

F.No. 21-7/2017-EE.11
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy
(EE.11 Section)

Shastri Bhawan, New Delhi
Dated the 16th November, 2017

Subject: Instructions for complying with the provisions of the Rights of Persons with Disabilities Act, 2016 - regarding.

The Rights of Persons with Disabilities (RPwD) Act, 2016 has been brought into force w.e.f. 19.04.2017. The new Act has expanded the horizon of the rights of persons with disabilities viz-a-viz the repealed Persons with Disabilities (PwD) Act, 1995. It casts increased responsibilities on the Government authorities to ensure that the persons with disabilities enjoy their rights equally with others and also for their empowerment. The new Act has penal provisions for violation of its provisions.

2. While the original Right of Children to Free and Compulsory Education (RTE) Act passed in April 1, 2010 specifically mentions children with disability, the Amendment passed in 2012 resulted in an expanded definition of children with disability and other enabling measures. Section 2(d) of the RTE Act mentions that "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor as may be specified by the appropriate Government by notification.

2.1 Further, as per Section 2(ee) of RTE Act, a "child with disability" includes-

- A. A child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- B. A child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;
- C. A child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

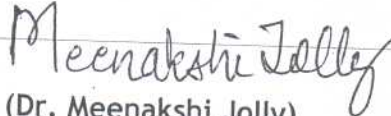
3. Chapter III of the RPwD Act, 2016 is related to the Education of children with disabilities. Section 16 of the RPwD Act, inter-alia, makes provisions in respect of learning disabilities. The Schedule to the RPwD Act, 2016 specifies the disability mentioned in the Act. As per Section 102(1) of the RPwD Act, 'The Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 has been repealed, which has been mentioned in Clause (A) of Section 2 (ee) of the RTE Act.

4. It is requested that appropriate instructions may be issued to all the establishments under your administrative control to comply with the provisions of the RPwD Act, 2016. Salient features of the new Act requiring specific action are the following:-

- The appropriate Government and the local authorities shall ensure that every child with disability as mentioned in RPwD Act gets benefits of RTE Act specifically in respect of Section 2(d) and 2(ee) of the RTE Act.
- The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognized by them provide inclusive education to the children with disabilities in terms of Section 16 of the RPwD Act.
- To frame schemes, programmes and take measures to ensure implementation of Section 17 of the RPwD Act
- The appropriate Government and the local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years in a special school or inclusive neighbourhood schools as per his choice in terms of Section 31 of the RPwD Act.
- ~~To work out mechanism for orientation and sensitization in school level regarding right of PwDs in terms of Section 39(2)(d) of the RPwD Act and also to include rights of persons with disabilities in the curriculum in the schools in terms of Section 39(2)(f) of the RPwD Act.~~
- General instructions may be issued to all the establishments under your control regarding implementation of other provisions of the RPwD Act.

5. The aforementioned instructions should be brought to the knowledge of all concerned for necessary compliance. Copy of the RPwD Act as well as the RPwD Rules, 2017 can also be downloaded from the website of Department of Empowerment of Persons with Disabilities (Divyangjan) i.e. www.disabilityaffairs.gov.in.

6. This issues with the approval of the competent authority.


(Dr. Meenakshi Jolly)
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Principal Secretaries (School Education)
All States and UTs.

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