold — in men's F46 category with a throw of 63.97m. "I was confident of winning the gold," Jhajharia told TOI later. "The world record is a bonus."

Manju was expecting the record. "He has been working very hard for the past four months," she said. "I am not surprised that he has bettered the world record." Ibailwaria's catagary, had

Jhajharia's category had

been excluded for two editions after Athens, forcing him to wait for Rio. Two other Indians werefielded in the event— Rinku Hooda finished fifth while Sundar Singh Gurjar failed to start. India now have four medals at the Rio Paralympics so far, two of them gold. Mariyappan Thangavelu had given India the first gold in men's high jump.

Jhajharia has a strong Gandhinagar connection. This year in June, he quit his job with railways and joined Sports Authority of India (SAI) as para-athletics coach and was posted to Gandhinagar. "Since SAI Gandhinagar is a para-nodal centre, Jhajharia joined here as a coach. He, however, did not train any athlete as he was busy in his own preparations for Rio Paralympics with his coaches Deepak Bhardwaj and Sunil Tanwar," an SAI official told TOI.

Also, Gandhinagar remained a breeding ground for the Rajasthan man as he has been training here for a few years. "He frequented Gandhinagar four-five times to attend paraathletics camps held here," the official added.

(With inputsfrom Shweta Singh)

Continued on P 17

September 15, 2016: An example of extensive Rio Paralympics coverage, the story on page 1 celebrated Devendra Jhajharia's success and underlined the importance of two gold medals

# Take A Bow

India's Paralympic athletes bring in more laurels at Rio than its larger Olympic squad could

A way from the media glare, a small Indian contingent of 19 Paralympic athletes have brought more laurels for the country than the fancied 118 member contingent which won a mere two medals at 2016 Rio Olympics. India has raked in a record haul of two Paralympic golds, one silver, and a bronze in the past week. Before Devendra Jhajharia broke his own record to win a gold medal in F-46 javelin throw, Thangavelu Mariyappan had won India's first gold medal in the T-42 high jump. Deepa Malik's effort in shot put won her silver while Varun Bhati earned a bronze in high jump. This is a significant



achievement, considering India could win only 3 medals from 1988 to 2012.

In the current system, our sportspersons have to fight multiple battles with society, finance, and apathy before the big stage arrives. And Paralympic athletes have to fight their disabilities as well. The government did provide good facilities for training, but the state of India's sports administration is well known. In this context, it is doubly creditable that India's Paralympic contingent has brought in as many medals as it has so far.

Jhajharia is the only Indian to win two Paralympic golds (2004 and 2016). The wheelchair bound Malik underwent 31 surgeries and 183 stitches before becoming the first female athlete to win a medal. Thangavelu's right leg has remained stunted after an accident at the age of five. His generosity showed when he promised to donate Rs 30 lakhfrom his prize money to his government school. It's time India as a society showed matching generosity of spirit, by being more sensitive to the problems of the disabled and by designing our public spaces to be far more disabled friendly than they are at present.

September 16, 2016: The editorial article after success of para-athletes at Rio was an example of the editorial reflection on the issue and the comparison it drew with the 'normal' athletes

### Govt, oppn come together briefly to pass disabilities bill

### TIMES NEWS NETWORK

20.

New Delhi: The treasury and opposition benches came together briefly in the Lok Sabha on the last day of the winter session on Friday to clear the disabilities bill that raises the number of recognised categories to 21, from seven, besides hiking reservation in government jobs from 3% to 4%.

The Rights of Persons

#### Disruptions lead to winter washout, P 11

with Disabilities Bill, 2016, for the first time, also includes acid attack and Parkinson's disease in the list of recognised disabilities.

Though the entire opposition supported the bill, Congress and Telangana Rashtra Samithi members pressed for division on an amendment on the issue of reservation. They wanted an amendment to increase the reservation for the disabled to 5%, arguing that the original bill, introduced by the UPA-II government in  Quota for disabled in government jobs up from 3% to 4%
List of disabilities expanded from 7 to 21. New entries include acid attack victims, Parkinson's patients and

**QUOTA IN JOBS RAISED TO 4%** 

2014, had provided for it.

those suffering from blood

disorders like thalassemia

The amendment was, however, defeated by 121 to 43 votes. Prime Minister Narendra Modi was present in the House during the discussion and division which saw the House run smoothly for over two hours, leading to passage of the bill. The bonhomie over the politically sensitive issue was similar to the one witnessed in the Rajya Sabha on Wednesday when the upper House passed the bill.  Those with psychosocial and intellectual disabilities like
Down's syndrome, autism and dyslexia eligible for job quota for first time

► Free education for children aged 6 to 18 with high level of disability

nister of social justice and empowerment Thaawar Chand Gehlot said a scheme of "universal identity card for the disabled" was on the anvil and an agency had already been finalised for it. The proposed card would also be linked to Aadhaar to help the disabled all over the country in a seamless fashion, he said. The card would also resolve the problem of getting disability certificates, he said.

Replying to the debate, mi- Continued on P 8

December 17, 2016: Coverage of the Rights of Persons with Disabilities Act being passed at Lok Sabha gave a brief idea about the new provisions without delving much into its finer points or its impact on persons with disabilities

### 21.

HER SAGA SO FAR DECEMBER 28 | The 14-year-

old girl was found outside Civil Hospital. She was shifted to the hospital after 181 Abhayam and Childline were informed. Was kept in the general ward

#### DECEMBER 29 | Childline learns that the girl has fled from the ward

DECEMBER 30 | The girl returns to the hospital after another caller, Mahnoor Saiyad, spots her outside the hospital. She takes her to Vikas Gruh at Paldi, which reluctantly accepts the girl for only one night after the intervention of the DCPO. The District Child Welfare Committee (CWC) chairperson is approached

DECEMBER 31 | CWC orders Vikas Gruh to admit her despite their reluctance.

JANUARY 2: She is taken to Government Hospital for Mental Health near Delhi Darwaja for a check-up. Two more visits follow on January 5 and 6

JANUARY 11 | The situation is aggravated as the girl is shifted to VS Hospital and her condition remains unchanged

JANUARY 14 She is sent to the Manthan organization in Gandhinagar, along with three other girls. She is immediately sent to VS Hospital after her initial physical check-up reveals signs of violation. The organization's representative leaves. Two caretakers are appointed at the hospital

TT1 1

## **NOBODY'S DAUGHTE**

Lang

14-Year-Old Learning-Impaired Girl Raped Repeatedly; Govt Agencies Apathetic

TIMES NEWS NETWOR

Ahmedabad: A 14-year-old girl in VS Hospital is oblivious to the world around her – but not to the pain she goes through 24x7. She can't hold her stool back as she has been grievously violated – she was raped and subjected to unnatural sex, probably several times - and thus keeps 'leaking.' Adding to this, the fact that she is learning impaired, she is ruthlessly shuttled from one agency to another as nobody's seems willing to take custody of this daughter.

On Wednesday, 22 days after she was first found outside Civil Hospital, city police registered a complaint for rape and unnatural sex against unidentified persons. Her physical check-up at VS Hospi-

sons. Her physical check-up at v8 hospi-tal on January 14 revealed she was sexu-ally violated. Mahnoor Salyad, 29, who saw the girl outside the hospital on December 30, not only tended to her and gave her clothes but also became the complainant in the case on January 19, after getting to know her plight from VS Hospital. Childline officials said this it is one of

the most heart-wrenching cases - not only because it throws light on the plight of the learning impaired, who live in the open and are subjected to sexual assault — but also because she was rejected from almost all quarters, as there is no facility

1

Success said that a senior team of doctors, including gynaecologists and urologists, at S vS Hospital met on Wednesday to decide the future course of her treatment. As her anal area is ruptured, doctors at the moment have decided to provide an outside pipe for her discharge, to keep her from agony, during which time they will observe her response to treatment. If her condition does not improve, reconstructive surgery of the anal tract is the only option, said sources. Course of treatment decided upon

414

in the state that keeps mentally unstable

girls or women with who are incontinent.

"Since the medical report finding that she was raped was made only on January 14, it is obvious that she did not undergo

a medical check-up according to the

norms of the Juvenile Justice Act for all

the days that she was in Civil Hospital, VS Hospital or at the Vikas Gruh where she was earlier taken. The observation

home also played choosy, being not will-



### She tended to her, set ball rolling with

Mahnoor Saiyad, 29, emerged as a saivour for the girl. She not only tended to her and cleaned her up, even while the hospital remained unsympathetic, but also became the unsympatiente, but also became the complainant in the rape case with the women's police station. Saiyad's complaint states that she saw the girl lying on the roadside in tatters, on December 30 and informed the 181 Abhayam helpline. She saw her during a visit to the hospital for her own treatment which is ongoing. She got her a pair of clothes and had her admitted her to the hospital, said police officials.

ing to admit a 'toilet untrained' girl which is clearly against the rules," said a Childline official.

"This mentally unstable girl was also shunned as a human being, because she smelled of excrement. Our sources tell us that she was thrown outside Civil Hospital, and is probably from a town in north Gujarat. She told us that she be-longs to Banaskantha," said a Childline official.

Deepan Bhadran, DCP (crime) told TOI that the girl's father has been traced to Banaskantha and asked to reach Ahmedabad at the earliest.

"Whosoever is involved in this hei-nous crime will not be spared. Those found negligent in performing their duty too will be taken to task", Bhadran said. Panna Momaya, ACP (women), said they have written to Civil Hospital and

the shops nearby for CCTV footage, to ascertain identity of the perpetrators. "We have formed four teams to probe the case and are working on all leads," she said.

