## ANNEXURE: Comparison of UNCRPD, PWD Act & the draft RPDB

Comparison of the provisions of the UN Convention on Rights of Persons with Disabilities (UNCRPD); the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act); and the draft Rights of Persons with Disabilities Bill 2011 (RPDB)

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<td><strong>Preamble</strong></td>
<td>*There is no Preamble in the PWD Act. As per Section 2 (i): 'disability' means (i) blindness; (ii) low vision; (iii) leprosy-cured; (iv) hearing impairment; (v) locomotor disability; (vi) mental retardation; (vii) mental illness. Additionally, Section 2 (f) says that 'persons with disability' means a person suffering from not less than 40% of any disability as certified by a medical authority. This definition has failed to address the social and evolving concept of disability as mentioned in para (c) of the Preamble of the UNCRPD. * While some provisions/schemes for non-discrimination in transport, in road, in built environment, and in government employment have been mentioned under Sections 44-47 of the Act, it has failed to include/state any general statement on discrimination. * Regarding para (n), para (q), para (i), and para (l) of the Preamble of UNCRPD, there is no any single provision or statement in the PWD Act. * While some issues of accessibility to physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms as per the stated provisions under UNCRPD.</td>
<td><strong>Preamble:</strong> Persons with Disabilities have a right: - to integrity, dignity and respect with full participation and inclusion; - to live a life free of shame, ridicule, or any form of disempowerment and stereotyping; - to be entitled on an equal basis with others to all civil-political and socioeconomic rights guaranteed by international and national law. Section 2(23): 'Persons with disabilities' are persons with any developmental, intellectual, mental, physical or sensory impairments (including twenty medically defined categories of disability), which are not of a temporary nature, and which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others. Section 2(8) &amp; 2(21) define 'direct discrimination' &amp; 'indirect discrimination' respectively. Section 2(11) defines what 'discrimination on the basis of disability' may mean. Section 4: Right to Equality and Non-Discrimination Sections 6-13 includes various provisions for the rights of women and girls with disabilities, including right to education; right to work and employment; right to be protected against all forms of abuse, violence and exploitation; right to health; right to home and family; access to justice; etc. Gender specific provisions have also been included in along with some other Sections as well. Sections 14-17 include rights of children with disabilities, including right to health; right to leisure, culture and sports; access to justice. Further, under the provisions on education, the RPDB includes various rights and provisions for children with disabilities. As far as para (n) of the Preamble of UNCRPD, Sections 22, 24, 28, 29, 30 of RPDB provides for right to life and living; right to live in the community; right to home and family; additional provision for disability-related needs in maintenance and alimony; and reproductive rights of persons with disabilities. Sections 76-87 include various accessibility provisions. The issue of impact of poverty on disability (as mentioned in para (1) of the Preamble of UNCRPD) has not directly been mentioned/included in any of the Sections of the RPDB.</td>
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<td>Article 1: Purpose</td>
<td>Statement of Objects and Reasons</td>
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<td>The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.</td>
<td>India has ratified the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and undertaken the obligation to ensure and promote the full realization of all human rights and fundamental freedoms for all Persons with Disabilities without discrimination of any kind on the basis of disability. In fulfillment of this international commitment, the country is obligated to enact suitable legislation in furtherance of the rights recognized in the UN CRPD. It is proposed to repeal the extant legislation and replace it with a comprehensive law which is in conformity with the UN CRPD and hence this Bill.</td>
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<th>Article 2: Definitions</th>
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| "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology; "Language" includes spoken and signed languages and other forms of non-spoken languages; "Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has 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. It includes all forms of discrimination, including denial of reasonable accommodation; "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms; "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 specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed. | No such definitions has been incorporated in the PWD Act | "Communication" includes languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes (to supplement or complement the use of one's own speech), means and formats of communication, including accessible information and communication technology. "Language" includes spoken and signed languages and other forms of non-spoken languages. "Indirect Discrimination" occurs when: a. a person or group of persons to whom one or more prohibited grounds apply is treated less favourably than another person or another group of persons is, has been, or would have been treated in a comparable situation; or b. for a reason which is at least in part related to one or more prohibited grounds, a person or group of persons is subjected to a disadvantage; or c. there is failure to provide reasonable accommodation; d. a person or a group of persons is harassed or victimized. "Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has 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. It includes all forms of discrimination, including denial of reasonable accommodation. "Reasonable Accommodation" means: a. where a provision, criterion or practice, even though neutral on the face of it, has the effect of putting persons to whom one or more prohibited grounds apply at a disadvantage compared with others; 'Discrimination on the basis of disability' means any distinction, exclusion or restriction on the basis of disability which has 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. It includes all forms of discrimination, including denial of reasonable accommodation. "Reasonable Accommodation" means: a. where a provision, criterion or practice puts a person to whom one or more prohibited grounds apply at a disadvantage in relation to a relevant matter in comparison with other persons, to take such steps as it is reasonable to
have to take to avoid the disadvantage; b. where a physical feature puts a person to whom one or more prohibited grounds apply at a disadvantage in relation to a relevant matter in comparison with other persons, to take such steps as it is reasonable to have to take to avoid the disadvantage; c. where a person to whom one or more prohibited grounds apply would, but for the provision of an auxiliary aid, be put at a disadvantage in relation to a relevant matter in comparison with other persons, to take such steps as it is reasonable to have to take to provide the auxiliary aid; d. where clause (i) or (iii) above relates to the provision of information, the steps which it is reasonable to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format. "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 specialized design. "Universal design" shall also apply to assistive devices including advanced technologies for particular groups of persons with disabilities.

Article 3: General principles
(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.

No general principle has been explicitly mentioned or stated in the PWD Act.

Section: 3. Any court, person or authority interpreting this Act shall be guided by the United Nations Convention on the Rights of Persons with Disabilities which has been signed and ratified by India.

Article 4: General obligations
1. States Parties are obliged to undertake: (a) to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention; (b) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities; (c) to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes; (d) to refrain from engaging in any act or practice that is inconsistent with the Convention and to ensure that public authorities and institutions act in conformity with the Convention; (e) to take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise; (f) to promote or undertake research and development of universally designed products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "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 specialized design. "Universal design" shall also apply to assistive devices including advanced technologies for particular groups of persons with disabilities.

* Under the Act, there shall be a Central Co-ordination Committee to serve as national focal point on disability matters and to facilitate continuous evolution of comprehensive policy towards solving the problems faced by persons with disabilities. However, Sections 5 (i)(b) & 15 (i)(b) of the Act says that no person shall be a Member of the Central Co-ordination Committee or State Co-ordination Committee, who is of unsound mind and stands so declared by a competent court. It is ambiguous to include such a provision of unsound mind in disability legislation. It goes against the spirit of Article 4 (i)(b) & 4(i)(c) of UNCRPD.

* The Act fails to address adequately the issue of non-discrimination on the basis of disability. The non-discrimination provisions under Sections...
Section 4. Right to Equality and Non-Discrimination: (1) All persons with disabilities are equal before and under the law and are entitled to equal protection and equal benefit of the law without any direct or indirect discrimination. (2) No person with disability shall be...
the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination.

environment [Sections 44-46]; and non-discrimination in government employment and promotion [Section 47]. Further, non-discrimination in employment under Section 47 is limited to an employee who acquires disability during service.

