

## **The Act Relating to Rights of Persons with Disabilities, 2074 (2017)**

Date of Publication in the Nepal Gazette

2074.6.29 (15 October 2017)

### **Amending Act**

The Act Relating to Rights of Persons with Disabilities

(First Amendment), 2075 (2018)

2075.6.2 (18 September 2018)

Act No.25 of the year 2074 (2017)

### **An Act Made to Provide for the Amendment and Consolidation of Laws Relating to the Rights of Persons with Disabilities**

#### **Preamble:**

Whereas, it is expedient to amend and consolidate laws relating to rights of persons with disabilities in order to respect their civil, political, economic, social and cultural rights by doing away with discrimination against persons with disabilities and to ensure the environment that enables persons with disabilities to earn self-reliant and respectful living by empowering persons with disabilities and getting them to have participation in the process of policy making, and development;

Now, therefore, be it enacted by the Legislature-Parliament pursuant to clause (1) of Article 296 of the Constitution of Nepal.

#### **Chapter-1**

#### **Preliminary**

1. **Short title and commencement:** (1) This Act may be cited as the “Act Relating to Rights of Persons with Disabilities, 2074(2017).”
  - (2) This Act shall commence on the ninety-first day of the date of its authentication.
2. **Definitions:** Unless the subject or context otherwise requires, in this Act,
  - (a) "Helpless person with disability" means a person with disability who does not have any property or any family member or guardian to attend, care and serve him or her or who cannot earn their living by way of self-employment.
  - (b) “Person with disability” means a person who has long-term physical, mental, intellectual or sensory disability or functional impairments or

existing barriers that may hinder his or her full and effective participation in social life on an equal basis with others;

- (c) .....<sup>1</sup>
- (d) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.
- (e) "Steering Committee" means the Disability National Steering Committee referred to in Section 38;
- (f) "Family" means the grand-father, grand-mother, father, mother, son, daughter, elder brother, younger brother, elder sister, younger sister, husband or wife of a person with disability, and this terms also includes other relative of him or her relative living in the undivided family;
- (g) "Accessible" means a condition where the persons with disabilities can fully and with no barriers use, on an equal basis with others, human-made physical structures, means of transportation, information and communication equipment and technologies or services and facilities provided to the public in order to enable such persons so that they can live self-dependently and fully participate in every aspect of life;
- (h) "Rehabilitation Centre" means the rehabilitation centre as referred to in Section 29;
- (h1)<sup>2</sup> "Enterprise" means any factory, organization, institution, association, company, firm or other organization that has been established, incorporated, registered, formed or in operation under the prevailing law with the objective of doing business, industry or service, with or without profit-motive;
- (i) "Language" means spoken or sign language and other forms of non-spoken languages;
- (j) <sup>3</sup>"Ministry" means the Ministry of Women, Children and Senior Citizens, Government of Nepal;
- (k) "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative

---

<sup>1</sup> Deleted by the First Amendment.

<sup>2</sup> Inserted by the First Amendment.

<sup>3</sup> Amended by the First Amendment.

modes, means and formats of communication, including accessible information and communication technology;

- (l) “Coordination Committee” means the local coordination committee referred to in Section 42’
- (m) “Local Level” means a Rural Municipality or Municipality;
- (n) “Guardian” means a person appointed under the prevailing law for the protection of the rights and interests of the persons with disability;
- (o) “Protection Officer” means the officer referred to in Section 58.

## Chapter-2

### Classification of Disability, Identity Card and Records

- 3. Classification of disability:** (1) The classification of disability shall be as contained in Schedule.

(2) The Ministry may, as prescribed, make alteration in the classification of disability referred to in sub-section (1), on the recommendation of the Committee.

- 4. Provisions relating to disability identity card:** (1) In order to obtain the disability identity card, a person with disability himself or herself or any of his or her family members or guardian shall make an application, along with recommendation of the concerned Ward Office to the Local Level.<sup>4</sup>

(2) Notwithstanding anything contained in sub-section (1), if a person with disability is not able to make an application on his or her own or any of his or her family members or guardian is not available, the Ward Chairperson of the concerned Ward may, on his or her behalf, make an application pursuant to sub-section (1) for the disability identity card.