January 20, 2017: The story of a 14-year-old girl with learning impairment falls in category of 'persons with disabilities as vulnerable or victims' frame where the words used included 'mentally unstable'

Male la and

## Men in Blue retain the trophy

### Hosts India Outclass Pak In Final Of T20 World Cup For Blind

22.

TIMES NEWS NETWORK

Bengaluru: India scored yet another victory against Pakistan in a World Cup match and this time, the Men in Blue delivered in the final of the Blind T20 World Cup here on Sunday. The nine-wicket victory meant skipper Ajay Kumar Reddy and his men avenged the defeat to their arch-rivals in the league phase of the competition, as they successfully defended their trophy in front of an adoring crowd.

Pakistan, who came into the title clash at the M Chinnaswamy stadium with nine wins out of nine, won the toss and decided to bat first. The visitors got off to a modest start with openers Badar Munir and Mu-



Indian blind cricket team members celebrate winning the T20 World Cup

Indian fielders excelled.

Munir soldiered on and reached his half-century but he was dismissed for 57, caught by Ganesh Babubhai Mundakar off the bowling of Ketan Patel. The loss of their inform batsman hurt Pakistan as they lost wickets at regular intervals thereafter. Still, they posted a challenging 197/8 in their quota of 20 overs.

In reply, India were in no mood to let the opportunity slip away as vicecaptain Prakash Jayaramaiah and

hammad Jamil taking the team past the 50-run mark. However, Jamil was run out for 24 on a day when the Reddy stitched together a firstwicket stand of 98 runs. While the skipper was run out for 43, his opening partner scored a fine half-century. No. 3 Ketan Patel chipped in with a handy 26 before he retired hurt. Man of the Match Javaramaiah, who fell short of his ton by a run. then helped the hosts seal the deal with nine wickets to spare. An overjoyed Indian team then thanked supporters - some of whom included Sandalwood and reality television star Kirik Keerthi, fellow actors Sabvasashi Mishra and Mavuri Rajguru apart from the other teams involved in the competition - with a lap of honour. Brief scores: Pakistan 197/8 in 20 overs (B Munir 57, M Jamil 24, A Ishfaq 20; K Patel 2-29, Md Jaffer Iqbal 2-33) lost to India 200/1 in 17.4 overs (P Jayaramaiah 99 not out, Ajay Kumar Reddy 43, Ketan Patel 26).

February 13, 2017: The story is an example of non-typical disability coverage where the disability (blindness) was only mentioned in name of the event. It was covered as any sports story and not with human interest frame

# Compensation a dream of acid attack survivors

### Nothing Yet For City's 4 Survivors

TIMES NEWS NETWORK

Ahmedabad: Kajal, a 19-year-old girl from Mehsana, faced an acid attack in February last year, near the gate of her college. She survived 95% burn injuries and within a week of the attack received a compensation of Rs1 lakh. She was promised total compensation of Rs 3 lakh by the government authorities but she is yet to receive the remaining amount, though a year has passed.

Data provided by city police officials indicate that in the last three years, there were four cases of acid attack reported in Ahmedabad. None of the survivors has received compensation yet.

The failure to give compensation to the four acid attack survivors from Ahmedabad was the focus of the discussion on Thursday between representatives of National Commission for Women (NCW) and city police officials.

A delegation of NCW led by member Alok Rawat is in the city for a two-day review programme. The commission discussed around 95 criminal cases — mainly those of acid attack, hoax marriages, marital discord and dowry—that had occurred between 2012 and 2017.

"We discussed several cases and related issues," said Rawat who was leading the NCW delegation. "However, our primary focus was on acid attack cases and the delay in giving compensation to the survivors."

On this, city police commissioner AK Singh said the authority to decide and disburse the compensation amount (in accordance with the scheme of central and state government) has been given to the district legal aid authority and the state legal aid authority.

"We have submitted proposals to the authority and they are being processed," Singh said.

The discussion also focussed on cases of hoax marriages in which husbands elope to a foreign country after marriage. City police officials said that Gujarat is more prone to such cases as several of them get married for



the US green card.

"Police often face problems in dealing with such cases as it is difficult to find the location of the accused," Singh said. "The commission gave us valuable suggestions on the topic — particularly on how to seek help of local agencies to solve these cases more successfully."

The city police chief further said that in cases involving countries with whom India doesn't have a treaty, there are informal ways of successfully solving the case.

During the discussion, a senior police official shared details of a hoax marriage. He said that the police received a complaint from a woman who had got married, moved to the US and later learnt that her husband was already married.

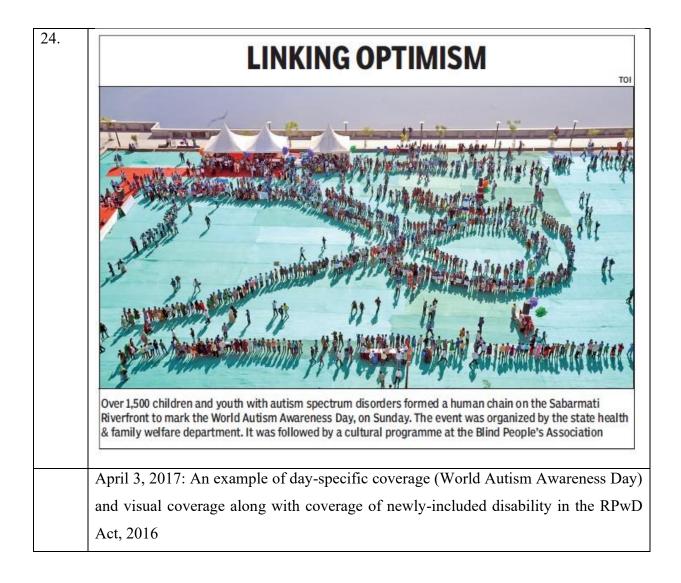
"She was thus forced to return. We could successfully solve the case after we worked on a tip-off about the man and his family visiting the country intermittently," the official said.

NCW representatives, along with city police officials, will hear applicants from Ahmedabad in certain cases on Friday.

Amid a host of serious issues discussed during the meeting, police officials and NCW representatives in a lighter moment discussed a complaint against open defecation. Sources said that the NCW had received a complaint from a woman who accused her neighbour's son of openly defecating in her residential compound.

February 17, 2017: The story is an example of critical approach taken by newspapers about the issues related to newly-included disability (acid attack survivor) and hold the government accountable for its implementation, underlining media's role as a watchdog

23.



# MSU girl with 80% vision loss cracks CAT, makes it to IIM-A

Prashant.Rupera @timesgroup.com

Vadodara: Her vision was steadily waning but her sights were firmly set on one goal: studying in one of the world's premier management institutes, the Indian Institute of Management-Ahmedabad.

Prachi Sukhwani, 21, a Bachelor of Business Administration (BBA) student at Maharaja Sayajirao University's Faculty of Commerce, has achieved that goal by cracking the Common Admission Test (CAT). Suffering from macular dystrophy, also known as retinal degradation, since she was



Prachi Sukhwani

in class III, Prachi has lost over 80% of vision over the years. There is no treatment for this rare form of genetic disorder. But this was hardly a deterrent in fulfilling Prachi's dream. "My short term goal is to join a company, preferably a multinational. Once I get some experience, I will have my own start-up. But my long term goal is to open an NGO for the blind," Prachi, who had scored 98.55 percentile in CAT 2016 in which she had appeared as a person with a disability, told TOI.

Prachi's father Suresh Sukhwani, who runs a garment business, said for 15 years she was regularly taken to Chennai where doctors advised her to wear special glasses for reading.

Continued on P 5

April 11, 2017: An example of 'success against all odds' frame, the story uses 'vision loss,' 'waning vision/ sight' instead of 'blind' or 'visually impaired.' The story however also uses 'suffering from' to highlight the condition

25.

26.

SUNDAYTIMES OF INDIA, A HMEDABAD APRIL 30, 2017

# All courtrooms must be made wheelchair-friendly: HC order

Court: Heritage Conservation Can't Impede Access To Justice

ON I MUMBAI

#### Swati.Deshpande @timesgroup.com

Mumbai: While ramps help the physically challenged enter the ground floor of the heritage Bombay high court building and elevators to its higher floors, Justice Gautam Patel has directed that there be wheelchair access to all courtrooms.

"No litigant should be subjected to the indignity of having to struggle up needless steps or having to be physically carried into a court. Every court must, at a minimum, be wheelchair-accessible," said Justice Patel. His order comes as a boost for the rights of the wheelchairbound in accessing courtrooms, some of which have the witness box at the podium level.

Justice Patel passed the order as the deposition of a wheelchair-bound 96-year-old woman, in a recent battle over an Altamount Road property, had to be recorded in the court's historic and wheelchair-friendly central court hall, not in the Judge's assigned courtroom with an elevated witness box.

"There are steps and a podium in that courtroom, which she would not have been able to negotiate; she would have had to be physically carried into the witness box...," he said, ad-



that heritage conservation should impede access to court of those with physical disabilities. That is surely contrary to every known canon of access to justice and to established constitutional rights. No litigant should be subjected to the indignity of having to struggle up needless steps or having to be physically carried into a court. Every court must, at a minimum, be wheelchair-accessible Justice Gautam Patel DOMENT HER COURT

ding, "That would have subjected her to an undeserved indignity in public view." Justice Patel allowed her evidence to be recorded first by a commissioner—an officer appointed by a court to record it in a civil trial—at her residence, to prevent any inconvenience to the nonagenarian. But when that could not be done, it was recorded in court. Justice Patel sought permission and was allowed to record her evidence in the second floor court hall on April 26. The examination and cross-examination of the nonagenarian, Jayaben Shah, was completed in aday.

completed in a day. In January, the court had observed the dispute was principally between her son and daughter. Keeping the urgency of the case in mind, given Shah's age, the court had appointed a commissioner to record the testimony of the aged mother first "de bene esse"—Latin for "conditionally" — in anticipation of the future needseven before the son's who had filed the suit.