* Some measures/schemes for accommodation have been included under the Sections on Education and Affirmative Action, but the provision for reasonable accommodation is missing

discriminated on the basis of any of the prohibited grounds; unless it can be shown that the impugned act, provision, criterion, practice, treatment or omission is a proportionate means of achieving a legitimate aim; (5) In no case shall a person with disability be forced or compelled to partly or fully pay any of the costs incurred to provide reasonable accommodation or any of the other obligations imposed in this section; (4) All persons with disabilities are entitled to equal and effective legal protection from discrimination on any of the prohibited grounds; (5) Any measure, intervention, interpretation which has the effect of denying or withdrawing or eliminating the legal capacity of any person with disability shall constitute discrimination; (6) Any affirmative action or measure aimed to accelerate or achieve de facto equality of persons with disabilities shall not constitute discrimination; (7) In any case it being found that an establishment or person has practiced discrimination, concerned Disability Rights Tribunal shall make declaratory, mandatory, injunctive, compensatory, supervisory or any other suitable orders against such establishment or person; (8) The concerned Disability Rights Tribunal shall also require such establishment or person to bear the costs of the proceedings and to pay any interest that may be due.

**Article 6: Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

**Section 6. Women and Girls with Disabilities:** (1) All women and girls with disabilities are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law. **Sections 6** also says that the appropriate governments and concerned establishments shall take all suitable/special measures, including devising and implementing gender-specific programmes and schemes, to ensure the full and equal enjoyment of all rights by women and girls with disabilities; and accord due recognition to the concerns of women and girls with disabilities by making adequate provision for them In all existing and future women specific schemes and programmes.

**Section 7:** Right to Education of Women and Girls with Disabilities

**Section 8:** Right to Work and Employment of Women with Disabilities

**Section 9:** Right of Women and Girls with Disabilities to be Protected against all Forms of Abuse, Violence and Exploitation

**Section 10:** Right of Women and Girls with Disabilities to Health

**Section 11:** Right of Women with Disabilities to Home and Family

**Section 12:** Access to Justice by Women with Disabilities

**Section 13:** Obligations of the National Commission for Women

**Article 7: Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the PWD Act has failed to recognize that women and girls with disabilities are particularly subjected to multiple-discrimination; and, there is no such provision in the Act.

**Section 14:** (a) All children with disabilities have the right to equality before the law and equal treatment of the law and not to be denied any of the guaranteed rights by reason of their age or disability; (b) The appropriate governments and concerned establishments shall ensure that all children with disabilities enjoy their human rights and fundamental freedoms on an equal basis with other children and ensure
that no child is discriminated on the basis of disability; (4) The appropriate governments and concerned establishments shall accord due recognition to concerns of children with disabilities with reasonable accommodation in all existing child specific schemes and programmes; (5) All children with disabilities have on an equal basis with all other children a right to freely express their views on all matters affecting them; and all appropriate governments and concerned establishments are under a duty to provide them age and disability appropriate support for the exercise of this right. Further, Section 14(c) registration of births and deaths of all children with disabilities shall be undertaken in accordance with the procedure specified in the Births and Deaths Registration Act of 1969.

**Article 8: Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures: (a) to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (b) to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; (c) to promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include: (a) Initiating and maintaining effective public awareness campaigns designed: (i) to nurture receptiveness to the rights of persons with disabilities; (ii) to promote positive perceptions and greater social awareness towards persons with disabilities; (iii) to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market; (b) fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities; (c) encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention; (d) promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

**Section 26(7):** The appropriate governments shall take all appropriate measures to prevent all forms of abuse, violence and exploitation by, inter alia, providing information and raising awareness on: a. identification and recognition of the incidents of abuse, violence and exploitation; b. the legal remedies available against such incidents; c. steps to be taken for avoiding such incidents; d. steps to be taken for reporting such incidents; e. steps required for the rescue, protection and rehabilitation of persons with disabilities who have been the victims of such incidents.

**Section 68:** (1) The appropriate governments and concerned establishments in collaboration with the National Disability Rights Authority and the State Disability Rights Authority, as the case may be, shall carry out sensitization and awareness-raising amongst care-givers, service-users and the general public as regards the human rights, dignity, autonomy and needs of persons with disabilities; (2) The appropriate governments and concerned establishments shall: a. Undertake or cause to be undertaken surveys, investigations and research on the health status and needs of persons with disabilities; b. Provide for training of primary health care centres personnel and paramedics to address the needs of persons with disabilities; c. Sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information on general hygiene, health and sanitation as impacting the health status of persons with disabilities.

**Section 75(1):** All appropriate governments in consultation with the National or State Disability Rights Authority as the case may be shall conduct, sponsor, encourage, support or promote on a regular and continuous basis information campaigns and sensitization programmes...
to ensure that the rights recognized in this legislation are respected, protected and promoted. Such campaigns should aim at enabling both state and civil society to comprehend disability as an integral part of the human condition; to recognize the capabilities and contributions of persons with disabilities; and to combat the stereotypes, prejudices and harmful practices which impede the participation of persons with disabilities on an equal basis with others.

Section 75(4): The appropriate governments shall launch and support stigma reduction programmes; mass education campaigns; information and technology linked dissemination programmes; and sensitization workshops on disability rights.

Section 75(6): lists various issues for the purpose of awareness-raising.

Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: (a) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; (b) information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to: (a) develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public; (b) ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities; (c) provide training for stakeholders on accessibility issues facing persons with disabilities; (d) provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms; (e) provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public; (f) promote other appropriate forms of assistance and support to persons with disabilities to ensure their

Section 90: Appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for - transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools; the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training; the supply of books, uniforms and other materials to children with disabilities attending school; the setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities; and the grant of scholarship to students with disabilities; suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision; restructuring of curriculum for the benefit of children with disabilities; restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Section 31: All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.

Section 43: Appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.

Section 45. Right to Support and Accessibility: (1) Every child has a right to receive necessary, adequate and appropriate support for the completion of elementary and secondary education; (2) Every child has a right to access all school buildings, sports recreation and library facilities on an equal basis with others and it shall be the duty of appropriate governments and establishments to render the aforementioned facilities accessible to children with disabilities.

Section 76. Accessibility: (1) All persons with disabilities have the right on an equal basis with others to the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services open or provided to the public.

Section 78. Personal Mobility: (1) All appropriate governments and establishments shall develop schemes and programmes to promote the personal mobility of persons with disabilities at affordable cost, according to their choice. Various other accessibility provisions have also been included in Sections/Sub-sections of Sections 76-87, including provisions on Access to services; Access to Information and Communication Technology; Access to Consumer Goods and Services; Service Animals; Mandatory Observances of Accessibility Norms; Time Limit for Making Existing Infrastructure and Premises Accessible; Time Limit for Accessibility Duties of Service Provider; National Centre for Universal Design and Barrier-free Environment; and Implementation Plan Section 156 provides for Penalty for Contravention of Accessibility Norms for Built Infrastructure.

Section 166(3)(e): The central government shall make rules relating to: accessibility to infrastructure, facilities, services, information and
access to information; (g) promote access for persons with disabilities to new information and communications technologies and systems, including the Internet; (h) promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

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<th>Article 10: Right to life</th>
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<td>States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.</td>
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<th>Section 22. Right to Life and Living:</th>
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| (1) The appropriate governments shall take all measures to ensure that persons with disabilities enjoy the right to life guaranteed by Article 21 of the Constitution of India on an equal basis with others; (2) These measures shall be in furtherance of the right to live with dignity for persons with disabilities and to ensure that full value is accorded to the lives of persons with disabilities; (3) Any procedure or practice which diminishes the value of the life of persons with disabilities is hereby prohibited; (5) Any person who through an act or omission endangers the life of a person with disability or damages or interferes with the use of any limb, or faculty of a person with disability shall be punishable under Section 151 of this Act [which says whoever voluntarily injures, damages or interferes with the use of any limb or

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<th>No such provision in the PWD Act</th>
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<td>communication technologies and personal mobility bearing in mind the diversity of disability and principles of universal design</td>
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<td>The National Disability Rights Authority shall make regulations relating to: a. Standards for accessibility to physical environment, transportation, information and communication technologies including appropriate technology and systems and other facilities and services with due consideration to the diversity of disability and principles of universal design; b. Standards of facilities for Service animal training; c. Standards for accessibility for existing infrastructure and premises; d. Standards for accessibility for all service providers</td>
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<td>Establishments in the transport sector shall take special measures to - adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons; adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheelchair users to use them conveniently.</td>
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<td>Appropriate Governments and the local authorities shall provide for - installation of auditory signals at red lights in the public roads for the benefit of persons with visual handicap; causing curb cuts and slopes to be made in pavements for the easy access of wheelchair users; engraving on the surface of the zebra crossing for the blind or for persons with low vision; engraving on the edges of railway platforms for the blind or for persons with low vision; devising appropriate symbols of disability; warning signals at appropriate places.</td>
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<td>Appropriate Governments and the local authorities shall provide for - ramps in public building; adaptation of toilets for wheelchair users; braille symbols and auditory signals in elevators or lifts; ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.</td>
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Article 11: Situations of risk and humanitarian emergencies
States Parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Section 27(1): All persons with disabilities shall have the right to suitable protection and safety in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters.