(3) Upon receipt of an application pursuant to sub-section (1) or (2), the Local Level shall make necessary inquiry into the application, and in the case of the person with disability whose disability appears clearly upon making such inquiry, issue the disability identity card in the prescribed format, also specifying the classification of disability.

(4) If, in making inquiry into the application pursuant to sub-section 3, it is not clear to which classification of disability the person belongs or there is a doubt

---

<sup>4</sup> Amended by the First Amendment.

as to whether the person has disability, the Local Level shall submit the matter to the coordination committee, and shall give the disability identity card pursuant to sub-section (3), on the basis of Recommendation of that committee.

(5) Before making the recommendation pursuant to sub-section (4), the coordination committee shall, if it considers necessary to have physical examination of the person obtaining disability identity card, have the health-check-up of that person in a nearby government hospital, at the expenses of the Local Level.

(6) If, upon making an inquiry or physical examination pursuant to this section, it appears that the disability identity card cannot be issued to any person, the Local Level shall give information thereof, along with the reason, to the applicant.

(7) A person who is not satisfied with the decision made by the Local Level not to issue the disability identity card pursuant to sub-section (6) may make a complaint in the ministry or the official designated by the Ministry within thirty-five days and the decision made by the Ministry on such a complaint shall be final.

(8) Other provisions relating to the issuance of the identity card to the person with disability shall be as prescribed.

**5. Prohibition on obtaining identity card by giving false details:** (1) No person shall obtain the disability identity card by giving false details or obtaining the disability identity card of another category of disability by giving false details to the effect that the person belongs to that category of disability.

(2) If any person obtains the disability identity card in contravention of sub-section (1), the identity card obtained by that person shall be cancelled, and action shall be taken against that person under this Act.

(3)<sup>5</sup> Notwithstanding anything contained in sub-section (2), if it appears that any authority has issued another category of identity card to a person with disability despite that the real details were provided, recommendation shall be made for action against the authority issuing that identity case, under the prevailing law.

(4) If it is found that any person has, on the basis of the disability identity card obtained by furnishing false details, been appointed to the post that is

---

<sup>5</sup> Amended by the First Amendment.

reserved for the person with disability in accordance with the prevailing law, notwithstanding anything contained in the prevailing law, such appointment shall be cancelled at any time, the salary and other facilities obtained by him or her shall be recovered as government dues, and such a person shall be punished under the prevailing law as if he or she has lied the qualification for obtaining the post.

**6.<sup>6</sup> To maintain records:** (1) The Local Level shall prepare records, along with the details as prescribed, of the persons with disabilities who reside permanently within its area and update such records each year.

(2) The Local Level shall forward the records updated in accordance with sub-section (1) to the Ministry looking after the federal affairs of the Government of Nepal, Ministry and the Provincial Ministry looking after the social sector.

(3) The Ministry shall prepare integrated details of the persons with disabilities, on the basis of the records received pursuant to sub-section (2).

(4) It shall not be bound to provide the services and facilities to be provided under this Act to those persons with disabilities who are not included in the records pursuant to this Section.

### **Chapter-3**

#### **Rights of Persons with Disabilities**

**7. Entitlement to enjoy rights under the prevailing law:** The persons with disabilities shall have the right to enjoy the rights granted under the prevailing law on an equal basis with others, in addition to the rights granted by this Act.

**8. Right against discrimination:** (1) No person with disability shall be subjected to discrimination on the basis of disability or be deprived of personal liberty.

**Explanation:** For the purposes of this Section, “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, and this term also includes denial of reasonable accommodation.

(2) No person shall make any kind of discrimination on the basis of disability in making enrolment of a person with disability in an educational institute, in lending loans by a bank or financial institution, with or without

---

<sup>6</sup> Amended by the First Amendment.

security, or doing other financial transaction or in selecting any employment or in providing any service, facility provided publicly whether for fee or reward.

(3) No member of his or her family or guardian shall, on the basis of disability, make any kind of discrimination against a person with disability in the maintenance, care, provision of foods, distribution of property or any other act.

(4) No person shall, on the basis of disability, be prohibited from using or entering into any building or place that is open for use or entry by the general public whether with or without fee or no additional terms or liability shall be imposed in this respect on such basis.

**9. Right to community life:** (1) A person with disability shall have the right to live with his or her family or guardian or in a place of residence chosen by him or her, on an equal basis with others, and he or she shall not be compelled to live in any specific place.