In certain cases, courts will allow evidence to be taken out of the regular course to prevent its loss due to the death or absence of the witness, says the revered Black's Law Dictionary.

Justice Patel, in his order, requested the court registry to immediately place the matter before a committee to decide how to implement wheelchair access to all courtrooms in the majestic Gothic building, built in 1878. The court ordered that a copy of the order be placed before the prothonotary & senior master and the registrar general, the two top officials in the court administration, for action. The matter was adjourned to June 6.

April 30, 2017: The story can be seen as an example of the impact of Accessible India and awareness about accessibility especially at public places

### Record 18,000 disabled persons given aids

#### TIMES NEWS NETWORK

Raikot: Prime Minister Narendra Modi Rajkot: Prime Minister Narendra Modi distributed aids and assistive devices to over 18,000 disabled persons at a function held at the city's Race Course ground on Thursday making it the biggest ever camp in the country in terms of beneficiaries. He also called upon young entreprene-urs to study innovation across the globe that could make lives of divyangs (disab-ed) set of upon beneficiaries.

led) easy. Modi, who began his political career from Raikot in 2001 when he got elected as chief minister of Gujarat, asked the entrepreneurs to float startups to produce bet-ter products using new technology to make lives of divyangs comfortable and a ssured them of support from the government. "Every time I reschedule my program-me specially to attend progammes with di-vyangs, they are special to me. There is not-



disabled-friendly society

hing better than seeing confidence on their faces for me." Modi said. Of the 18,430 beneficiaries, 10,100 will be given 14,828 applian-

ces at an estimated cost of Rs. 5.6 crore and 5,330 assessed by National Institute for Em-powerment of Persons with Intellectual bisabilities (Divyangian) (NIEPID), Secun-darabad will be given TLM kits. Around 3,000 other beneficiaries will al-so be given other applian-



PM also called for a disabled-friendly society and said it was the responsibility of the government to identify and reach each and

every divyang. PM also urged the parents of divyangs to take advantage of the insurance scheme floated by his government. A Guinness World Record for largest number of people singing national anthem in sign language was also cre-

ated.

The event witnes sed participation by 1,442 people. The ear lier record was of 978 persons sing-ing national an-them in sign lang-uage at a single venue in Taiwan

June 30, 2017: The story highlights the media coverage due to involvement of a VIP, coverage of charity in context of disability, and the word 'Divyang' used by English media

28.

27.

### **VECSTASY** OF IDEAS Berth Too High, Platform Too Far

It's time to refashion Indian Railways into a disabled friendly network



Life for persons with disabilities is not easy in any case. It becomes even more difficult when the environment en the environment unsympathetic to cases of wheelchairis needs. Recent ca d para-athlete bound para-athlete Suvarna Raj and 100% blind Vaibhav Shukla bring this it very vividly. If Indian Railways (IR) had made a

sincere effort to provide equal access to persons with disability as they are required to do by the 22-year-old Disabilities Act then Suvarna would not have had to sleep on the floor of the compartment and Vaibhay would not have missed his entrance examination at Delhi University

IR could not provide Suvarna with a It could not provide suvaria with a lower berth leaving her with no option but to sleep on the floor of the compart-ment and Vaibhav had to miss his train because no one would open the door of the compartment reserved for persons with disabilities with disabilities.

Union railway minister Suresh Prabhu has made the customary refrain

Prablu has made the customary refrain of ordering an enquiry into the occurrence. But the way IR functions it will in all likelihood limit the enquiry to the sequence of events that led to the incident, leaving the organisational factors and systemic failures that created the incident unrecognised and thus unaddressed. On the 2rd of December 2015, Prime Minister Narendra Modi launched the Accessible India Campaign (Sugamya Bharat Abhiyan,) This campaign begins with the statement that for persons with disabilities universal accessibility is critical to gain equal opportunity and live independently and participate fully in all aspects of life in an inclusive society. Targets were set for each sector. But

society. Targets were set for each sector. But even though the Disabilities Act 1995 and the recently enacted legislation which replaces it mandate that IR should make passenger compartments and stations disabled friendly, the IR targets only focus on railway station accessibility. The two issue of accessibility of passenger on railway station accessibili key issue of accessibility of pa coaches on an equal basis, in particular for wheelchair users, was ignored.



With such an attitude it is unlikely

With such an attitude it is unlikely anyone will see a disabled friendly, barrier free IR in the foresceable future unless the rallway minister takes it upon him-self to bring about a change in the thinking, culture and the manner of everyday decision-making so it keeps the need of persons with disability in view. Even though IR appears a monolithic organisation, in practice decision-making is spread over numerous departments so the responsibility for building various links of the disability chain is also distributed, which makes responsibility of everyone and no one inparticular. Further, most of the railway stations

In particular. Further, most of the railway stations and other infrastructure were built in the 19th or early 20th centuries, which makes it difficult to render them disabled friendly without substantial disabled friendly without substantial rebuilding, at great cost. To emphasise, moving from one platform to the other is also an issue as is accessibility to the

compartments. These are not problems peculiar to

Railways did not provide wheelchair-bound athlete Suvarna Raj with a lower berth, leaving her to sleep on the floor, And 100% blind Vaibhay Shukla missed his train and university exam because no one would open the compartment reserved for persons with disabilities

IR. European railways have addressed them by training handlers, constructing ramps to the extent possible and using mechanical devices to lift the wheelchair user into the compartment. Wheelchair users are asked if they would need any assistance when booking a ticket, which is provided by the railway as necessary. IR also has to find the solutions.

I would like to propose a doable solution based on my knowledge of IR as an

THE TIMES OF INDIA, AHMEDABAD TUESDAY, JULY 11, 2017

ex-rallwayman and as someone who is also a wheelchair user who travelled extensively by train for performing his duties. The proposed solution has three components. The first component is availability of assistance at embarking and destination stations very similar to what airlines provide. The second component is that those assigned to assist including the coach attendants are adequately trained in handling wheelchairs and transferring a person with disability into an aisle chair, without injury. They also have to be capable of lifting the person into the compartment and settling him or her into the allotted chair or berth. The last component is the ability of persons with disability to indicate their peods for assistance at the time of pooking and an institutional mechanism that ensures that the asked-for assistance

that ensures that the asked-for assistance is provided when the passenger reports

built upon by providing ramps and iffs that will enable persons with disabilities get to other platforms with ease. There is also a need for compartments with wider doors and accessible toilets and chairlifs for getting into compartments. Handlers will be required but handling will become easier for them and asfer for the persons with disabilities. All this can only come about if the

safer for the persons with disabilities. All this can only come about if the rallway minister makes it his personal mission. For example he can make it clear that he will not inaugurate any facility or train that does not cater to the needs of persons with disabilities. For this he will need a disability adviser who acts as his ears and eyes, for asses-sing different facilities for compliance with disability requirements, before the minister accepts any invitation for inauguration. The disabilities cell in his office will monitor the various projects for making

The disabilities cell in his office will monitor the various projects for making infrastructure and coaches disabled friendly and for training station staff and coach attendants to handle wheel-chairs, and also monitor the associated information systems and the institutional mechanisms for implementing the proposed three component system. Theories in unbalchairs in unbalchairs.

The writer is a wheelchair user and former general manager of Indian Railways

to the assistance desk Once this is put in place it has to be built upon by providing ramps and lifts

313

July 11, 2017: The piece on editorial page can be seen in the light of movement for accessibility with specific reference to 'Accessible India.' The author is also identified as a 'wheelchair user' to provide an individual perspective

## Sound of kindness: Fighting for deafness-free GenNext

Himanshu.Kaushik @timesgroup.com

29.

Ahmedabad: A group of ENT specialists in the city has begun a campaign to collect old and discarded hearing aid machines. After repairs, the group gives them free of cost to needy and poor children.

The group has also formed the Tara Foundation and has taken up a drive to have young children scanned for hearing defects right at birth, and to make efforts that those who have hearing problems start using machines from the age of two.

Dr Neeraj Suri, a cochlear implant surgeon with Gandhinagar Civil Hospital says, "Tara foundation is now scanning newborns at Gandhinagar, Bhuj, Gandhidham, Kalol, Godhra, Patan and Siddhpur civil and even at the 10 Neonatal Intensive care units including that in Ahmedabad."

Suri said, "We have found from experience that 5 out of every 1,000 children born and admitted in NICU were born with hearing disorders, while



WORLD DEAF DAY

the same in case of normal deliveries was 2 out of every 1,000 newborns."

Suri said "a child cannot develop speech and language with such disorder. Hence, the aim is to recognize a deaf child before the age of one year, as the babies start hearing between one and three." "Unfortunately, hearing loss is often not detected until a child grows up to four years. The number of children suffering from hearing disorders is especially high in rural areas due to lack of awareness," he added

Hemant Patel who is taking

care of the hearing aid bank said the mission of the trust is a deafness-free new generation. Their mission is to enable hearing impaired children to listen and speak like their friends who do not have any such issue. "Tara Foundation aims to give cochlear implants and other hearing aids and even promote education and social awareness to battle deafness," said Patel.

Amit Anand, who is also incharge of the hearing aid bank, says the bank is a new beginning for hearing-impaired children. Many children suffer from hearing impairment due to a variety of reasons. The foundation had taken up a new initiative to address the need of these children.