The National and State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in every scheme, program, mission as well as its ‘disaster management activities’ as defined under S 2(e) of the Disaster Management Act, 2005 (Act No 53 of 2005) during the occurrence of any ‘disaster’.

Section 27(6): The appropriate governments shall take suitable measures to ensure the safety and protection and to offer immediate relief and rehabilitation to victims with disabilities in situations of communal violence or internal disturbance.

Section 27(7): If due to the activities of the government in a conflict zone, any person acquires an impairment; or a person with disability acquires further impairments or an existing impairment is further aggravated; the Appropriate Government shall provide compensation and reimbursement of medical expenses within the time and in accordance with the scales as maybe prescribed.

Article 12: Equal recognition before the law
1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person’s rights and interests.

Section 4: (1) All persons with disabilities are equal before the law and are entitled to equal protection and equal benefit of the law without any direct or indirect discrimination; (3) In no case shall a person with disability be forced or compelled to partly or fully pay any of the costs incurred to provide reasonable accommodation or any of the other obligations imposed in this section; (4) All persons with disabilities are entitled to equal and effective legal protection from discrimination on any of the prohibited grounds; (5) Any measure, intervention, interpretation which has the effect of denying or withdrawing or eliminating the legal capacity of any person with disability shall constitute discrimination;

Section 18: (1) Notwithstanding anything contained in any other law to the contrary, 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 persons before the law; (2) Any express or implied disqualification on the grounds of disability prescribed in any legislation, rule, notification, order by-law, regulation, custom or practice which has the effect of depriving any person with disability of legal capacity shall not be legally enforceable from the date of enforcement of this Act; (3) Notwithstanding anything contrary contained in any other law, all persons with disabilities have right, on an equal basis with others, to own or inherit property; control their
5. States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Section 19: (1) After the commencement of this Act, any provision in any legislation, rule, regulation or practice which prescribes for the establishment of plenary guardianship shall be hereinafter deemed to be establishing a system of limited guardianship; (3) All limited guardians shall act in close consultation with the person with disability to arrive at legally binding decisions.

Section 20(1): The appropriate governments shall establish or designate one or more authorities to mobilize the community and create social networks to support persons with disabilities in the exercise of their legal capacity.

Section 21(1): Any act, order or proceedings which has the effect of denying the legal capacity of a person with disability in any matter or which questions the legal capacity of a person with disability on the grounds of disability shall be void.

Section 12: The appropriate governments shall take measures to ensure that all police stations, courts, tribunals, or any other body having adjudicatory powers or otherwise connected to the legal system are accessible to women with disabilities.

Section 17(1): The National and State Legal Services Authorities shall create panels of Child Rights Defenders to proactively address any discrimination experienced by children with disabilities.

Section 33: (1) All persons with disabilities and Disabled Persons' Organizations shall, in their individual or representative capacity, as the case may be, have the right to access any court; tribunal; authority, commission or any other body having judicial or quasi-judicial or investigative powers on an equal basis with others; (2) The authorities in subsection (1) shall ensure that persons with disabilities are able to exercise the right to access these authorities without discrimination on the basis of disability and provide reasonable accommodation whenever required; (3) The right of access to justice in subsection (1) includes,
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<th>Article 14: Liberty and security of the person</th>
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<td>1. States Parties shall ensure that persons with disabilities,</td>
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<td>on an equal basis with others: (a) enjoy the right to liberty</td>
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<td>and security of person; (b) are not deprived of their liberty</td>
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<td>unlawfully or arbitrarily, and that any deprivation of liberty</td>
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<td>is in conformity with the law, and that the existence of a</td>
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<td>disability shall in no case justify a deprivation of liberty.</td>
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<td>2. States Parties shall ensure that if persons with disabilities</td>
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<td>are deprived of their liberty through any process, they are,</td>
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<td>on an equal basis with others, entitled to guarantees in</td>
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<td>accordance with international human rights law and shall be</td>
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<td>treated in compliance with the objectives and principles of</td>
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<td>this Convention, including by provision of reasonable</td>
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<td>accommodation.</td>
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No such provision in the PWD Act

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<th>Section 23:</th>
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<td>(1) The appropriate governments and establishments shall</td>
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<td>take all measures including through the provision for reasonable</td>
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<td>accommodation and support to ensure that persons with disabilities</td>
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<td>enjoy the right to personal liberty guaranteed by Article 21 of</td>
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<td>the Constitution of India on an equal basis with others; (2) These</td>
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<td>measures shall be so designed as to further the right to a</td>
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<td>non-coercive, non-restrictive and supportive environment for</td>
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<td>persons with disabilities which respect their sense of space,</td>
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<td>safety and security; (4) The liberty of persons with disabilities</td>
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<td>including prisoners with disabilities shall not be deprived</td>
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<td>except by a procedure which is fair just and reasonable.</td>
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<td>Such procedure shall require the appropriate government and</td>
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<td>concerned authorities to provide reasonable accommodation to</td>
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<td>persons with disabilities including prisoners with disabilities;</td>
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<td>(5) Right to personal liberty for persons with disabilities</td>
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<td>includes: a. freedom from restrictions or encroachments on</td>
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<td>person, whether those restrictions or encroachments are directly</td>
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<td>imposed or indirectly arise; b. freedom from non-consensual</td>
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<td>civil commitment.</td>
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<p>| Article 15: Freedom from torture or cruel, inhuman |</p>
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<th>or degrading treatment or punishment</th>
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<tr>
<td>1. No one shall be subjected to torture or to cruel, inhuman</td>
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<td>harassment</td>
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<td>This provision is particularly very important for</td>
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<td>persons with mental disabilities; but no such</td>
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<td>provision has been included in the PWD Act</td>
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<th>Section 45(1):</th>
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<td>No child shall be subjected to physical punishment or</td>
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<td>mental harassment or in any manner discriminated on the basis of</td>
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<td>disability.</td>
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or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

### Article 16: Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

### Article 17: Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

### Section 25:

(5) No person with disability shall be subjected to any research protocol without his or her free and informed consent. Such consent must be obtained through accessible modes and formats of communication; (6) All research projects which relate to persons with disabilities or involve them in any manner shall be undertaken only subsequent to obtaining clearance from an Ethics Committee which either has a member of a Disabled Persons’ Organizations or a Disability Rights Defender as member.

### Section 26:

(1) No person shall act or abstain from acting where such action or inaction causes or is likely to cause abuse, violence and exploitation to persons with disabilities at any place including, home, care-houses, institutions, educational institutions, workplaces, or any place where such persons with disabilities reside, co-habit, work or in other manner inhabits whether temporarily or permanently. Subsections 26(2 to 7) outlines various legal and judicial protection measures for sharing information on abuse, violence and exploitation to persons with disabilities, including appropriate measures to prevent all forms of abuse, violence and exploitation and awareness raising.