(2) The persons with disabilities shall have the right to obtain assistive materials and community assistance in order to earn the living respectfully.

**10. Right of protection:** (1) The person with disability shall have the right to obtain protection against any kind of inhuman or degrading treatment, physical or mental violence, gender-based violence, domestic violence, sexual harassment and exploitation by the family guardian or other person.

(2) The persons with disabilities shall have the right to obtain security, rescue and protection with priority in times of armed conflict, state of emergency or disaster.

(3) The Government of Nepal shall make the following provisions in order to protect the persons with disabilities against any kind of exploitation, violence and harassment including gender-based violence:

- (a) To obtain information of incidents of exploitation, violence, harassment, gender-based and sexual violence committed against the persons with disabilities, and maintain records thereof,
- (b) to take effective legal action in accordance with this Act and the prevailing law against exploitation, violence and incidents referred to in clause (a),
- (c) To immediately and effectively provide security to, rescue, protect and rehabilitate, the victims from such incidents,
- (d) To make proper arrangements for preventing such incidents,

- (e) To launch awareness and counselling programs at the community level against such incidents.

**11. Right of political participation:** (1) The persons with disabilities shall, on an equal basis with others, have the right to become candidate in elections in a fearless environment and to cast votes voluntarily, with or without assistance of others.

(2) The Government of Nepal shall make appropriate provisions that the process and facilities of voting are accessible to the persons with disabilities and materials related thereto are easily understandable by and accessible to them.

**12. Right of participation in policy making:** (1) The persons with disabilities shall have the right to participate on their own or through their related unions, organisations in the process of development of important policies that may affect them.

(2) In making participation in the development of policies pursuant to sub-section (1), the views expressed by the persons with disabilities shall be given appropriate place on the basis of relevancy.

**13. Right to form unions:** The persons with disabilities shall have the right to establish, operate and manage unions or organisations in accordance with the prevailing law.

**14. Right to participate in the cultural life:** (1) The persons with disabilities shall have the right to participate, on an equal basis with others, in cultural programs or services and entertainment, including television programs, films, dramas, theatres, cinema halls, libraries, tourism services, arts, literature and music, in accessible formats and manner.

(2) The persons with disabilities shall have the right to develop and utilize their creative, artistic, intellectual, professional and internal potentiality.

(3) The persons with disabilities shall have the right, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

**15. Right of access to services, facilities and justice:** (1) The persons with disabilities shall have the right to have easy access to other services and facilities that are open or provided for the public, including educational institutes, housing, workplaces, buildings, roads, transportation, and electronic communication services.

(2) The persons with disabilities shall have the right to free legal aid in order to ensure that they have access to justice.

- 16. Right to social security:** (1) The persons with disabilities as prescribed shall have the right to obtain economic assistance or social security as prescribed from the Government of Nepal.

(2) The persons with disabilities shall, in obtaining and enjoying any opportunity, have the right to get reimbursement for additional expenses incurred in the assistive services that they use.

- 17. Right to Information:** (1) The persons with disabilities shall have the right to obtain information from public communication media in disabled friendly and accessible formats.

(2) Electronic broadcasting Institutions of public communication shall conduct news and other programs in sign language in such a number as specified by the Government of Nepal.

(3) The persons with disabilities shall have the right to obtain the information that is intended for the public in accessible formats and appropriate technology without any additional fees or charges.

(4) Communication service providers, including telephone and internet, shall make available the services that they provide to the persons with disabilities in accessible formats and usable manner, within the period specified by the Government of Nepal.

- 18. Right to movement:** The persons with disabilities shall have the right on an equal basis with others to make movement with their assistant materials and assistance of persons of their choice.

#### Chapter-4

##### Additional Rights of Women and Children with Disabilities

- 19. Rights of Women with Disabilities:** (1) The Government of Nepal shall make necessary provisions as prescribed to protect the rights of women with disabilities and to create an environment that is conducive to the maximum use of their knowledge, skill and potential.

(2) The Government of Nepal shall make necessary provisions for the protection of their health and the reproductive right, taking into account the special situation of the women with disabilities.