"Many people have hearing aids which are out of order and are not used due to spare parts problem, wires and batteries. The foundation collects such hearing aids, repair and recalibrate them. And offer such calibrated hearing aids with proper services to needy children," said Anand.

September 24, 2017: An example of coverage of speech and hearing impairment and coverage on special day (World Deaf Day) which indicates both awareness and initiative for the community

### 24-inch-tall man is mighty poll icon

EC Picks Him As He Has Been Voting For 10 Yrs Despite Disability

30.

#### Ashish.Chauhan @timesgroup.com

Ahmedabad: The Election Commission has chosen a 24-inch-tall man as the poll icon of a district. Nandlal Chhanga, 34, a resident of Ratnal village of Anjar taluka of Kutch district, was made the poll icon for the 2012 state assembly elections as well.

Chhanga, who has undeveloped limbs and a stunted body, has been exercising his franchise for ten years. In the poll booth, especial arrangements were made to enable him to vote on the electronic voting machine.

The Election Commission has recognized the efforts Chhanga has made to fulfil his democratic duty and has decided to include him in the voter-aware-



Nandlal Chhanga, 34, is the poll icon in Kutch

ness drive for this election too. The Election Commission will spread the message on voter awareness with a video showing Chhanga dealing with everyday tasks. Chhanga will appeal to viewers to perform their democratic duty. "I have been using my right to vote for the past ten years despite my disability," Chhanga said. "Today, fit and healthy persons do not cast their vote even though the government provides facilities for them. I believe it is my right to vote to elect my representative and so I have been casting votes regularly." Chhanga's message is "cast your vote for a powerful democracy."

R M Muthudath, the Kutch collector, said that Chhanga has been chosen for his vocal advocacy of the right to vote. "This time, the EC has been focusing on including people with disabilities so that they can exercise their electoral right," Muthudath told TOI. "So we have chosen him as the icon. People with disabilities in particular and other citizens will be inspired to exercise their right to vote."

Mehul Johi, the deputy district election officer, said that Chhanga's dedication to democracy has made him perfect the election icon. "He never let go of his right to vote at the EVM despite facing difficulties," said Joshi. "The Kutch district administration will circulate his video through traditional and social media."

Dr K G Brahmchhatriya, nodal officer for SVE-EP (Systematic Voters' Education and Electoral Participation) in Kutch, said that special arrangements are made for Chhanga at the poll booth and the EVM will be placed at the floor level so that he can cast his vote.

November 5, 2017: The story, a feature, frames the disability as both an impairment and empowerment with Nandlal Chhanga who is described to have 'undeveloped limbs and a stunted body' becoming an icon for the General Elections in 2017

### Divya Bhaskar

























17. અમદાવાદ, શનિવાર, 23 જૂલાઇ, 2016 | 3 પ્રાથમિક શાળામાં નિમણૂક ન કરાતા હાઇકોર્ટમાં પડકારાયો ાસરકાર 502 સમિતિની રચના કરવા રાજ્ય સરકાર દ્વારા પ્રાથમિક માટે સરકારને આદેશ આપવામાં પ્રજ્ઞાચક્ષ શાળામાં શિક્ષકને આવ્યો છે. રાજ્યના સામાજીક ન્યાય સરકારને આદેશ કરાયો નિયુક્તિ નહી આપવાના પરીપત્રને અને અધિકારીતાના એડિશનલ લીગલ રીપોર્ટર | અમદાવાદ પડકારતી બ્લાઇન્ડ એસોસીએશનની સેક્રેટરીની અધ્યક્ષતામાં એક પિટિશનને હાઇકોર્ટે ફગાવી દીધી સમિતિની રચના કરવામાં આવે. છે. જોકે કોર્ટે નોંધ્યું હતુંકે, કાયદાકીય તે સમિતિ દ્વારા કેટલી જગ્યા પર પ્રાથમિક શાળાના શિક્ષક (વિદ્યાસહાયક) તરીકે પ્રજ્ઞાચક્ષુઓની જોગવાઇ અનુસાર રાજ્ય સરકારે દિવ્યાંગની નિમણુંક થઇ શકે છે તે દિવ્યાંગની શાળાઓમાં નિમણંક નિમણુંક નહી કરવાના રાજ્ય બાબતે સ્પષ્ટતા કરવી. સરકારના નિર્ણયને પડકારતી માટે કાયદાકીય જોગવાઇ પ્રમાણે સરકારે 21મી નવેમ્બર 2014ના પિટિશનમાં જસ્ટિસ જે.બી. એક નિષ્ણાંતની સમિતિ બનાવવી રોજ વિદ્યાસહાયક માટે જાહેરખબર જોઇએ. તે સમિતિ દ્વારા અપાયેલા પારડીવાલાએ રાજ્ય સરકારને આપી હતી. જેમાં બી.એ.. એમ.એ., બી.એડ.- એમ.એડ. એક સમિતિ બનાવી શિક્ષક તરીકે કોઇ નિર્ણય સિવાય રાજ્ય સરકાર એવો નિર્શય કરે કે પ્રજ્ઞાચક્ષુઓ પ્રજ્ઞાચક્ષુની નિમણુંક થઇ શકે કે કેમ પ્રજ્ઞાચક્ષુઓએ અરજી કરી હતી. તે તપાસ કરાવવા આદેશ આપ્યો છે. વિદ્યાસહાયક તરીકે કામ ન કરી શકે સામાન્ય રીતે દિવ્યાંગ માટે 3 ટકા તે અધકચરો નિર્ણય છે. નિષ્ણાંતની અનામત હોય છે જે પૈકી પ્રજ્ઞાચક્ષ તેમજ સમિતિનો અહેવાલ હાઇકોર્ટ સમક્ષ પણ રજુ કરવા આદેશ આપ્યો સમિતિ દ્વારા યોગ્ય તપાસ થવા દો માટે 1 ટકા અનામત હોય છે. જોકે અને તે બાદ યોગ્ય નિર્શય લેવામાં સરકારે પરીપત્ર કરી પ્રજ્ઞાચક્ષુને છે. કોર્ટે નોંધ્યું હતુંકે, કેન્દ્ર સરકાર આવે. જેથી ચાર સપ્તાહમાં એક પ્રાથમિક શિક્ષક તરીકે નિમણુંક નહી સંચાલીત શાળામાં પ્રજ્ઞાચકક્ષુઓની નિષ્ણાંત સભ્યોની સમિતિ બનાવવા આપવાનો નિર્ણય કર્યો હતો. નિમણુંક થાય છે. July 23, 2016: The story '(Gujarat) High Court asks government, can a blind teacher teach students?' reports a petition in the high court about the state government's refusal to appoint teachers with blindness and the court's directives to form a committee to find the reasons. The story highlights non-implementation of

guidelines even by the government and legal remedies for the same



	November 27, 2016: The story 'Divyang to get universal ID, (initiative) to start from Haryana' is an example of government initiatives for the persons with disabilities while another story mentions the preparations by Union government to make 50 cities disability-friendly, indicating positive story and reporting of
20.	inclusivity
	December 21, 2016: The story 'Special seating arrangements for Divyang students in (Gujarat) university exams' is an example of accessibility coverage and attempts by the organizations to provide examination halls on ground floor and near their residences





24.	
	2013માં પગ ગુમાવી ચૂકેલી એબ્સીલિંગ ઇન્સ્ટ્રક્ટરની સાહસિક પહેલ સારા, 8 વર્ષના દિકરાને પણ સાથે લીધો, જેથી તે પણ પ્રેરિત થા
	And 1 and 2 an
	May 11, 2017: The photo story titled 'Sara performed abseiling after four years with wheelchair, took 8-year-old son along so that he can also get motivated' narrates
	life of an abseiling instructor who lost legs in an accident and again started pursuing
	it with her wheelchair. The photo story frames disability as non-confining factor with practice of extreme sport and confidence

25.	60 દિવ્યાંગ બાળકોને ઓસમાન મીર લાઇવ શો ફ્રીમાં દેખાડાયો ભાસ્કર ન્યૂઝ અમદાવાદ
	શહેરના ત્રણ ખ્યાતનામ વ્યક્તિએ 60 જેટલાં દિવ્યાંગ બાળકો માટે ગાયક ઓસમાન મીરનાં લાઇવ કોન્સર્ટની ટિકિટની વ્યવસ્થા કરીને તેમનાં જીવનની પળોને ખુશીથી ભરી દીધી હતી. 30મી મેનાં રોજ અમીરાજ ફાર્મમાં જાણીતા ગાયક ઓસમાન મીરના લાઇવ કોન્સર્ટનું આયોજન કરાયું હતું. આ કોન્સર્ટ માટે અમદાવાદના મેયર ગૌતમ શાહ, ડો. રાજેશ સી. શાહની મદદથી 60 જેટલાં દિવ્યાંગ બાળકો માટે ટિકિટની વ્યવસ્થા કરાઇ હતી.
	June 5, 2017: The story brief '60 Divyang children viewed Osman Mir live show for free' is an example of charity framing of disability where the sponsors' names are prominently highlighted and as narrative mentioned how the action 'filled
	Divyang kids with joy'



# પોલીસે ગુરુકુલથી સુભાષચોક રોડ પરથી બંનેને ઝડપી લીધા બહેરા મૂંગાનું નાટક કરીને ચોરી કરતી માસી અને ભાણી પકડાયાં વધુ તપાસ માટે બંનેને સેટેલાઈટ પોલીસને સોંપી દેવામાં આવી કાઇમરિપેટર અમદાવદ

ડીસ્ટાફ પીએસઆઈ એમ.એ. વાઘેલા સ્ટાફ સાથે વિસ્તારમાં પેટ્રોલિંગ કરી રહ્યા હતા. ત્યારે ગુરૂકલ ટાવરથી સુભાષચોક તરફ જતા રોડ પરથી માસી -ભાશેજ પસાર થઇ રહી હતી. બંનેના ફોટા વહેતા થયા હોવાથી પોલીસ બંનેને ઓળખી ગઇ હતી અને પકડીને પોલીસ સ્ટેશન લઇ ગઇ હતી. પૂછપરછ કરતા તેમાં તેજલબહેન ઉર્ફે ચંદા દેવાભાઇ નટ(મારવાડી)(35) અને ચેલીબહેન અશોકભાઇ નટ(મારવાડી(19) હોવાનું જાણવા મળ્યું હતું. બંને નડિયાદમાં રહે છે અને 10 દિવસ પહેલા અમદાવાદ આવ્યા હતા. જો કે વસ્ત્રાપુર પોલીસ સમક્ષ તેમણે એક પણ ગુનો કબૂલ્યો નથી.



