

Rights and Entitlements of Persons with Disability Due to Psychiatric Disorders



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Various rights and entitlements are offered to persons disabled due to intellectual disability (ID), mental illness (MI), specific learning disabilities (SLD), and autism spectrum disorders (ASD). This includes rights and entitlements applicable in general for persons with disabilities (PwD). Regulations and parameters for obtaining them vary from state to state. This leaflet provides information about the rights and entitlements extended in Uttar Pradesh. PwD need a valid 'disability' certificate issued by a competent authority to avail them.

What is a disability certificate?

It is a certificate issued by competent authorities who assess the level of disability that a person experiences. The certificate is needed for a PwD to avail facilities, concessions, rights, and entitlements available under various schemes, subject to conditions imposed by the Central or the State Government, to help PwD integrate into their community, improve their quality of life and, in essence, lead a dignified life.

Who is eligible for disability certificate?

Disability certificate is issued for various physical and psychiatric conditions severe enough to cause disability, specified in the RPWD Act, 2016. The rights and entitlements are offered only to those assessed with a disability percentage of 40 and above, certified as benchmark disability. Kindly discuss with your doctor to know if you are eligible.

What is UDID?

Unique Disability ID (UDID) Card is a digital disability card valid across India. PwD can apply for UDID at the website www.swavlambancard.gov.in

Laws pertaining to the rights of PwD

1. The Rights of Persons with Disabilities (RPwD) Act, 2016.
2. National Trust Act for the Welfare of Persons with Autism, cerebral palsy, mental retardation-retardation, and Multiple Disabilities, 1999.
3. Rehabilitation Council of India Act – 1992.
4. The Mental Healthcare Act, 2017, pertains to mental illness alone.

Benefits for Persons with disability due to Psychiatric illness:

All gram panchayats/ taluka panchayats/ Town /City municipal /Metro city Corporations and development corporations of Govt. must spend at least 5% of their budget for PwD.

1. Divyang Pension:

PwD who are below the poverty line get Rs 1000 per month.

2. Travel Concession:

Bus: PwD can travel free of cost on UPSRTC-operated buses. Those with 80% or more disability can bring a companion for free.

Train: persons with ID and 1 accompanying person can avail a maximum concession of 75%, depending on the class travelled. For more details, kindly visit www.irctchelp.in/railway-rules-handicapped/. Photo ID cards for PwD with unique ID number can be availed from the respective divisional railway manager's office for availing concessions, including online ticketing. Kindly refer to Government of India, Ministry of Railways circular No. 2011/TG- 1/10/e-ticketing for disabled / Pt.1 dated 19/03/2015.

3. Insurance schemes: Niramaya scheme (National Trust Act):

Persons with ID, cerebral palsy, autism, and multiple disabilities are eligible. It covers OPD treatment, health check-ups, surgery, alternative medicine, and transportation costs of up to ₹ One lakh per annum, within certain limits specified for some conditions. Treatment can be taken from any hospital. No pre-insurance medical tests are required. Fee: for PwD Below the Poverty Line, the first-time enrolment fee is ₹250 per year, and renewals cost ₹50 per year and for Above Poverty Line, the first-time enrolment fee is ₹500 per year, and renewals cost ₹250 per year. For additional information, visit www.niramayascheme.com.

4. Employment –

1% reservation in Government and Government aided institutions is provided for PwD due to ID, ASD, SLD, MI, and multiple disabilities.

PwD can register for employment through the Ministry of Labour and Employment's National Career Service website (www.ncs.gov.in) or PM DAKSH portal (<https://pmdaksh.depwd.gov.in>).

The Mahatma Gandhi National Rural Employment Guarantee Act, the Pradhan Mantri Kaushal Vikas Yojana, the Prime Minister Employment Generation Program, and the Swarna Jayanthi Gram Swarozgar Yojna offer reservations or concessions for PwD.

An employee's rank cannot be lowered or eliminated if they become disabled while they are still employed. Promotion cannot be denied on the basis of disability.

The government pays the employer's share of the Employees Provident Fund and Employees State Insurance for the first three years to encourage employers to hire in the private sector.

5. Education:

A 5% reservation for PwD, including persons with ID, ASD, SLD, MI, and multiple disabilities, at government and government-aided higher education institutions. Exam benefits for students with SLD vary depending on the educational board. These could include

grace marks, using an Amanuensis/Reader/Reader-cum-Writer, an extra fifteen minutes for each one-hour exam, and an exemption from the second language requirement. University Grants Commission and the Central Board of Secondary Education¹ have issued relevant guidelines. The Department of Empowerment of Persons with Disabilities, Government of India, provides scholarships to students with disabilities for pre-matric, post-matric, undergraduate, graduate, and diploma programs.

The "Saksham Scholarship Scheme" is offered by the All-India Council of Technical Education (AICTE) to students with disabilities pursuing technical degrees or diploma programs at AICTE-accredited institutions.

The University Grants Commission, or UGC, offers scholarships known as the "Rajiv Gandhi National Fellowship" to PwD to pursue M.Phil and Ph.D. programs in higher education.

Parents/ guardians of children with disability are permitted a higher annual ceiling for reimbursement of children's education allowance and hostel subsidy.

ADIP scheme provides Assistance to Disabled persons for purchasing / fitting of aids / appliances (ADIP) scheme Multi-Sensory Education Kits for persons with intellectual and developmental disabilities.