### Section 9(1):

The appropriate governments shall take all necessary measures to protect every woman and girl with disability from all forms of abuse, violence and exploitation including physical, mental, sexual, and emotional on the person of such woman with disability in all settings at all places including, home, care-houses, educational institutions, workplaces, and any other place where a woman with disability works or resides whether temporarily or permanently.

### Section 9(2):

Appropriate governments shall take measures for a. Provision of accessible, safe and confidential complaint mechanism to report instances of abuse, violence and exploitation and to address such complaints in a time-bound manner; b. Enable the use of short stay and other protection facilities established for women who are victims of abuse, violence and exploitation; c. Provision of gender, disability and age sensitive protection services, assistance and support for victims of abuse, violence or exploitation, for physical, cognitive and psychological recovery and development, rehabilitation and social reintegration, in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person; d. Dissemination of information on avoidance, recognition and report of instances of abuse, violence and exploitation.
Article 18: Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
   (a) have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability; (b) are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement; (c) are free to leave any country, including their own; (d) are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to know and be cared for by their parents.

Article 19: Living independently and being included in the community

States Parties to recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: (a) persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement; (b) persons with disabilities have access to a range of in-, residential and other community support services.

Section 24: (1) All persons with disabilities shall have the right to live in the community in furtherance of their right to have a meaningful and full life on an equal basis with others; (2) The appropriate governments shall launch suitable schemes and programs including community-based rehabilitation and such other initiatives in order to realize the right recognized in sub section (1). Such schemes and programs shall: a. provide choices to persons with disabilities in the place and manner of living and shall not direct or order persons with disabilities to live in any particular arrangement; b. accord due recognition to the age and gender needs of persons with disabilities; c. be accompanied with such support as may required by persons with disabilities to realize their choice; (3) The appropriate governments shall accord due consideration to gender and age needs whilst establishing independent and...
services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; (c) community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

| services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; (c) community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs. | community living environments; (4) The appropriate governments shall further ensure that such independent living environments will be accompanied with access to such support as may be necessary to persons with disabilities to fully realize their choice in the matter of living arrangements, on an equal basis with others. Section 64(1): In furtherance of the right to life and living and the right to live independently and in the community, all persons with disabilities shall have a right to social security which includes but is not limited to securing adequate standard of living for persons with disabilities and their families in terms of food security, shelter, housing, social care, pension, unemployment allowance, health care, medical support, medical and life insurance. Section 64(6): In furtherance of right to live independently and in the community, the appropriate government shall inter alia: a. frame disability pension schemes to cover persons with disabilities requiring support in all such schemes, the person with disability shall be the recipient for award of disability pension; b. frame rules for making provisions for transfer of pension benefits of government employees to their children with disabilities; c. provide for special initiatives such as enhanced disability pension for persons with multiple disabilities, persons needing high support, women and elderly persons with disabilities; d. provide an unemployment allowance to all persons with disabilities proportionate to a uniform applied standard of qualification and skill; irrespective of the tenure of registration with the employment exchanges; e. provide adequate care-giver allowance to all persons with disabilities meeting high support; f. pay enhanced post retirement benefits to persons with disabilities. Section 64(7): The appropriate government shall, in furtherance of the right to habilitation and rehabilitation and the right to living independently, provide inter alia: a. for not less than six percent reservation of land and housing to persons with disabilities in all government housing schemes in urban and rural development programmes with priority to women and elderly persons with disabilities; b. ensure that not less than six percent of the beneficiaries, in all poverty alleviation and various developmental schemes, shall be persons with disabilities with priority to women and elderly persons with disabilities; c. provide for not less than six percent reservation in allotment of land on concessional rate, where such land shall be used for the purpose of promoting housing, shelter, setting of occupations, businesses, enterprises, self help groups, gainful occupations, recreation centers, production centers exclusively for persons with disabilities whether or not such facilities are owned and managed by persons with disabilities; d. to provide incentives to house owners by way of reduction in property tax who lease out premises to persons with disabilities for residential or commercial purposes. Section 88(4)(c): The appropriate governments and establishments shall ensure human resource development by initiating capacity |
### Article 20: Personal mobility
States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: (a) facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost; (b) facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost; (c) providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities; (d) encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

### Section 42: Appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.

### Section 44: Establishments in the transport sector shall take special measures to: (a) provide rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons; (b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheelchair users to use them conveniently.

### Section 45: Appropriate Governments and the local authorities shall provide for: (a) installation of an adequate number of pavements for the easy access of wheelchair users; (b) engraving on the surface of the zebra crossing for the blind or for persons with low vision; (c) engraving on the edges of railway platforms for the blind or for persons with low vision; (d) devising appropriate symbols of disability; and warning signals at appropriate places.

### Section 46: Appropriate Governments and the local authorities shall provide for: (a) ramps in public building; adaptation of toilets for wheelchair users; (b) braille symbols and auditory signals in elevators or lifts; (c) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.

### Article 21: Freedom of expression and opinion, and access to information
States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, including by: (a) providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost; (b) accepting and facilitating the use of sign 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.
languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions; (c) urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities; (d) encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities; (e) recognizing and promoting the use of sign languages.

ensure that all services and facilities provided by them are available to persons with disabilities on an equal basis with others; and that such services are provided in such mode or format which is responsive to the needs of persons with disabilities but at no extra cost to them; (2) All appropriate governments and establishments shall ensure that all announcements inviting public response including those made for procurement, entitlement, employment, public health and disaster preparedness must be accessible to all persons with disabilities.

Section 35: Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

Section 27: The appropriate Governments and the local authorities shall by notification make schemes for conducting class and discussions through interactive electronic or other media; providing every child with disability free of cost special books and equipments needed for his education.

Section 28: The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

Section 30: The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Section 31: All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.

Section 46: Appropriate Governments and the local authorities shall provide for braille symbols and auditory signals in elevators or lifts.

ensure that all services and facilities provided by them are available to persons with disabilities on an equal basis with others; and that such services are provided in such mode or format which is responsive to the needs of persons with disabilities but at no extra cost to them; (2) All appropriate governments and establishments shall ensure that all announcements inviting public response including those made for procurement, entitlement, employment, public health and disaster preparedness must be accessible to all persons with disabilities.

Section 60. Access to Information and Communication Technology: (1) All appropriate governments and establishments shall take measures to ensure that: a. All content in whichever medium whether audio, print or electronic shall be made available to persons with disabilities in accessible format; b. Persons with disabilities shall have access to electronic media by providing for audio description, sign language interpretation and close captioning; c. Accessibility to telecommunication services where telecommunications will include any kind of transmission of information of the user's choosing without change in form or content of information as sent or received; d. Electronic goods and equipment of everyday use shall follow the principles of universal design; e. Schemes are formulated or amended to ensure affordable access to Information and Communication Technology & Electronics for persons with disabilities in rural as well as urban areas; f. All government websites, and private websites providing consumer services conform to the most updated version of the World Wide Web Consortium web accessibility standards; g. Incentives and concessions are provided to support existing websites to make them accessible to persons with disabilities; (2) The conversion, reproduction, adaptation and communication of all copyrighted materials into accessible versions for exclusive use of persons with disabilities on 'not-for-profit' basis shall be deemed fair dealing; (accessible version includes any version or form which gives a person with disability access to the work as flexibly and comfortably as a person without a disability, and shall include, but not be limited to, audio recordings, audio -visual works with audio or text descriptions, Braille, e-text including DAISY formats, digital copies compatible with assistive technology or refreshable Braille, tactile material, large print, with different type-faces and sizes and sign language); (3) All government and private websites shall be made accessible, in accordance to the regulations formulated by the National Disability Rights Authority, within a maximum period of one year from the date of notification of such regulations; (4) Any contravention of this Section shall be penalized under Section 150.