બહેરા મૂંગા હોવાનું નાટક કરીને

પૈસા - અનાજ તેમજ કપડાની મદદ

માંગવાના બહાને સોસાયટીઓમાં

કરીને ખુલ્લા મકાનમાંથી ચોરી

કરતી યુવતી અને તેની માસીની

વસ્ત્રાપુર પોલીસે ધરપકડ કરી છે.

આ માસી - ભાશેજ 10 દિવસ

પહેલા જ આઈઆઈએમ રોડ પરના ચંદ્રગુપ્ત એપાર્ટમેન્ટમાંથી ચોરી

કરીને બહાર નીકળી રહી હોવાની

તસવીરો સીસીટીવી કેમેરામાં કેદ

થઇ હતી. જેના આધારે વસ્ત્રાપુર

પોલીસે બંનેને ઝડપી લીધી છે. જો

કે આ બંનેએ વસ્ત્રાપર, સેટેલાઈટ,

ઘાટલોડિયા, આનંદનગર, સોલા

મૂકબધિર હોવાનું નાટક કરી ચોરી કરતી માસી અને ભાષેજ.

હાઈકોર્ટ, નારશપુરા, નવરંગપુરા સહિતના વિસ્તારમાં સંખ્યાબંધ ચોરીઓ કરી છે. પરંતુ તેમશે એક પણ ગુનો કબૂલ્યો નથી. વસ્ત્રાપુર પોલીસે બંનેને સેટેલાઈટ પોલીસને સોંપવા તજવીજ શરૂ કરી છે. વસ્ત્રાપુર પોલીસ સ્ટેશનના

September 11, 2017: The story 'Woman and niece caught for stealing on pretext of being speech and hearing impaired' highlights the negative aspect of media framing where two women feigned disability to gain access to residences or get help from citizens

28.

મેં <b>તેમ અંગ</b>	દિવ્યાંગોનાં નહીં કઢાવાય હીલચેર પણ ખાલી નહીં ટ્રેસ ડિટેક્ટરથી તપાસ
1	કિસ્સામાં ખૂબ જ જરૂર જણાશે તો જ સુરક્ષાબળ કૃત્રિમ અંગ હટાવવાનો આગ્રહ કરી શકે છે. સ્ક્રીનિંગની અન્ય રીતોના સૂચન માટે સીઆઈએસએફના આગ્રહ પર બ્યૂરો ફૉર સિવિલ એવિયેશન સિક્યોરિટી (બીસીએએસ)એ એક સમિતિની રચના કરી છે. આવા પ્રવાસીઓની તપાસ માટે સ્ટાન્ડર્ડ ઑપરેટિંગ પ્રોસીજર બનાવવા માટે સૂચન પણ મગાવાયાં છે. સીઆઈએસએફના ડીજી ઓ.પી. સિંહે જણાવ્યું કે તાજેતરમાં દિવ્યાંગો માટે કામ કરતા વિવિધ એક્ટિવિસ્ટ અનેઅનુસંધાન પાના નં. 9
removed at airport' underline	Artificial limbs of the disabled persons would not be es resolve for a major issue faced by many persons with to undergo humiliating check. It is an example of

coverage of a policy decision and positive coverage



## IV. PROFORMA OF QUESTIONNAIRE ADMINISTERED TO PWDS and RELATIVES

### Greetings!

I am Parth Shastri, a journalist by profession and PhD student at the Maharaja Sayajirao University of Baroda. My thesis title is 'Media Representation of Disability Issues in Context of the Rights of Persons with Disabilities (PwD) Act, 2016: A Study Based in Gujarat.'

Through the study, I try to assess whether the law has changed media coverage of disability issues in Gujarat. The period after 2016 is important due to introduction of schemes such as Sugamya Bharat (Accessible India) and coining of words such as Divyang.

I am taking four broad categories – locomotor disabilities, visual impairment, speech and hearing impairment, and intellectual disabilities – for the questionnaire. But it is in no way limited to the four, and all the persons with disabilities – covered under RPwD Act, 2016 – can participate in the survey.

As part of my doctoral studies, I am now in process of data collection, and I need your help. For intellectual disabilities, the parents/ relatives can be respondents, and for any other disabilities, the Person with Disability/ies (PwD) should fill up the form. While there is no age bar for the relatives of PwDs, the minimum age for PwDs should be 16 years.

The questionnaire is designed to cover different aspects of media consumption habits and your perception of media coverage. But if you want to raise any other questions related to the topic, please use the space below the questions to highlight them in short.

Your careful and honest responses can help us understand the complex phenomenon of disability representation in media and help policymakers and educators. Filling up the form would not take more than five minutes. Please reach out in case of any clarifications.

Thanking you,

Parth Shastri

#### Questionnaire for the Persons with Disabilities (PwDs) or their relatives

Notes:

1. It is an academic exercise as part of doctoral study, and the purpose of gathering the details is only for research purpose. It will not be used for any other purpose

2. Name and contact information of the respondent would only be for the reference of the researcher

3. Please contact the researcher Parth Shastri on phone or email (9898060642 / shastri.parth@gmail.com) for any assistance or clarification

### Name: \_\_\_\_\_

## Contact details (phone/ email): \_\_\_\_\_

Affiliation (any academic institute/ NGO working with disability issues):

1. Personal details	
1.1 Age:	
Below 16 years	[]
16 to 20 years	[]
21 to 30 years	[]
31 to 40 years	[]
41 years and above	[]
1.2 Gender	
Male	[]
Female	[]
Other/ Doesn't wish to reveal	[]
1.3 Highest educational qualification:	
Below Class 8	[]
Class 8 to 9	[]
Up to Class 10	[]
Up to Class 12	[]
Up to Graduation/ any college year	[]
Up to Post-graduation / any PG year	[]
Above Post-graduation	[]
1.4 Type of disability (please choose multipl	e if applicable):

	Blindness/ low-vision	[	]
	Hearing impairment	[	]
	Locomotor disability/ Muscular dystrophy	[	]
	Intellectual disability/ autism spectrum disorder		
	/ learning disabilities	[	]
	Mental illness	[	]
	Speech and language disability	[	]
	Cerebral palsy/ muscular dystrophy	[	]
	Neurological condition/ multiple sclerosis	[	]
	Blood-related ailments (thalassemia/		
	hemophilia/ sickle cell disease)	[	]
	Other (leprosy cured person/ dwarfism/		
	acid attack survivor/ Parkinson's disease)	[	]
	Multiple disabilities (such as deafblindness)	[	]
1.5	Nature of disability:		
	Congenital (since birth)	[	]
	During childhood	[	]
	During adulthood	[	]
	Result of accident/ mishap/ natural calamity	[	]
	Other:		
2.	Media consumption habits		
2.1	What are your main sources of getting news?		
	Newspaper	[	]
	Television	[	]
	News applications on mobile phone	[	]
	Websites	[	]
	Radio	[	]
Other (1	newsletters/ bulletins, etc.)		
2.2 How often do you read newspapers (including web editions)?			
	Daily	[	]
	More than twice a week	[	]

More than five times a week	[	]
	L	1

	Weekly	[	]
Oc	casionally	[	]
2.3	Which language newspapers do you read?		
	Gujarati	[	]
	English	[	]
	Hindi	[	]
Other:			

2.4 Which language media (TV, internet, etc. apart from newspapers) do you generally consume?

Gujarati	[]
English	[]
Hindi	[]
Other:	

2.5 How much time do you spend on mass media daily for news? (Including reading newspaper, watching television, browsing websites/ applications)

Less than 10 minutes	[	]
11-20 minutes	[	]
21-30 minutes	[	]
More than 31 minutes	[	]

2.6 What is/are your source/s for disability sector related news and information for employment, education and accessibility? (please choose multiple if applicable)

Newspapers	[]
Periodicals	[]
Newsletters by NGOs	[]
Publication/ website by state and central	
Governments	[]
Television news bulletins/ special segments	[]
Disability sector websites	[]

2.7 How frequently do you come across the news items in newspapers in particular and media at large where the issues of persons with disabilities (PwDs) are discussed or the main person in the story is a PwD?

Very frequently	[	]
Frequently	[	]
Occasionally	[	]

Rarely

[ ]

2.8 Do you get the information about specific disabilities or disability sector on special celebrations/ specific days such as Louis Braille Day, World Day of Persons with Disabilities (December 3), Mental Health Day, Autism Day, etc.?

Yes	[]
No	[]

2.9 If your answer is yes, which media generally observes these days or gives information about specific or general disability issues?