- 20. Rights of children with disabilities:** (1) The children with disabilities shall have the right to ensure their dignity and honour, promote self-reliance, participate actively in the society and earn the living in a respectful manner.
- (2) The children with disabilities shall have the right to obtain education, training, health, care, rehabilitation service, preparation for employment and opportunities of entertainment in order to assimilate in the society and make personal development.
- (3) The children with disabilities shall have the right, on an equal basis with other children, to express their views on all matters affecting them and their views shall be given due weight in accordance with their age and maturity.
- (4) Except where an order is made by the court for the best interests of a child with disability, such child shall not be detached from his or her home, family on the basis of disability.
- (5) The Government of Nepal shall make appropriate provision on curricula, course books and teaching and learning matters in order to address the learning needs of the children with intellectual disabilities, mental disabilities, autism, mental paralysis or hearing and sight disabilities.
- (6) The children with disabilities shall have the right to such special protection as prescribed.

## **Chapter-5**

### **Education of Persons with Disabilities**

- 21. To provide free education:** (1) The educational institutes operated by the Government of Nepal or Local Level or that receive grants from the Government of Nepal shall provide free higher education to the persons with disabilities.
- (2) The educational institutes as prescribed by the Government of Nepal shall provide free higher education to the persons with disabilities.
- (3) No fee of any kind shall be collected from a person with disability for getting admission to an educational institute.
- (4) The vocational and technical education as prescribed shall be freely provided to the persons with disabilities.
- (5) No educational institute shall discriminate against the persons with disabilities with regard to extra-activities, distribution and access to educational materials.

(6) The Government of Nepal shall make provisions to provide education to the persons with disabilities through more than one means such as brail or alternative scripts, sign language, means of information technology and peer learning, in order to ease the imparting of education.

(7) The Government of Nepal shall make provisions to provide education as prescribed through accessible information technology means, including appropriate language method, scripts, curricula and coursebooks, to the persons with sight disabilities, hearing disability, hearing impairment, sight and hearing impairment.

(8) The Government of Nepal may make arrangements for the provision of education along with hostel facility to such persons with disabilities as prescribed, on the basis of, inter alia, indigency, geographical remoteness or severity of disability.

(9) The persons with disabilities shall be enabled to obtain access to vocational and technical education, adult education, practical education and continuing learning, by providing them with reasonable accommodation.

(10) The Government of Nepal shall, on the basis of the classification of disabilities, make separate provision, as required, with regard to education and evaluation system of the students with disabilities.

(11) The educational institutes shall make provisions of disability friendly educational materials, having regard to the needs of the persons with disabilities.

(12) The educational institutes shall build school buildings and other physical structures in accordance with the standards determined by the Government of Nepal, in such a manner as to ensure the access of the persons with disabilities.

(13) The educational institutes operated by the private sector shall provide fee study facilities to such a number of the students with disabilities as determined by the Government of Nepal.

**22. To provide scholarship and financial assistance:** (1) The Government of Nepal shall provide educational scholarship as prescribed for the education that has not been made free for the students with disabilities.

(2) The Government of Nepal shall provide financial assistance as prescribed for the development of physical infrastructures and other services,

facilities of the schools that operate special education programs for the students with disabilities.

**23. To enhance access of the students with disabilities to quality education: (1)**

The Government of Nepal shall make necessary provision as prescribed to give continuity to and promote study of the students with disabilities.

(2) The Government of Nepal shall make provisions for special trainings for the teachers with disabilities and teachers who teach the students with disabilities.

(3) The Government of Nepal shall make freely available the educational materials as prescribed to the schools in order to ensure the access of the students with disabilities to schools and learning.

## **Chapter-6**

### **Skill Development and Employment**

**24. Vocational training and self-employment: (1)** The Government of Nepal shall provide vocational training in order to develop professionalism and create self-employment by enhancing the skills of the persons with disabilities.

(2) The Government of Nepal shall provide for the provision of loans at the concessional rate as prescribed to the persons with disabilities who wish to do various occupations or businesses, on the basis of their skills, competency and proposals prepared by them for occupations or businesses.

(3) No enterprise shall make discrimination against the persons with disabilities, with regard to employment and any matter related thereto.

(4) Notwithstanding anything contained in sub-section (3), the Government of Nepal may dispense with the application of the provision referred to in that sub-section in the case of any employment.

(5) An enterprise shall make provision that workers or employees with disabilities can work in an easy manner.

