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The Rights of Persons with Disabilities Act, 2016 / The Rights of Persons with Disabilities Rules, 2017

In order to give effect to the “Convention on the Rights of Persons with Disabilities” and matters connected therewith and incidental thereto, as adopted by the United National General Assembly on December 13, 2006, the Government of India notified “**The Rights of Persons with Disabilities Act, 2016**” which came into force on April 19, 2017 and accordingly “**The Rights of Persons with Disabilities Rules, 2017**” was also notified and enforced by the Government of India on June 15, 2017 (“*Act*” or “*Rule*” or jointly referred as “*the law*”).

Most of the provisions of the law are applicable to the Government Establishments. However, there are certain provisions which are applicable to Private Establishments (*a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify*) as well.

Certain salient features of the law which are applicable to all types of establishments are as follows :

- a. Every establishment shall prepare “**Equal Opportunity Policy for Persons with Disabilities**” and publish on their website, failing which at conspicuous places in their premises, detailing measures proposed to be taken by it in pursuance of the provisions of the Act.

Further, every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

- b. Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of the Act and shall produce for inspection on demand, such records to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.



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- c. The head of the establishment shall ensure that no person with disability, in its establishment, shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim and the same ground is not misused to deny any right or benefit to persons with disabilities covered under the Act.
- d. The employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.
- e. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas and no establishment shall be granted permission to build any structure, if the building plan does not adhere to these rules and accordingly no establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to such rules as formulated by the Central Government.

Further, the service providers whether Government or private shall provide services in accordance with the said rules on accessibility formulated by the Central Government within a period of two years from the date of notification of such rules.

- f. Accessibility - Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-
 - (i) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;



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(ii) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, vide number G.S.R. 895(E), dated the 20th September, 2016;

(iii) Information and Communication Technology-

(a) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;

(b) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

However, the standard of accessibility in respect of other services and facilities shall be specified further by the Central Government. Furthermore, the respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

Disclaimer : The above note/analysis has been prepared by our research team for guidance purpose only. For authentication of data/information provided, please refer the respective acts, rules and laws. For any further query in the matter, you may contact us at aklabhcs@gmail.com or aklabh@aklabh.com Please visit at www.aklabh.com to know more about us and our services.