Newspaper	[	]
Radio	[	]
Television	[	]
Social media	[	]
Website/ Mobile phone application	[	]

Other:

#### 3 Perception of media and its representation of persons with disabilities

PwD denotes Persons with Disabilities; Media in context of this question is mass communication media such as newspapers, TV channels, internet, radio, films, etc. which are widely accessible to all members of the society. Please choose the option on 1 to 5 scale which is most closely your opinion on the statements given below

	Statements	1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
3.1	Representation of persons with disabilities in media is satisfactory					
3.2	The images of persons with disabilities in media is closer to reality					
3.3	'Divyang' word/ term is appropriate for describing PwDs					
3.4	Media now uses 'Divyang' often compared to other words to describe PwDs					
3.5	Media gives motivational/ inspirational stories about persons with disabilities					
3.6	Images of disability in media is often only about visible disabilities (like blindness, locomotor disabilities)					
3.7	Media gives information about various organizations and department working for disability					

3.8	Media gives information about				
	various schemes, concessions, and				
	entitlement for persons with				
	disabilities				
3.9	Media is often the only way in				
	which the non-PwDs interact with				
	PwDs				
3.10	Media representation can have				
	strong impact on the way society				
2.11	looks at PwDs				
3.11	Media satisfactorily raises issues				
2.10	related to PwDs				
3.12	Persons with disabilities get a				
	chance to share their views with media				
3.13					
5.15	Media plays a significant role to raise issues such as accessibility/				
	accessible buildings, etc.				
3.14	Media representation of PwDs is				
5.14	often stereotypical and should				
	change				
3.15	NGO newsletters/ special websites				
	have more specific information				
	about job/ education for PwDs than				
	media				
3.16	The language by media still uses				
	words to describe PwDs which they				
	should not use anymore				
3.17	Media only focuses on PwDs on				
	commemorative days such as				
	Disability Day				
3.18	Reporters/ editors should be				
	sensitized about disability issues				
3.19	A person with disability in media				
	can help improve representation of				
2.20	disability issues				
3.20	Social media has made it easy to				
	take issues to society directly,				
	bypassing classical/ mainstream				
	media modes				

## V. PROFORMA OF IN-DEPTH SEMI-STRUCTURED INTERVIEW

Respected ma'am/ sir,

While the complete analysis of the newspaper content and questionnaire to the persons with disabilities is still to be compiled, the primary data suggests the following themes –

Newspaper analysis

- The news stories were primarily local, were about 100-200 words in length in average
- The stories were focused more on visible disabilities, and several did not mention specific disabilities
- The word 'Divyang' became prominent in coverage 2016 onwards especially in Gujarati newspaper, but not much in English newspaper under analysis
- Direct quotes attributed to persons with disabilities is relatively less, even as they are often portrayed as inspirational and succeeding against all odds
- Features and human-interest stories had higher frequency than other forms

### Questionnaire

- Majority of the respondents used social media more than conventional media to get information on disability
- Majority of the respondents said that they 'sometimes/ occasionally' saw news about disability sector
- Majority of the respondents felt that the media does not always raise the issue about disability and editors/ journalists should be sensitized
- Nearly half the respondents said that media is often the only way in which non-disabled population interacts with or know about disability

In the light of these observations, I would like to approach you as a subject expert for my study. Purpose of conducting the interviews is to put the findings of other methods in perspective.

Your responses would be recorded on audio and transcribed for thematic analysis. You can be as elaborate as possible. As it is a semi-structured interview, a few questions can be added if any further explanation is required on your responses.

Here are the tentative questions for the interview -

- 1. How do you see role of the media in context of disability sector?
- 2. How is your experience with the media? Can you share a few examples?

3. What are your observations on the themes/ topics chosen by the media/ journalists when it comes to disability sector? Has there been any change over the years?

4. How do you see the role of conventional media vis-à-vis new/ social media in dissemination of information about disability sector?

5. Are you satisfied with the role of media in highlighting the disability issues? If your answer is no, are there any ways in which it can be improved?

6. How does terminology such as 'Divyang' affect the representation of persons with disabilities? Has there been any change in terms used to describe persons with disabilities?

7. How do you see the role of NGOs/ self-help organizations or persons with disabilities as disseminators of information to make the communication more effective? Is there any way in which the message to media can be made more effective?

8. Do success stories or human-interest stories create an impact or awareness about the issue/s? For example, would coverage of Bhavina Patel's success alone motivate para sportspersons?

9. How do you see the role of legislations/ legal framework/ rules and regulations such as Accessible India and the Rights of Persons with Disabilities Act, 2016 in public perception and media perception? Do laws alone result in change in issues such as accessibility?

# VI. PROFORMA OF CONSENT FORM FOR USAGE OF DETAILS IN IN-DEPTH INTERVIEWS

### **Consent Form for Use of Content of In-Depth Interview for PhD Thesis**

Thesis title: Media Representation of Disability Issues in Context of the Rights of Persons with Disabilities (PwD) Act, 2016: A Study Based in Gujarat

PhD student: Parth Shailendrabhai Shastri, Faculty of Journalism and Communication, The Maharaja Sayajirao University of Baroda

Respected ma'am/ sir,

Thank you so much for the in-depth interview as part of the ongoing PhD thesis to share your valuable insights on the theme of disability and role of media.

I am in the final stage of the analysis and interpretation of the data for the same. This consent form is an academic necessity to uphold the authenticity of the procedure and adherence to the ethical norms of your participation.

As you are aware, the primary research findings were shared with you to appraise you of the methods used for the questionnaire along with perception scale and document analysis for data collection and interpretation. Your insights were recorded with permission either on phone, in person or over a video call. The recorded interviews were transcribed and simplified to maintain a uniform format for analysis.

Access to the transcript would be limited to the researcher, guide and in case of any queries outside evaluators. However, the direct quotes might be used to provide context in addition to codes that emerge from the discourse.

As I am now codifying the interviews and analysing them for the thesis, I am hereby attaching a consent form for your kind review. Your choice would be reflected in the final draft of the dissertation. I am also attaching the transcript of the interview for your kind review. If you want to make any changes or suggestions, please let me know within a week of the receipt of the email.

I once again thank you for your valuable time for the project.

Parth Shastri

In case of any further clarification/ observation, please contact:

Prof Niti Chopra

Dean, Faculty of Journalism and Communication,

The Maharaja Sayajirao University of Baroda, Vadodara

Email: head-jc@msubaroda.ac.in

#### **Consent Form for Use of Content of In-Depth Interview for PhD Thesis**

Name of the interviewee:

Designation:

I, ....., have gone through the contents of the interview transcripts provided to me by the researcher. I have/ have not suggested changes to be made to the draft before the analysis.

I choose (please tick the appropriate statement)

To be quoted directly with my designation/ affiliation at the time of the interview

To be quoted only by my initials and hint of my identity (NGO official/ journalist, etc.)

To be quoted only by my category without name or affiliation

I understand that the researcher may use the quotes/ information provided by me in form of published thesis, research paper or academic discourse. My choice above extends to all these formats.

.....

(Signature)

Date:

Place:

### VII. EXCERPT FROM AN IN-DEPTH EXPERT INTERVIEW

#### N3 // September 29, 2021 // Transcribed from Gujarati and English // Total time: 17:38

#### Researcher: How do you see role of the media in context of disability sector?

N3: During the past few years, I feel, media has started giving a lot of coverage to the issues of *Divyangjan* (persons with disabilities). I take it very positively. If you see the current newspapers, the articles bring out their skills and capabilities. Be it news media or social media, I feel much difference is there. It has surely changed compared to the coverage we would see years ago.

# Q: What is the role of media? What it should do and what is it doing especially in context of the past few years?

A: Yes. Positive stories are coming out. We talked about Bhavina Patel earlier. We can take her example or others – like organizations like ours working with the persons with disabilities – the media is bringing out their roles and achievements. I think it is a positive step.

#### Q: How is your experience with the media? Can you share a few examples?

A: Being one of the top NGOs of the disability sector in Gujarat, the mediapersons remain in touch with us. Whenever we feel that it is our success story, we approach them. They also positively approach us from time to time. We also try to identify what are the new aspects of our work which can be highlighted in the media.

#### Q: What kind of coverage have you received from the media over the years?

A: Every year, we have our annual day, so that would get covered. On the International Day of Persons with Disabilities (on December 3), we get calls from media houses about our activities, they would send photographers, or we send them the pictures. Plus, time to time we have success stories of our students and organization. The media coverage also comes after the Board results. Personal achievements are also covered.

# Q: Do you think you need to give the overall context to the mediapersons when they come for the coverage? It is possible that they might not be covering the field regularly.

A: It is possible that they do not have the concept or not the same. We deal with the disability issues 24X7, so we must give them the concept of what we do. My experience is, they easily catch it. We also provide orientation about the work we do whenever needed. We also tell them

how we are carrying out a few activities and they (mediapersons) also visit our classes. It is acceptable that they do not have 100% knowledge.

# Q: What are your observations on the themes/ topics chosen by the media/ journalists when it comes to disability sector? Has it changed over the years?

A: In terms of topics, there is not much difference... But there is rise in awareness. Earlier we were happy with two articles a year, but now we are getting about 5-7 articles. The awareness in the government and society at large also impacts the coverage – the stories that we see are mostly positive in nature. Success stories, life-changing stories, empowerment stories...

Whatever they are (children with disabilities) are making, how do they do it, etc. The media has played a bridge role between the organization and the society.

# Q: Do other side of the issues get highlighted? Like employment for persons with disabilities?

A: Relatively less.

