



SPECIALLY ABLED PERSONS AND LAW RELATING TO THEM



The Odisha State Legal Services Authority (OSLSA)

Head Office:

Aaini Seba Bhawan, Sector-1, CDA,
Markat Nagar, Cuttack-753014

Email: oslsa1997@gmail.com

Helpline: 9438578586 (Nyaya Sanjog)



SPECIALLY ABLED PERSONS AND LAW RELATING TO THEM



The “disabled person” is anyone who generally cannot ensure the necessity of a normal individual and social life as a result of deficiency in physical and mental capability. It substantially affects the person's life. However, the Constitution of India and the laws framed by the legislation has made endeavour to protect the dignity of disabled person and in the same way ensure fulfilment of their rights and treat them as “**specially abled**”.



1. CONSTITUTION OF INDIA

Indian Constitution guarantees several rights to the disabled persons and also safeguards their dignities through its provisions and it ensures Indian residents together with the persons living with disabilities with the right of expression, religion, belief, justice, worship and in addition to liberty of thought.

- Article 15 prohibits discrimination of citizens (including persons living with disabilities) on the basis of place of birth, sex, race, caste, and faith. The constitution guarantees persons living with disabilities the right to employment in any workplace without discrimination.
- Article 17 clearly states that no Indian (together

with the disabled) shall be handled as untouchable.

- Article 21 guarantees the right to life and personal liberty (which includes person with disability).
- Article 23 prohibits the practice of trafficking persons including the persons living with disabilities for forceful employment.
- Article 24 clearly states that no business or factory should make use of persons living with disabilities under the age of 14 years.
- Persons living with disabilities have the right to vote and be voted for upon attainment of 18 years.

2. THE REHABILITATION COUNCIL OF INDIA ACT, 1992

This Act provides for the Constitution of the Rehabilitation Council of India for regulating monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education, the maintenance of a central Rehabilitation Register.

3. NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES ACT, 1999

The objectives of this Act are:

- To enable and empower persons with disability (persons covered by the National Trust) to live as independently and as fully as possible within and as close to the community to which they belong and
- To strengthen facilities to provide support to persons with disabilities to live within their own families and to help persons with disabilities who have no family support and



- To extend support to registered organizations that provide need-based services to family of persons with disabilities and
- To promote measures of care for persons with disabilities in the event of a death of their parent or guardian and
- To evolve procedure for the appointment of guardians and trustees for persons with disability requiring protection.
- To facilitate the realization of equal opportunities, protection of right, and full participation of persons with disability.

4. RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

The Rights of Persons with Disabilities Act, 2016 (RPWD Act, 2016) was passed by both the houses of the Parliament. It was notified on December 28, 2016 after receiving the presidential assent. Principles stated to be implemented for empowerment of persons with disabilities (PWD) are respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons.

The Act lays stress on non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of disabilities as part of human diversity and humanity, equality of opportunity,



accessibility, equality between men and women, respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to preserve their identities. The principle reflects a paradigm shift in thinking about disability from a social welfare concern to a human rights issue.

5. THE MENTAL HEALTHCARE ACT, 2017

The Mental Healthcare Act, 2017 guarantees the following rights to persons with mental illness :

- Every person has a right to obtain mental health care and its treatment from mental health services run or financed by the appropriate Government.
- Right to live with dignity is provided for every person with mental illness.
- No discrimination of any basis including gender, sex, religion, culture, sexual orientation, caste, social, class, disability and political beliefs should be done against mentally ill people.
- Forbid the usage of the release of a photograph or any such matter related to a mentally ill person in the media without the acquiescence of the person.
- Right of picking the person who would be

answerable for making decisions with the view to the treatment, his admission into a hospital, etc.

- Persons with mental illness will also have the right to protection from barbaric and demeaning treatment.
- Free treatment is provided for the person with mental illness if they are homeless & fall in Below Poverty Line, even if they don't own a BPL card.

6. THE LEGAL SERVICES AUTHORITIES ACT, 1987

Section 12 of the said Act provides provision for giving free legal services to disabled persons.

Disclaimer: This leaflet is being circulated only for the purpose of legal awareness. The information, views and opinion expressed here are advisory in nature. This cannot be used as law books in any court or Government/non-Government Office. The publisher shall not be held liable if any loss is caused by taking any step relying on the information contained in the leaflet. To know the correct position of law, law books or statutes can be referred to. The readers are requested to bring to the notice of the publisher, any mistake that might be in the contents, despite the best of endeavors to print it correctly.

