

**Bill No. 87 of 2023**

THE RIGHTS OF PERSONS WITH DISABILITIES  
(AMENDMENT) BILL, 2023

By

SHRI THOMAS CHAZHIKADAN, M.P.

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BILL

*further to amend the Rights of Persons with Disabilities Act, 2016.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rights of Persons with Disabilities (Amendment) Act, 2023.

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(2) It extends to the whole of India.

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

Short title,  
extent and  
commencement.

2. In section 2 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as principal Act),—

(i) after sub-clause (e), the following sub-clause shall be inserted, namely:—

“(ea) “clinical psychologist” means a mental health professional with full time Masters Degree in clinical psychology with M.Phil from a recognized university highly specialized training in the diagnosis and psychological treatment of mental, behavioural and emotional illness;”

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(ii) after sub-clause (k), the following sub-clause shall be inserted, namely:—

“(ka) “guardian” means guardian, parent or caretaker of a person with a disability;”

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(iii) after sub-clause (q), the following sub-clause shall be inserted, namely:—

“(qa) “occupational therapist” means a person trained in a branch of modern medicine which includes the application of purposeful, goal-oriented activity through latest technology for evaluation, diagnosis, and or treatment of persons whose function is impaired by physical illness, injury, emotional disorder, congenital or development disability, or due to aging process, in order to achieve optimum functioning to prevent disability and to maintain health;”

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(iv) after sub-clause (v), the following sub-clause shall be inserted, namely:—

“(va) “physiotherapist” means a person trained in a branch of modern medical science which includes examination, assessment, interpretation, physical diagnosis, planning and execution of treatment and advice to any person for the purpose of preventing, correcting, alleviating and limiting dysfunction, acute and chronic bodily malfunction, curing physical disorders or disability, promoting physical fitness, facilitating healing and pain relief and; treatment of physical and psychosomatic disorder through modulating psychological and physical response using exercises, physical agents, activities and devices including mechanical, electrical and thermal agents;”

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(v) after sub-clause (za), the following sub-clauses shall be inserted, namely:—

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“(zaa) “school nurse” means a professional nurse that practices advancing the well-being, academic success, and life-long achievements of students with minimum qualification of nursing (GNM) or B.Sc Nursing with registration in Nursing Council;

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“(zab) “Special education teacher” means teacher of concerned speciality, with a minimum educational qualification of diploma or B.Ed in ID (MR) for intellectual disabilities with registration on Rehabilitation Council of India (RCI), Diploma or B.Ed in LD for learning disabilities with registration on (RCI), Diploma or B.Ed in MD for multiple disabilities with registration on (RCI), Diploma or B.Ed in ASD for autism spectrum disorder with registration on (RCI) and Diploma or B.Ed in CP for cerebral palsy with registration on (RCI);”

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(vi) after sub-clause (zc), the following sub-clauses shall be inserted, namely:—

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“(zca) “speech-language therapist” means a professional of speciality Audiology in speech and language with a minimum educational qualification of BASLP;

(zcb) “social worker” means a person whose job is social work with a minimum qualification of Masters in Social Work;”.

3. After section 27 of the parent Act, the following new section shall be inserted, namely:—

Insertion of new section 27A.

5           **“27A. (1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes in the areas of clinical psychology, special education, speech and audio language therapy, social work, nursing therapy, physiotherapy in consultation with guardians of the persons with disabilities.**

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Establishment of Block Resource Centre.

**(2) The appropriate Government and the local authorities shall, for the aforesaid purpose, establish a Block Resource Centre in every block of every district of the country.**

15           (3) For the purpose of Rehabilitation of persons with disabilities the Block Resource Centre shall be authorised to avail the services from the following:—

- (a) Clinical Psychologist;
- (b) Special Education teacher;
- (c) Speech-language therapist;
- (d) Social worker;
- 20           (e) School Nurse;
- (f) Occupational therapist;
- (g) Physiotherapist.

## STATEMENT OF OBJECTS AND REASONS

The Rights of Persons with Disabilities Act, 2016 was enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to which India is a signatory.

It was enacted with a view to make provisions for our children who are differently-abled so that they can get the rights for dual benefits of preventive/educational aspect and diagnostic/medical aspect.

In view of the constant endeavour to facilitate greater ease of living to such differently-abled persons, it has become necessary to amend certain provisions of the Act. Hence the Bill, namely, the Rights of Persons with Disabilities (Amendment) Bill, 2023 is proposed to be enacted.

The Bill, therefore, seeks to amend the Rights of Persons with Disabilities Act, 2016 with view to provide that—

(i) the appropriate Government and the local authorities shall establish a Block Resource Centre in every block of every district of the country;

(ii) the appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes in the areas of clinical psychology, special education, speech and audio language therapy, social work, nursing therapy, physiotherapy in consultation with guardians of the persons with disabilities; and

(iii) the Block Resource Centre shall be authorised to avail the services from Clinical Psychologist, Special Education teacher, Speech-language therapist, Social worker, School Nurse, Occupational therapist and Physiotherapist.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
March 16, 2023.

THOMAS CHAZHIKADAN

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government and the local authorities shall establish a Block Resource Centre in every block of every district of the country.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crore would be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore would also be involved.

ANNEXURE

EXTRACT FROM THE RIGHT OF PERSONS WITH DISABILITIES ACT, 2016

[Act No. 49 of 2016]

Definitions.

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

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

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

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

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

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

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

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*(Shri Thomas Chazhikadan, M.P.)*