Article 22: Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, they shall contain shall be such as may be prescribed.

No such provision has been included in the PWD Act

Section 18 (7): No person providing support either individually or as part of a network shall exercise undue influence on a person with disability. Such support when provided by an individual or a network shall be so provided that it respects the autonomy, dignity and privacy
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<th>Article 29: Respect for and the family</th>
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<td>1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that: (a) the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized; (b) the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided; (c) persons with disabilities, including children, retain their fertility on an equal basis with others.</td>
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<td>2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.</td>
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<td>3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.</td>
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<td>4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.</td>
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| Section 67(1): All health professionals shall not discriminate against persons with disabilities in the observance of ethical guidelines on informed consent and confidentiality whilst providing health care and other services to persons with disabilities. |

| Section 30(a): The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools. |

| Section 30(e): The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities. |

| Section 46: (1) Parents or guardians of children with disabilities shall be members of the School Management Committees established under Section 21 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No 35 of 2009); (2) The percentage of parents or guardians of students with disabilities on aforementioned committees shall be proportionate to the ratio of such students in the school. |
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24: Education
1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to: (a) the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; (b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; (c) enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that: (a) persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; (b) persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; (c) reasonable accommodation of the individual's requirements is provided; (d) persons with disabilities receive the support required, within the general education system, to facilitate their effective education; (e) effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including: (a) facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring; (b) facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; (c) ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and

Section 26: The appropriate Governments and the local authorities shall ensure that every child with a disability has access to free education in an appropriate environment until he attains the age of eighteen years; endeavour to promote the integration of students with disabilities in the normal schools; promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools; endeavour to equip the special schools for children with disabilities with vocational training facilities.

Section 27: The appropriate Governments and the local authorities shall by notification make schemes for conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis, conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above; imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation; imparting education through open schools or open universities; conducting class and discussions through interactive electronic or other media; providing every child with disability free of cost special books and equipment needed for his education.

Section 28: The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

Section 29: The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and
Institutes and other voluntary organizations to develop teacher training programs specializing in training special educators so that the requisite trained manpower is available for special schools and integrated schools for children with disabilities.

Section 30: The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for - transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools; the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training; the supply of books, uniforms and other materials to children with disabilities attending school; the grant of scholarship to students with disabilities; setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities; suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision; restructuring of curriculum for the benefit of children with disabilities; restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Section 31: All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.

Section 39: All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.

Institutes and other voluntary organizations to develop teacher training programs specializing in training special educators so that the requisite trained manpower is available for special schools and integrated schools for children with disabilities.

Section 30: The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for - transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools; the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training; the supply of books, uniforms and other materials to children with disabilities attending school; the removal of architectural and other barriers, including physical, from schools, colleges or other institutions imparting vocational and professional training; the supply of books, uniforms and other materials to children with disabilities attending school; the grant of scholarship to students with disabilities; setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities; suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision; restructuring of curriculum for the benefit of children with disabilities; restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Section 31: All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.

Section 39: All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.
### Article 25: Health
States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall: (a) provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to persons without disabilities; (b) ensure that the health-related rehabilitation services provided to persons with disabilities are gender-sensitive; (c) provide health-related rehabilitation services to persons with disabilities in accessible environments and through accessible procedures; (d) establishment of equal opportunity offices to ensure the dedicated provision of such support.

### Section 48: Education Reform Commission for Advancement of Disability Rights
Perspective

### Section 49: (1) No person with disability particularly women with disabilities shall be denied admission in a higher education institution on the grounds of his or her disability; (2) All appropriate governments and educational authorities may if they deem fit to promote equality of opportunity relax according to prescribed procedure the minimum qualification criteria required to be obtained by persons with disabilities who seek admission to a higher education institution.

### Section 50: All institutions of higher education shall reserve not less than six percent of total seats in each course for persons with disabilities.

### Section 51: (1) Every person with disability appearing for an entrance examination for any higher educational institution has a right to adequate, necessary and appropriate support for the purposes of such examination; (2) Every person with disability has the right to receive necessary, adequate and gender sensitive support for the completion of higher education and for any other extra-curricular and co-curricular activities; (3) All universities and other institutions of higher learning shall establish equal opportunity offices to ensure the dedicated provision of such support.

### Section 52(1): Every school and higher educational institution shall have a staff of educators who have the requisite qualifications and training to cater to the needs of students with disabilities.

### Section 54: (1) All schools shall ensure that children with disabilities shall have the right to participate in sporting, recreational and leisure activities on an equal basis with others; (2) All higher educational institution shall ensure that persons with disabilities have the right to participate in sporting, recreational and leisure activities on an equal basis with others.

### Section 55: All appropriate governments and establishments shall ensure participation of persons with disabilities in adult education and continuing education programmes on an equal basis with others.

### Section 10: (1) The appropriate governments shall take all suitable measures to ensure that all women and girls with disabilities have access to the highest attainable standard of health and health care in accessible environments through accessible procedures with reasonable accommodation without discrimination on the basis of disability or sex; (2) The appropriate governments shall take all suitable measures to ensure the full and effective enjoyment of the right to health by women with disabilities, including measures to: a. ensure that all healthcare services, including family planning programmes and services aimed at early identification and intervention, are gender-sensitive, and are
other persons, including in the area of sexual and reproductive health and population-based public health programmes; (b) provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and other persons; (c) provide these health services as close as possible to people's own communities, including in rural areas; (d) require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care; (e) prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner; (f) prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

| or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation; take measures for pre-natal, perinatal and post-natal care of mother and child; educate the public through the pre-schools, primary health centres, village level workers and anganwadi workers; create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted. |
| Section 38(i)(d): The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and  
| such schemes may provide for health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed. |
| available and accessible to women with disabilities, whether in urban or rural areas; b. provide information in accessible formats in relation to all areas of healthcare, including sexual and reproductive health, to women with disabilities; c. The surveys, investigations and research undertaken or caused to be undertaken by appropriate governments and establishments under Section 72. |
| Section 15: All appropriate governments and concerned establishments shall ensure screening of new born babies in order to facilitate early intervention and to prevent aggravation of disabilities in children. |
| Section 65: (1) All appropriate governments and establishments shall ensure that: a. all persons with disabilities enjoy the highest attainable standard of health on an equal basis with others and that persons with disabilities are not directly or indirectly discriminated on the grounds of disability; b. all persons with disabilities are provided health care in accessible environments through accessible procedures and with reasonable accommodation. Domiciliary services shall be available wherever required to attain universal coverage; c. all schemes and programmes devised to realize health care rights, entitlements and benefits are universally available with due consideration accorded to gender, age and socio-economic status; d. persons with disabilities have access to free or affordable quality health care close to their communities particularly in the rural areas; e. health care services may be provided through multi-disciplinary teams who may undertake early identification, intervention and referrals to more specialized agencies wherever required. (2) In fulfillment of its obligation under this section the appropriate governments shall make schemes and programmes with the participation and involvement of persons with disabilities and care-givers that inter alia makes provision for: a. the minimization and prevention of further disabilities with requisite education, training, information and intervention; b. the health care of persons with disabilities during times of natural disasters and other situations of risk; c. disability specific equipments and accessible infrastructure at all health care centres; public buildings and places; and all other such places that may be notified by the appropriate government from time to time; d. 'essential medical facilities' for all life saving emergency treatment and procedures; e. sexual and reproductive health especially of women with disabilities; f. pre-natal, peri-natal and post natal care of mother and child; g. nutritional intervention for children with disabilities; h. psychosocial care and support at every stage of the medical process be it investigation, evaluation, diagnosis, treatment or intervention; i. access to all Primary Health Care services especially within rural areas and for the urban poor; j. free or subsidized treatment and medical services for weaker and indigent sections, as required; k. coverage of medical expenses, travel allowances and therapeutic intervention within a comprehensive insurance scheme for persons with disabilities. |
Section 68(2): The appropriate governments and concerned establishments shall: a. Undertake or cause to be undertaken surveys, investigation and research on the health status and needs of persons with disabilities; b. Provide for training of primary health care centres personnel and paramedics to address the needs of persons with disabilities; c. Sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information on general hygiene, health and sanitation as impacting the health status of persons with disabilities.
living all persons with disabilities have a right to peer, professional, community and state support to resume and continue their personal, social, economic and political participation on an equal basis with others; (3) In enforcement of this abovementioned right the appropriate governments shall put in place suitable infrastructure and expertise for the rehabilitation of persons with disabilities.