# Q: How do you see the role of conventional media vis-à-vis new/ social media in dissemination of information about disability sector?

A: We often feel that we may send about 20-sentence content to the print media, but they have their limitations. Whatever content you send, it may not go as it is – the editors' views decide how much is edited out. On the other hand, the new media, social media allows you to decide how much content can go. You can create it on your own, you and others can share it.

There is a vast difference due to this awareness – you can connect with the audience directly; you do not need a mediator in between. It does not mean that the conventional media was not playing its role properly, but the new media rectified its shortcomings.

#### Q: How do you use social media?

A: We have a Facebook page where we have many of our supporters. They write on the page; online pages also cover our stories. WhatsApp is another medium where we are reaching many people at once. During admissions, we need quicker dissemination of information to reach to the maximum persons.

E4	Role of media	Reasons for sensitivity	Impact of training	Impact of media coverage	Social vs mainstream media	NGO hesitation	Lack of media strategy	Improved coverage	Accessible India	Impact of media	Human interest	Friendly media	Role of media	News value	NGO expectations	Accessible India	Human interest	Interaction with media students	Selective coverage	Social media approach	Value media	NGO approach	Media functioning	RPwD Act	Change in coverage	Media focus	Negative story	Urban oriented media
B	Perception of PwD	Intertia in PwD	Segment for PwD	Role of media	Use of social media	NGO stereotypes	Accessible India, RPwD Act	Government media	PwD as inspiration	Accessible India	Print media	Consumer model	Social vs mainstream media	Accessible India	Segment for PwD	Name and shame				r								
E2	Suggestion for media	Improved coverage	Coverage on special days	Frequency of coverage	NGO stereotypes	RPwD Act	Accessible India	Disability terminology	Disability role models	Inspiration	Expectations from PwD	No media experts	Disability perception	Comparison with LGBT	Direct quotes	No role models	RPwD Act	Notions about PwDs	Self-perception of PwD									
EI	Media reflects society	Not sensational/ interesting	RPwD Act	Impact of film	Unfair media	Social vs mainstream media	Role of NGO	Lack of awareness	Mainstreaming disability	Disability terminology	Paralympics	Approaching media	PwD in media	Limited focus	Lack of representation	RPwD Act	NGO responsibility	Rights-based approach	Disability portrayal	NGO responsibility	Public awareness	Accessible India	Selective coverage	Selective issues	Mainstream media caution			

# **VIII. CODES FROM IN-DEPTH INTERVIEWS**

A4	Role of media	Media support	Accessibility	Divyang and PM	Media questions	Societal approach	Paralympic coverage	Use of Divyang	Societal approach	Inspiration											
A3	Role of media	Media training	Special segment for PwD	Social vs Mainstream media	Limited media focus	RPwD Act	RPwD Act	Media stereotypes	Role of media	Persistence	Special segment for PwD	Use of social media	Select media focus								
A2	Role of media	Struggle for coverage	Media stereotypes	Coverage on special days	Coverage on special days	Expectations from NGOs	Need for media	Accessible India, RPwD Act	Accessible India	Media labels	Coverage on special days	Media stereotypes	Awareness through media	Coverage on special days	Media affirmation	Social vs Mainstream media	Impact of media	Limited media focus	Social vs Mainstream media	Limited media focus	Media constraints
A1	Bridge to society	Accessible India, RPwD Act	Impact of media coverage	Social vs Mainstream media	Labelling disability	Function of media	Motivation	Coverage diversity	Social media use	Media trust	Social vs Mainstream media										

N3 N4	media	0	Positive coverage Suggestion for media	Social vs mainstream media Coverage on specific days	Role of NGOs Influence of social media	Success stories Role of NGOs	Inspirational stories Accessible India	Media stereotypes Experience of media	Media diversity Inspirational story	Social vs mainstream media Lack of awareness	Disability stigma	Paid media	Media stereotypes	Benefits of social media	NGO for awareness	Disability inspiration	Media coverage improvement	Suggestion for media	Social media strategy					
NZ		Achievements coverage	Coverage on special days Positiv	Choice of media Social	Supercrip Role c	NGO mediaperson Succe	Accessible India Inspir	Disability terminology Media	Supercrip Media	Conventional media need Social	Media coverage	Role of NGOs	Role of NGOs	Disability terminology	Divyang	Increase in coverage	Fragmented NGO sector	NGO approach						
N	Role of media	Changing image in media	Lack of technical knowledge	Impact of media	Social vs Mainstream media	Role of NGOs	NGO and media	Use of Divyang	Media portrayal	Media stereotypes	Role of media	Limitation of media	Impact of media	Use of social media	Lack of media strategy	Disability stereotypes	Media as voice	Limited media focus	RPwD Act	Limited focus on issues	Role of media	Impact of media	Role of social media	

<u>14</u>	Sensitivity	Social vs Mainstream media	Special segment for PwD	Story criteria	Media impact	Social vs Mainstream media	NGO focus	Quality improvement	Quality improvement	Use of Divyang	Importance of story	Social vs Mainstream media	Limited knowledge	Awareness	Impact of media coverage	Media impact	Media impact	NGO approach						
J3	No designated beat	Coverage on other days	NGO responsibility	Limited interest	Use of Divyang	Lack of knowledge	Disabled as special	Role of media	Meaning of news	Attention to issue	Inspirational	Focus on charity	Limited representation	Negative approach	Disability as special	Limited focus	Lack of uniformity							
12	Notions of disability	Media impact	Impact of social media	Limited media knowledge	Lack of law knowledge	Divyang by PM	Role models	Role models	Impact of PM	Positive stories	Filtering content	Lack of momentum	Need for visuals	Use of Divyang	Inspiration									
11	Event-based reporting	Small population	Change in attitude (in media)	No branding (by NGOs)	No influence on media	Media engagement	Law alone not enough	Divyang changed approach	Impact of PM support	Need for data	Need for opportunity (to engage)	Belief about disability	Accessible buildings	Sensitization among journalists	Special bulletins	Need for talking points	Limited knowledge	Acceptance of Divyang	Paralympics coverage	Need for stories	Impact of Divyang	Story-based importance	Media opportunity	Day-specific coverage

# IX. THE RIGHTS OF PERSONS WITH DISABILITIES (RPWD) ACT, 2016



भाग II — खण्ड 1 PART II — Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं॰ 59] नई दिल्ली, बुधवार, दिसम्बर 28, 2016/ पौष 07, 1938 (शक) No. 59] NEW DELHI, WEDNESDAY, DECEMBER 28, 2016/PAUSHA 07, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

#### MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th December, 2016/Pausha 17, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 27th December, 2016, and is hereby published for general information:—

#### THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

#### (No. 49 of 2016)

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

#### (f) accessibility;

(g) equality between men and women;

(*h*) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:-

#### CHAPTER I

#### PRELIMINARY **1**. (1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appellate authority" means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) "appropriate Government" means,-

(*i*) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

*(ii)* in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

(*d*) "care-giver" means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(e) "certifying authority" means an authority designated under sub-section (1) of section 57;

(f) "communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(g) "competent authority" means an authority appointed under section 49;

(h) "discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

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(i) "establishment" includes a Government establishment and private establishment;

(*j*) "Fund" means the National Fund constituted under section 86;

(k) "Government establishment" means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government;

(l) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(m) "inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(n) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(o) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

(p) "local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

(q) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(r) "person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) "person with disability having high support needs" means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(u) "prescribed" means prescribed by rules made under this Act;

(v) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment

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and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) "registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) "rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(*zb*) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

 $\left(i\right)$  persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) "specified disability" means the disabilities as specified in the Schedule;

(zd) "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.;

(*ze*) "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

# CHAPTER II

#### RIGHTS AND ENTITLEMENTS

Equality and nondiscrimination.

**3.** (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

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

**4.** (1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.".

5. (1) The persons with disabilities shall have the right to live in the community.

(2) The appropriate Government shall endeavour that the persons with disabilities are,-

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

**6.** (1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,-

 (i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(*ii*) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. (1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(*a*) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

Women and children with disabilities.

Community life.

Protection from cruelty

and inhuman treatment.

Protection from abuse, violence and exploitation. (a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

Protection and safety. 8. (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

Home and family.

**9.** (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

Reproductive rights.

10. (1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

that all polling stations are accessible to persons with disabilities and all materials related to

the electoral process are easily understandable by and accessible to them.

11. The Election Commission of India and the State Election Commissions shall ensure

Accessibility in voting.

Access to justice. 12. (1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

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(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

**13.** (1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

Legal capacity

(2) 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.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

**14.** (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 behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

*Explanation.*—For the purposes of this sub-section, "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

Provision for guardianship.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

Designation of authorities to support.

**15.** (1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

### CHAPTER III

### EDUCATION

Duty of educational institutions. 16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(*i*) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(*iii*) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(*viii*) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

Specific measures to promote and facilitate inclusive education. 17. The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

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(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. The appropriate Government and the local authorities shall take measures to Adult promote, protect and ensure participation of persons with disabilities in adult education and education continuing education programmes equally with others.

#### CHAPTER IV

#### SKILL DEVELOPMENT AND EMPLOYMENT

19. (1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for-

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. (1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Vocational training and selfemployment

Nondiscrimination in employment

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Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

**21.** (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

Maintenance of records.

Equal

policy.

opportunity

**22.** (1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

Appointment of Grievance Redressal Officer.

Social security.

