

# My country legislation in the field of children health care.



Topic- Rights to Disabled Child

Name – Nerkar Saurav

Group – 17LL6(a)




# Rights to Disabled Children


- The RPWD Act was enacted in December 2016.
- It promotes and protects the rights and dignity of people with disabilities in various aspects of life – educational, social, legal, economic, cultural and political. It applies to government, non government and private organizations. It has mandates and timelines for establishments to ensure accessibility of infrastructure and services.



## The main rights given are :

- The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.
- The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.
- No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

- 
- No person shall be deprived of his or her personal liberty only on the ground of disability.
  - The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.
  - The persons with disabilities shall have the right to live in the community.
  - The appropriate Government shall endeavour that the persons with disabilities are, (a) not obliged to live in any particular living arrangement; and (b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

- 
- The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.
  - No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.
  - The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.



# SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

- All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.
- The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.




# NATIONAL FUND FOR PERSONS WITH DISABILITIES

- There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.
- The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.
- Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

# OFFENCES AND PENALTIES

- . Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.
- Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished



- 
- Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.
  - No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.
  - The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed. Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.