Article 27: Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia: (a) prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions; (b) protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances; (c) ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others; (d) enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training; (e) promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment; (f) promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business; (g) employ measures with respect to formulation of schemes and programmes to facilitate and support employment of persons with disabilities, with special reference to self-employment and vocational training of persons with disabilities; (2) The appropriate governments shall establish in each district work centres where persons with disabilities in rural areas can be imparted necessary skills and provided work opportunities in different trades including rural trades; (3) The appropriate governments shall ensure imparting of skills through convergence in existing training centers and institutions and establish centers where none exists so that persons with disabilities in rural areas can be imparted necessary skills in crafts, trades and domiliary occupations and provide work; (4) The appropriate governments shall provide adequate loans at concessional rates under the existing micro-credit and loan schemes to persons with disabilities in order to facilitate self-employment schemes; (5) If, in the opinion of the person recruited, there is a need to impart specific training prior to recruitment in order to ensure that a person with disability has adequate support, then such facilities should be made available; (6) The appropriate governments shall institute suitable schemes to promote and support the creative skills of persons with disabilities in rural and urban areas by establishing networks between the artisans and marketing federations and handicraft boards.

Section 32: Appropriate Governments shall - identify posts, in the establishments, which can be reserved for the persons with disability at periodical intervals not exceeding three years, including review of the list of posts identified and up-dating the list taking into consideration the developments in technology.

Section 33: Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from blindness or low vision; hearing impairment; locomotor disability or cerebral palsy, in the posts identified for each disability. However, it is further provided, that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification, exempt any establishment from the provisions of this section.

Section 34: (1) The appropriate Government may, by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with

Section 60: (1) The appropriate governments shall take all necessary measures with respect to formulation of schemes and programmes to facilitate and support employment of persons with disabilities, with special reference to self-employment and vocational training of persons with disabilities; (2) The appropriate governments shall ensure imparting of skills through convergence in existing training centers and institutions and establish centers where none exists so that persons with disabilities in rural areas can be imparted necessary skills in crafts, trades and domiliary occupations and provide work; (4) The appropriate governments shall provide adequate loans at concessional rates under the existing micro-credit and loan schemes to persons with disabilities in order to facilitate self-employment schemes; (5) If, in the opinion of the person recruited, there is a need to impart specific training prior to recruitment in order to ensure that a person with disability has adequate support, then such facilities should be made available; (6) The appropriate governments shall institute suitable schemes to promote and support the creative skills of persons with disabilities in rural and urban areas by establishing networks between the artisans and marketing federations and handicraft boards.

Section 8: (1) No woman with disability shall be directly or indirectly discriminate against in recruitment, promotion, or any other related matter arising in the course of or through the length of employment; (2) The appropriate governments shall take all effective and appropriate measures, including formulation of schemes and programmes, to ensure that women with disabilities have access to opportunities for employment, vocational training, micro-credit and self-employment on an equal basis with others.

Section 56: (1) No establishment shall directly or indirectly
persons with disabilities in the public sector; (h) promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures; (i) ensure that reasonable accommodation provided to persons with disabilities in the workplace; (j) promote the acquisition by persons with disabilities of work experience in the open labour market; (k) promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

such requisition. (2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

Section 35: Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

Section 36: Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three 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: Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

Section 37: (1) Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate government. (2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

Section 38: (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may discriminate against any person with disability in any matter relating to employment including but not limited to recruitment, promotion and other related issues arising in the course of or through the length of employment in any establishment; (a) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during service, such employee may if required by the nature of disability, be shifted to another post with the same pay scale and service benefits. Provided further that if it is not possible to adjust the employee against another post, then such employee may be kept on a supernumerary post until a suitable post is available or the age of superannuation whichever is earlier; (4) Every establishment shall facilitate reasonable accommodation of persons with disabilities by taking adequate measures to guarantee that persons with disabilities are not disadvantaged in any manner at any stage of employment (adequate measures include, but are not limited to the provision of necessary aids and equipment, adequate healthcare facilities, necessary physical changes in buildings to ensure accessibility at workplaces, flexible working timings, continuous monitoring with regard to necessary support, or any arrangements or facilities created for equality with regard to competitive public service examinations and other such service related tests); (5) Any person with disability, if eligible for any post which is sought to be filled, shall have the right to appear for selection and hold the post if selected; (6) An establishment shall not ordinarily post and transfer a person with disability in a place other than his or her native place or within the vicinity of such place unless such transfer becomes necessary due to exigencies of the job and expertise possessed by the person with disabilities; (7) The appropriate governments may frame such rules and regulations as may be necessary from time to time for the purposes of achieving the objectives outlined above; (8) Every establishment undertaking an exercise of retrenchment or declaring its staff surplus shall as far be not include persons with disabilities in such exercise or process. In the event of persons with disabilities being included in such exercise or process, enhanced benefits shall be payable to them.

Section 57(1): All establishments shall reserve not less than seven percent of all posts and in promotions for persons with disabilities in accordance with the following banding of disabilities, with each band being entitled to 1%: a. Persons with blindness; b. Persons with hearing impairment and speech impairment; c. Persons with locomotor disability and leprosy cured; d. Persons with cerebral palsy and muscular dystrophy; e. Persons with autism, intellectual disability and mental illness; f. Persons with multiple disabilities, deaf-blindness and multiple sclerosis; g. Persons with Low vision and persons who are hard of hearing. Provided that posts identified under Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995 (Act No 1 of 1996) shall operate as guidelines for implementing this reservation.
provide: the training and welfare of persons with disabilities; the relaxation of upper age limit; regulating the employment; health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed; the manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and constituting the authority responsible for the administration of the scheme.

Section 39: All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.

Section 41: The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent of their work force is composed of persons with disabilities.

Section 47: (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service: Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could 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. (2) No promotion shall be denied to a person merely on the ground of his disability: 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, as may be specified in such notification, exempt any establishment from the provisions of this section.

Section 58: (1) All establishments shall put in place an Equal Opportunity Policy detailing measures and commitments initiated by the Establishment; (2) An Equal Opportunity Policy shall: a. delineate measures taken in order to comply with the provisions of the Act; b. provide strategies to increase employment opportunities with specific attention to all schemes and reasonable accommodation measures; c. specifically detail measures taken and strategies employed to reasonably accommodate and increase employment opportunities for women with disabilities.

Section 59: (1) Every establishment shall maintain records in relation to employment, facilities provided and other necessary information in such form and in such manner as may be prescribed by the appropriate government; (2) These records shall specifically include information on women with disabilities in relation to their employment, facilities provided and other information as prescribed; (3) Every employment exchange shall register in accordance with prescribed procedure and thereby maintain records of persons with disabilities seeking employment. These records shall specifically include data on women with disabilities; (4) Such records shall be relevant and authentic evidence of a person with disability seeking unemployment allowance under Section 64 (6) (d) of this Act; (5) Any person authorized by the State Disability Rights Authority may inspect the records during the working hours of the establishment.