**23.** (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

# CHAPTER V

# Social security, health, rehabilitation and recreation

**24.** (1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,-

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

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(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(*h*) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

 (j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Governmentsponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

**25.** (1) The appropriate Government and the local authorities shall take necessary Healthcare measures for the persons with disabilities to provide,—

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;(g) educate the public through the pre-schools, schools, primary health centres,

village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(*i*) healthcare during the time of natural disasters and other situations of risk;

 $\left( j \right)$  essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

**26.** The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

Insurance schemes.

Rehabilitation.

27.(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of

rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

Research and development.

Culture and recreation.

Sporting activities development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.29. The appropriate Government and the local authorities shall take measures to promote

28. The appropriate Government shall initiate or cause to be initiated research and

29. The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

 (e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

**30.** (1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

# CHAPTER VI

#### SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITES

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**31.** (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

**32.** (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. The appropriate Government shall-

(*i*) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

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

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

**34.** (1) Every appropriate Government shall appoint in every Government establishment, not less than four 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 benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to nonavailability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Reservation in higher

children with

benchmark

disabilities

Free education for

educational institutions.

Identification of posts for reservation.

Reservation.

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

economic capacity and development, provide incentives to employer in private sector to

ensure that at least five per cent. of their work force is composed of persons with benchmark

employer in every establishment shall furnish such information or return as may be prescribed

by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment

35. The appropriate Government and the local authorities shall, within the limit of their

36. The appropriate Government may, by notification, require that from such date, the

37. The appropriate Government and the local authorities shall, by notification, make

relevant schemes and development programmes, with appropriate priority to women

(a) five per cent. reservation in allotment of agricultural land and housing in all

(b) five per cent. reservation in all poverty alleviation and various developmental

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres. CHAPTER VII

Incentives to employers in private sector.

Special employment exchange.

Special schemes and development programmes.

Special provisions for persons with disabilities with high support. SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS **38.** (1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

# CHAPTER VIII

### DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

Awareness campaigns. **39.** (1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,-

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

shall thereupon comply with such requisition.

with benchmark disabilities;

schemes in favour of persons with benchmark disabilities, to provide,-

schemes with priority to women with benchmark disabilities;

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disability

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

**40.** The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

41. (1) The appropriate Government shall take suitable measures to provide,-

(*a*) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities. (2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. The appropriate Government shall take measures to ensure that,—

(*i*) all contents available in audio, print and electronic media are in accessible format;

(*ii*) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

**43.** The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

**44.** (1) No establishment shall be granted permission to build any structure if the puilding plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

**45.** (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

Access to information and communication technology.

Consumer goods.

Mandatory observance of accessibility norms.

Time limit for making existing infrastructure and premises accessible and action for that purpose.

Accessibility.

Access to transport.

[PART II-

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

47. (1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall.-

34 of 1992.

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, anganwadi workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

48. The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

# CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

49. The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

Registration

50. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, 14 of 1987. shall not be required to be registered under this Act.

providers Human

Time limit for

accessibility

by service

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resource development.

Social audit

Competent authority.

**51.** (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

Application and grant of certificate of registration.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2),-

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

**52.** (1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

Revocation of registration.

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

[PART II-

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority

Appeal.

Act not to app1y to

institutions established or maintained by Central or State Government

Assistance to registered

institutions

specified disabilities Designation

of certifying

authorities.

53. (1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

54. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

55. The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

# CHAPTER X

### CERTIFICATION OF SPECIFIED DISABILITIES

Guidelines for 56. The Central Government shall notify guidelines for the purpose of assessing the assessment of extent of specified disability in a person.

> 57. (1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions

Procedure for certification.

58. (1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

Appeal against a decision of certifying authority

59. (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

## CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

**60.** (1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Advisory Board shall consist of,-

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, ex officio;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, ex officio;

(g) Chairperson, Rehabilitation Council of India, Member, ex officio;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(*i*) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(*j*) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, ex officio;

(*l*) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, ex officio;

(n) Chairperson, National Council of Teacher Education, Member, ex officio;

(o) Chairperson, University Grants Commission, Member, ex officio;

(p) Chairperson, Medical Council of India, Member, ex officio;

(q) Directors of the following Institutes:-

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

 $(i\nu)$  Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

Constitution

of Central Advisory

Board on Disability. (v) National Institute for the Orthopaedically Handicapped, Kolkata;

(vi) National Institute of Rehabilitation Training and Research, Cuttack;
(vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(viii) National Institute for Mental Health and Sciences, Bangalore;

(ix) Indian Sign Language Research and Training Centre, New Delhi, Members, ex officio;

(r) Members to be nominated by the Central Government,-

(i) five Members who are experts in the field of disability and rehabilitation;

(*ii*) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, ex officio.

Terms and conditions of Service of members. **61.** (1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon becomes vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

Disqualifications. 62. (1) No person shall be a Member of the Central Advisory Board, who -

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same. SEC. 1]

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(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

**63.** If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

**64.** The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

**65.** (1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, nondiscrimination for persons with disabilities vis-à-vis information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

**66.** (1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

State Advisory Board on disability.

(2) The State Advisory Board shall consist of-

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chaiperson, ex officio;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

seats by Members. Meetings of the Central Advisory Board on disability. Functions of Central Advisory

Board on

disability

Vacation of

(e) Members to be nominated by the State Government:-

(i) five Members who are experts in the field of disability and rehabilitation;
(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(*iii*) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, ex officio.

Terms and conditions of service of Members **67.** (1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) the Members nominated under sub-clause (*i*) and sub-clause (*ii*) of clause (*e*) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

Disqualification.

68. (1) No person shall be a Member of the State Advisory Board, who-

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

70. The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

71. (1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:-

(a) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(b) develop a State policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, nondiscrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the State Government.

72. The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

73. No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

# CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. (1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

District-level Committee on disability.

Vacancies not to invalidate proceedings

Appointment of Chief Commissioner and

Commissioners

Meetings of State

disability. Functions of State Advisory Board on disability

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Vacation of

seats.

Advisory

Board on

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

Functions of Chief Commissioner 75. (1) The Chief Commissioner shall-

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

Action of appropriate authorities on recommendation of Chief Commissioner.

**76.** Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person. 5 of 1908.

45 of 1860.

2 of 1974.

**77.** (1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

78.(1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for nonacceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

**79.** (1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

80. The State Commissioner shall-

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, suo motu or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

Powers of Chief

Commissioner

Commissioner.

Annual and

special reports by

Chief

Appointment of State Commissioner in States.

Functions of State Commissioner. (c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(*d*) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

Action by appropriate authorities on recommendation of State Commissioner. 26

**81.** Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

Powers of State Commissioner. **82.** (1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

Annual and special reports by State Commissioner. **83.** (1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

45 of 1860.

2 of 1974.

6 of 1890

# CHAPTER XIII

# SPECIAL COURT

**84.** 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.

**85.** (1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

# CHAPTER XIV

#### NATIONAL FUND FOR PERSONS WITH DISABILITIES

**86.** (1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

(a) all sums available under the Fund for people with disabilities, constituted vide notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted vide notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890.

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(c) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(d) all sums received from the Central Government including grants-in-aid;

(e) all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

**87.** (1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

Special Court.

Special Public Prosecutor.

National Fund for persons with disabilities.

Accounts and audit.

# CHAPTER XV

### STATE FUND FOR PERSONS WITH DISABILITIES

State Fund for persons with disabilities.  $\bf 88.~(1)$  There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilites as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

# CHAPTER XVI

### OFFENCES AND PENALTIES

Punishment for contravention of provisions of Act or rules or regulations made thereunder. Offences by companies. **89.** Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thounsand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

**90.** (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (I), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation .- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

**91.** Whoever, fraudulently avails or attempts to avail 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.

### 92. Whoever,-

SEC. 1]

(a) intentionally insults or intimidates with intent to humiliate a person with of atrocities. disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

**93.** Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

**94.** No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

**95.** Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

Punishment for failure to furnish information.

Previous sanction of appropriate Government.

Alternative punishments.

fraudulently availing any benefit meant for persons with benchmark disabilities.

Punishment

Punishment for

# CHAPTER XVII

### MISCELLANEOUS

provisions of any other law for the time being in force.

96. The provisions of this Act shall be in addition to, and not in derogation of, the

Application of other laws not barred

30

Protection of action taken in good faith.

Power to remove difficulties

97. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

98. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

Power to amend Schedule

99. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

100. (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21:

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23:

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38:

(g) rules for person with disabilites laying down the standards of accessibility under section 40:

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(*l*) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(*m*) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**101**. (1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disablity under sub-section (2) of section 5;

(b) the manner of providing support of a limited guardian under sub-section (I) of section 14;

(c) the form and manner of making an application for certificate of registration under sub-section (I) of section 51;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;

(g) the period within which an appeal to be made under sub-section (1) of section 53;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(*i*) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(*j*) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(*l*) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(*o*) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (*3*) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Repeal and savings.

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**102.** (1) The Persons with Disabilities (Equal Opportunity Protection of Rights and 1 of 1996. Full Participation) Act, 1995 is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

### THE SCHEDULE

### [See clause (zc) of section 2]

# SPECIFIED DISABILITY

### 1. Physical disability.-

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(*i*) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(*ii*) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(*iii*) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

# B. Visual impairment-

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(*i*) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(*iii*) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditons, namely:—

(*i*) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

# C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

 Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (rasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusal or stereotypical rituals or behaviours.

#### 3. Mental behaviour,-

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a conditon of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

### 4. Disability caused due to-

### (a) chronic neurological conditions, such as-

(*i*) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

## (b) Blood disorder-

(*i*) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor would may result in fatal bleeding;

(*ii*) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

UPLOADED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI-110002 AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-110054. GMGIPMRND-4011GI(S3)-28-12-2016.