Special schools for PwD are set up. Bachpan Day Care Centres for primary education, Mamta schools (for students with ID) and Intermediate colleges (from Class – 6 to 12) are being established for integrated education (for students with and without disability). The government also runs Dr Shakuntala Mishra National Rehabilitation University for higher education.

Every child with a benchmark disability between the ages of six and eighteen years can avail of free education in a neighbourhood school or in a special school of their choice. Also, under the aegis of Samagra Siksha Abhiyan, the government runs door-to-door campaigns to identify children with special needs (CWSN).

6. Income Tax concessions:

Under Section 80U of IT Act, Persons with $\geq 40-79\%$ disability can avail of a deduction of ₹75,000/- and those with $\geq 80\%$ disability can avail of a deduction of ₹1,25,000/- from their annual income while calculating their income tax liability.

Under section 80DD, caregivers can avail of a deduction of ₹75,000/- ($\geq 40-79\%$ disability) and ₹1,25,000/- ($\geq 80\%$ disability) from annual income for expenditure incurred for medical treatment, training, and rehabilitation of dependent PwD or if the amount was deposited or paid under the designated schemes of LIC or UTI for payment of the annuity or lump sum amount for dependent PwD

Under Section 64 of IT Act, income generated by a child with disability (from any source like fixed deposits, property in their name, etc) is not clubbed with the parent's income for filing IT returns. The child can claim benefits under section 80U while filing IT returns.

Under section 80DDB, an individual can claim a deduction for expenditure incurred on treatment of specified ailments for expenses on themselves or dependants

7. Loans

Divyangjan Swavalamban Yojana: This scheme provides loans at concessional interest rates for PwDs aged ≥ 18 years (14 years in case of ID) to start or augment income-generating activities or higher education.

8. Marriage allowance:

₹ 15,000/- if male PwD (21 to 45 years of age) marries a female without disability

₹ 20000/- if female PwD (18 to 45 years of age) marries a male without disability

₹ 35,000/- for marriage between male and female PwD.

PwD needs to apply at www.divyangjan.upsdc.gov.in/

9. Pension transfer:

A Government of India employee/ pensioner/ family pensioner can transfer pension at any time before or after retirement/death of the employee for life to a permanently disabled dependent in

the family. For more details, kindly visit the website: Central Pension Accounting Office; Ref. No. 1/27/2011-P&PW(E)

10. Exemption from routine transfers for caregivers of dependent PwD:

A Government of India servant who is also a caregiver to dependent(s) with disabilities may be exempted from the routine exercise of transfer/rotational transfer subject to administrative constraints. For more details, kindly refer to No. 42011/3/2014-Estt. (Res.) dated 6th June 2014.

11. Free Legal Aid Service is available for PwD and family members in all district courts.

12. Schemes under the National Trust Act 1999 for PwD with ID:

Parents of persons with ID, cerebral palsy, autism, and multiple disabilities can apply for a guardianship certificate under the National Trust Act (1999) and avail of several benefits. Kindly enrol with organizations registered with National Trust Act in your area to avail these schemes: Disha (early intervention and school readiness scheme), Vikaas (daycare), Samarth (respite care), Gharaunda (group home for adults), Niramaya (health insurance scheme), Sahyogi (caregiver training scheme), Gyan Prabha (educational support), Prerna (marketing assistance scheme), Sambhav (aids and assistive devices), Badhte Kadam (awareness, community interaction, and innovation project).

For more details, visit www.thenationaltrust.gov.in

How can a disability certificate help you?

Benefits	Schemes	Beneficiary
Disability pension	₹1000/- per month*	PwD (as specified in RPWD Act 2016) ⁱⁱ
Travel benefits	Bus: Free travel in UPSRTC operated buses *	≥40-79% disability – Only PwD ≥80% PwD and accompanying person/ Caregiver
	Rail concessions (up to 75%)	PwD (ID) & 1 accompanying person/ Caregiver
Insurance schemes	Niramaya (1 lakh per annum)	PwD covered under the National Trust Act 1999
Employment	1% reservation in Government Jobs	PwD due to ID, ASD, SLD, MI, and Multiple Disabilities
	PwD can register in National Career Service portal or PM DAKSH portal for employment	All PwD
Education	5% reservation in Government institutions Scholarships for PwD Exam concessions	All PwD, including those with ID, ASD, SLD, MI and Multiple disabilities SLD
IT exemption	<u>Under section 80U:</u> ₹75,000/- for ≥40-79% disability ₹1,25,000/- for ≥80 % disability	PwD
	<u>Under section 80DD:</u> ₹75,000/- for ≥40-79% disability in	Caregiver of dependent PwD

	dependent PwD ₹1,25,000/- for ≥80 % disability in dependent PwD	
Loans	Divyangjan Swavalamban Yojana	PwD
Marriage allowance	₹ 15,000-35,000*	PwD
Pension transfer to PwD	Central Pension Accounting Office Ref. No. 1/27/2011-P&PW(E)	PwD
Exemption from routine transfers	No. 42011/3/2014-Estt. (Res.) dated 6th June 2014.	Caregivers of PwD
Free legal aid services	All district courts	PwD
National Trust Act schemes	Niramaya, Gharaunda, Vikas & other schemes	PwD covered under the National Trust Act 1999

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Scan the QR
code to visit us:



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Scan to know more
Useful links-

ⁱ https://www.cbse.gov.in/cbsenew/Examination_Circular/2018/3_CIRCULAR.pdf

ⁱⁱ <https://nhrc.nic.in/sites/default/files/DisabilityRights.pdf>