Section 61: The appropriate governments shall provide incentives to all establishments to ensure that at least ten per cent of their work force is composed of persons with disabilities.

Section 63(1): The appropriate governments may, retain the special employment exchanges established under Section 34 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and establish new exchanges.
Article 28: Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures: (a) to ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs; (b) to ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes; (c) to ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care; (d) to ensure equal access by persons with disabilities to retirement benefits and programmes.

The social security provision under the Act contains the following sections:

Section 66: (1) The appropriate Governments and local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities. (2) For purposes of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organisations.

Section 67: (1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

Section 68: The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

Section 64: (1) All persons with disabilities shall have a right to social security which includes but is not limited to securing adequate standard of living for persons with disabilities and their families in terms of food security, shelter, housing, social care, pension, unemployment allowance, health care, medical support, medical and life insurance; (4) The appropriate government shall formulate schemes to provide for social security benefits, aids and appliances, medicine and diagnostic, corrective surgery without cost to persons with disabilities belonging to economically weaker sections of society.

Section 64 also directs appropriate governments to promulgate necessary schemes and programmes for the various social security measures, which are again outlined under various sub-sections of Section 64 itself, namely sub-sections 64(3)(a to f), 64(6)(a to g).

Section 64(7): The appropriate government shall provide inter alia a. for not less than six percent reservation of land and housing to persons with disabilities in all government housing schemes in urban and rural development programmes with priority to women and elderly persons with disabilities; b. ensure that not less than six percent of the beneficiaries, in all poverty alleviation and various developmental schemes, shall be persons with disabilities with priority to women and elderly persons with disabilities; c. provide for not less than six percent reservation in allotment of land on concessional rate, where such land shall be used for the purpose of promoting housing, shelter, setting of occupations, businesses, enterprises, self help groups, gainful occupations, recreation centers, production centers exclusively for persons with disabilities whether or not such facilities are owned and managed by persons with disabilities; d. to provide incentives to house owners by way of reduction in property tax who lease out premises to persons with disabilities for residential or commercial purposes.

Section 64(8): No person with disability who is willing to work under the employment guarantee schemes or such other developmental schemes shall be denied work.

Section 66: (1) All establishments shall provide medical and life insurance to persons with disabilities on an equal basis with others; (2) The denial of such insurance or its provision on disproportionate
Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to: (a) ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: (i) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; (ii) protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; (iii) guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice; (b) promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including: (i) participation in nongovernmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties; (ii) forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

No such provision has been included in the PWD Act

Section 32: (1) Notwithstanding anything contained in the Representation of the People Act (No. 43 of 1950), the Representation of the People Act (No. 43 of 1951) or any other law for the time being in force, every person with disability who fulfills all the eligibility requirements shall be entitled to be registered as a voter and shall not be held disqualified to exercise his or her right to vote on the ground of disability irrespective of any stipulation to the contrary in any law for the time being in force; (2) Notwithstanding anything contained in the law for the time being in force, any person with disability who is unable to cast vote in person due to his or her disability or because of admission in any establishment maintained wholly or mainly for the reception and treatment of persons with disabilities at the time the poll is taken shall be entitled to vote by postal ballot and provisions shall be made, by rules made under the Representation of the People Act (No. 43 of 1951) to enable such voting; (3) The Election Commission shall ensure that all polling stations are accessible to persons with disabilities and that all materials related to the electoral process are easily understandable by and accessible to persons with disabilities; (4) Without prejudice to the generality of the provisions contained in sub-section (3), the measures undertaken by the Election Commission in pursuance of that sub-section shall include: a. the construction and availability of ramps at all polling booths; b. separate queues for persons with disabilities at all polling booths with clear pictorial signs; c. the availability of ballot papers and/or electronic voting machines with candidates' information available in Braille and other accessible formats; d. the fitting of audio devices to electronic voting machines; e. training programs to sensitize polling officers about the special requirements of persons with disabilities; (5) If the presiding officer is satisfied that, due to disability, a person with disability is unable to recognise the symbols or to record vote without assistance, the presiding officer shall permit the elector to take a companion of not less than eighteen years of age to the voting compartment for recording/casting the vote.

Article 30: Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities: (a) enjoy access to cultural materials in accessible formats; (b) enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats; (c) enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as

No such explicit provision has been included in the PWD Act

Section 32: (1) Notwithstanding anything contained in the Representation of the People Act (No. 43 of 1950), the Representation of the People Act (No. 43 of 1951) or any other law for the time being in force, every person with disability who fulfills all the eligibility requirements shall be entitled to be registered as a voter and shall not be held disqualified to exercise his or her right to vote on the ground of disability irrespective of any stipulation to the contrary in any law for the time being in force; (2) Notwithstanding anything contained in the law for the time being in force, any person with disability who is unable to cast vote in person due to his or her disability or because of admission in any establishment maintained wholly or mainly for the reception and treatment of persons with disabilities at the time the poll is taken shall be entitled to vote by postal ballot and provisions shall be made, by rules made under the Representation of the People Act (No. 43 of 1951) to enable such voting; (3) The Election Commission shall ensure that all polling stations are accessible to persons with disabilities and that all materials related to the electoral process are easily understandable by and accessible to persons with disabilities; (4) Without prejudice to the generality of the provisions contained in sub-section (3), the measures undertaken by the Election Commission in pursuance of that sub-section shall include: a. the construction and availability of ramps at all polling booths; b. separate queues for persons with disabilities at all polling booths with clear pictorial signs; c. the availability of ballot papers and/or electronic voting machines with candidates' information available in Braille and other accessible formats; d. the fitting of audio devices to electronic voting machines; e. training programs to sensitize polling officers about the special requirements of persons with disabilities; (5) If the presiding officer is satisfied that, due to disability, a person with disability is unable to recognise the symbols or to record vote without assistance, the presiding officer shall permit the elector to take a companion of not less than eighteen years of age to the voting compartment for recording/casting the vote.

Section 16: (1) All children with disabilities have a right to play and participate in sports, recreation and cultural activities on an equal basis with other children; (2) All appropriate governments and establishments shall provide for disability and age appropriate opportunities for children with disabilities to participate in sports and have access to playgrounds along with other children; (3) All appropriate governments and establishments shall ensure that children with disabilities have access to cultural materials in an accessible format and access to cultural activities, performance and services along with other children.

Section 54: (1) All schools shall ensure that children with disabilities
shall have the right to participate in sporting, recreational and leisure activities on an equal basis with others; (2) All higher educational institution shall ensure that persons with disabilities have the right to participate in sporting, recreational and leisure activities on an equal basis with others.

Section 73: (1) All appropriate governments and establishments shall take all suitable measures to promote and protect the right of all persons with disabilities to have a cultural life and to participate in leisure and recreational activities on an equal basis with others; (2) Without prejudice to the general obligation in sub-section (1) such measures shall include a. Providing facilities support and sponsorships to artists and writers with disabilities to pursue their interests and talents; b. Sponsoring of disability film, theatre, music and dance festivals; c. Establishment of a disability history museum which recovers, chronicles and interprets the historical experiences of persons with disabilities; d. Making art accessible to persons with disabilities; e. Promoting the launch of leisure clubs, recreation centers, and other associational activities; f. Facilitating participation in scouting, dancing, art classes, and outdoor camps; g. Redesigning courses in cultural and arts subjects to enable participation and access of persons with disabilities; h. Developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities. (3) All Cultural Academies whether of, art, literature, music, or dance shall include persons with disabilities in their programs schemes, and activities. And shall thereby provide recognition, support, and awards to the cultural contribution of persons with disabilities on an equal basis with others.

Section 74: (1) All persons with disabilities have a right to participate in sports at all levels on an equal basis with others; (4) The Central Government shall establish a National Body for Disability Sports to promote the sports of persons with disabilities; (5) All International and national sporting events for persons with disabilities including Special Olympics and Paralympics shall be accorded the status due to international and national sporting events and the sportspersons participating in such events shall be allocated resources, sponsorships, awards and jobs on an equal basis with others; (6) The appropriate governments and the National and State Sports bodies shall take specific measures including 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 organize disability specific sporting events.
### Article 31: Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall: (a) comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities; (b) comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

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<th>No such explicit provision has been included in the PWD Act, except Section 25 (c) which provides that within the limits of their economic capacity and development, the appropriate Governments and the local authorities shall screen all the children at least once in a year for the purpose of identifying &quot;at-risk&quot; cases; and Section 37, which states that: (1) Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate government. (2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.</th>
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### Article 32: International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia: (a) ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities; (b) facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices; (c) facilitating cooperation in research and access to scientific and technical knowledge; (d) providing, as

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<th>Although the PWD Act was enacted as part of India’s international obligation, this aspect of international co-operation has remained outside the scope of the Act. A general statement on external funding and support for the causes and concern of the persons with disabilities and their human rights across the world could have been included.</th>
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### Section 7(3): In order to devise suitable measures for girls with disabilities the appropriate governments shall whilst conducting the local survey under Section 36 of this Act, especially collate data on the number of girls with disabilities in the locality; the nature of their impairment and the barriers faced by them to realize the right to education.

### Section 16(2)(c): The surveys, investigations and research undertaken or caused to be undertaken by appropriate governments and establishments shall specifically include data or information with respect to women with disabilities.

### Section 59: (1) Every establishment shall maintain records in relation to employment, facilities provided and other necessary information provided and other information as prescribed; (3) Every employment exchange shall register in accordance with prescribed procedure and thereby maintain records of persons with disabilities seeking employment. These records shall specifically include data on women with Disabilities.

### Section 36: (1) The appropriate government shall conduct local level surveys throughout the country in order to determine the physical presence of children with disabilities and to devise educational plans for the establishment of suitable neighbourhood schools resource centers or special schools as the case may be; (2) The appropriate governments shall conduct such surveys every five years.

### Section 96(1): The Governing Board shall have the plenary powers of the National Disability Rights Authority. It shall envision the broad policies, and programmes of the Authority and periodically review them; and devise measures for the effective and efficient functioning of the Authority and shall also sign Memorandum of Understanding, forging national and international partnership and co-operation.
appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfill its obligations under the present Convention.

Article 33: National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related actions in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Section 3 provides for a Central Co-ordination Committee to serve as national focal point on disability matters and to facilitate continuous evolution of comprehensive policy towards solving the problems faced by persons with disabilities.

Sections 9 & 10 provides that there shall be a Central Executive Committee, which shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee.

Sections 13 & 19 provides for State Co-ordination Committees and State Executive Committees.

Section 57 & 60 provide for Chief Commissioner for Persons with Disabilities and State Commissioner for Persons with Disabilities.

Section 58(c): The Chief Commissioner for persons with disabilities take steps to safeguard the rights and facilities made available to persons with disabilities.

Section 59: Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to deprivation of rights of persons with disabilities; non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with appropriate authorities.

Sections 61(c) & 62 also mandate similar roles by the State Commissioners for persons with disabilities.

Section 63: The Chief Commissioner and the Commissioners shall, for the purpose of

Section 86(1): The Central Government shall establish the National Centre for Universal Design and Barrier Free Environment in order to assist the country to become universally accessible and inclusive in terms of accessibility.

Section 87(1): The National and State Disability Rights Authorities in collaboration with NIUD shall formulate an action plan based on prioritization of providing accessibility in all public buildings and spaces providing essential services such as all Primary Health Centres, Civil/District hospitals, Primary schools/secondary schools, railway stations and bus stations within three years.

Section 89: All appropriate governments shall grant financial assistance to registered organizations to provide services and to implement the schemes and programmes mandated under this Act.

Section 90: There shall be set up a Disability Rights Cell in all appropriate governments and establishments to coordinate the implementation of this Act.

Section 94(1): There shall be constituted for the purposes of this Act, an Authority which shall be called the National Disability Rights Authority (Sections 95 to 114 & 168 contain various provisions with regard to compositions, structure, power and functioning of the National Disability Rights Authority).

Section 126(1): There shall be constituted for the purposes of promoting, protecting, and ensuring the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities, an Authority which shall be called the National Disability Rights Authority (Sections 116 to 125 & 169 contain various provisions with regard to compositions, structure, power and functioning of the State Disability Rights Authority)

Section 138(1): There shall be established, for the purposes of promoting, regulating and ensuring the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities, an Authority in each State which shall be called the State Disability Rights Authority (Sections 139 to 140 & 143 to 145 contain various provisions with regard to compositions, power, function, proceedings and jurisdiction of the State Disability Rights Tribunal).
Section 141(1): There shall be established a National Disability Rights Tribunal in New Delhi (Sections 141 to 147 contain various provisions with regard to compositions, power, function, proceedings and jurisdiction of the State Disability Rights Tribunals).

Sections 148 to 161 list various provisions with regard to different kinds of Offences and Penalties.

Article 34: Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret
ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for reelection once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the

**Article 35: Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

**Article 36: Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination.

This is outside the scope of PWD Act

A provision on periodic report on the progress of implementation aspects could have been included.

This is outside the scope of PWD Act

This is outside the scope of RPDB
<table>
<thead>
<tr>
<th>Article 37: Cooperation between States Parties and the Committee</th>
<th>Article 38: Relationship of the Committee with other bodies</th>
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<tr>
<td>1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.</td>
<td>In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention: (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities; (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective</td>
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<td>2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.</td>
<td>This is outside the scope of PWD Act</td>
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<td>This is outside the scope of PWD Act</td>
<td>This is outside the scope of RPDB</td>
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reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

**Article 39: Report of the Committee**
The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

**Article 40: Conference of States Parties**
1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

**Article 41: Depositary**
The Secretary-General of the United Nations shall be the depositary of the Convention.

**Article 42: Signature**
The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

**Article 43: Consent to be bound**
The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

**Article 44: Regional integration organizations**
1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their
<table>
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<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>92</td>
<td><strong>Power to Amend Schedule:</strong> (1) The Central Government may, keeping in view the evolving nature of disability, periodically constitute a committee with equal representation of subject and experiential experts to determine whether any additions need to be made in the list of impairments included in Schedule 1; (2) The Committee constituted under sub-section (1) shall develop a socio-medical scale to examine the interplay between a particular impairment and the barriers. The severity of the impairment and the scale of the barrier experienced by persons with disabilities shall guide the Committee in making its recommendations; (3) The Central Government may suitably incorporate the socio-medical scale in the normative descriptions provided in Schedule 1. <strong>[Schedule 1 provides a list of twenty identified disabled categories]</strong></td>
</tr>
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</table>

**Article 45: Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

**Article 46: Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

**Article 47: Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

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<tr>
<th>Article 48: Denunciation</th>
<th>This is outside the scope of PWD Act</th>
<th>This is outside the scope of RPDB</th>
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<tr>
<td>A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.</td>
<td>No such provision has been included in the PWD Act</td>
<td>Sections 33(11), 80(1), 87(3), 166(3), 167(3), 168(3), 169(3) say that all documents, contents, implementation plans, draft of rules and regulations are in accessible formats</td>
</tr>
<tr>
<td>Article 49: Accessible format</td>
<td>The text of the present Convention shall be made available in accessible formats.</td>
<td>The Act could have included a provision for availability of the texts of the Act in the major Indian languages for wider publicity and awareness.</td>
</tr>
<tr>
<td>Article 50: Authentic texts</td>
<td>The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.</td>
<td>A provision could have included making availability of the texts of the proposed Act in the major Indian languages for wider publicity and awareness.</td>
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