(6) No one shall deprive any person of an opportunity of promotion or deny to make promotion solely on the basis of disability.

(7) Notwithstanding anything contained in the prevailing law, the body and institution providing employment shall not remove the workers and employees with disabilities from employment or demote them, in the course of employment.

(8) It shall be done as follows with respect to the employee with disabilities referred to in sub-section (7):

- (a) In cases where such a worker or employee has become disabled in such a manner as not be able to the functions of the post being held by him or her, to designate him or her to do the functions of another post carrying the equal salary, facilities,
- (b) In cases where it is not possible to designate such a worker or employee to do the functions of another post, to create another post suitable to him or her or maintain an additional post until he or she gets retired.

**25. To appoint the persons with disabilities:** (1) The Government of Nepal may, to the extent of availability of any work in any enterprise according to the physical capacity, training, qualification and experience of the persons with disabilities, prescribe in such a way that the persons with disabilities have to be appointed in any specific number.

(2) The enterprises prescribed pursuant to sub-section (1) shall appoint the persons with disabilities on the basis of the prescribed priority.

**26. To maintain records:** (1) The enterprise shall maintain and update the records containing the number of the persons with disabilities working in it, facilities provided to them and such other details as prescribed.

(2) The enterprise shall open the records maintained pursuant to sub-section (1) for inspection by those who wish to inspect during the office hours.

**27. To make a complaint to the manger:** (1) If any person is aggrieved from the fact that any enterprise has not complied with the provision of sub-sections (3), (4), (5) or (6) of Section 24, such a person may make a complaint to the manger.

**Explanation:** For the purposes of this Chapter, the term “manager” means the official who can make the final decision with respect to the activities of the enterprise.

(2) If a complaint is made pursuant to sub-section (1), the manager shall make necessary inquiry into such a complaint within fifteen days, and if, on such inquiry, the content of the complaint appears to be reasonable, the manager shall make necessary reform or rectify the error.

## Chapter-7

### **Health, Rehabilitation, Social Security and Recreation**

- 28. To provide free health service:** (1) The Government of Nepal shall make provision for the provision of free health service and necessary therapy services including speech therapy, occupational therapy to those persons with disabilities whose annual income is less than the income as prescribed or who are admitted to governmental hospitals for the treatment of the prescribed diseases.

**Explanation:** For the purposes of this Section, the term “hospital” also includes a health centre.

(2) The Government of Nepal shall provide free the medicines that need to be taken due to the disability and such factor as may be necessary for the persons with disability related to haemophilia on such basis as prescribed.

(3) The Government of Nepal shall make necessary provisions to remove the barriers that exist to the access of the persons with disabilities to hospitals for treatment.

(4) The health workers of hospitals shall provide quality treatment service to the extent of availability to the persons with disabilities with priority.

(5) A hospital that has more than twenty-five beds operated by the government and private sector shall reserve at least two beds for the persons with disabilities.

(6) The Government of Nepal shall make necessary provisions for the prevention and abolition of the disability that can be prevented or abolished and for the discovery of the factors that cause disability and prevention, abolition, control and treatment thereof.

(7) The Government of Nepal shall make necessary provisions for making available treatment by nearby hospitals for the mitigation of dystrophy of organs and their functions.

- 29. Provisions relating to rehabilitation:** (1) The Government of Nepal shall rehabilitate the persons who have profound disabilities, severe disabilities, are helpless or have mental disabilities and mental or psycho-social disabilities.

**Explanation:** For the purposes of this Section, the term “rehabilitation” means treatment service, life useful skill-oriented and vocational training, assistive materials, medicines, regular consultancy service, educational and financial programs to be so provided and launched as to enable the persons with disabilities

to make active life in the society, and this term also include the housing program to be launched for the settlement of the persons with disabilities

(2) The Government of Nepal may establish rehabilitation centres as required for making provision of appropriate housing to the persons with disabilities and for the purpose of empowering and rehabilitating them in the society.

(3) Any institution may establish and operate a rehabilitation centre for the objective referred to in sub-section (1) by obtaining approval as prescribed.

(4) The Government of Nepal may provide financial and other assistance to the rehabilitation centre as prescribed.

(5) The provisions relating to the physical and other infrastructure that the rehabilitation centre must have, standards relating to management and operation and monitoring of such centre shall be as prescribed.

**30. Rehabilitation fund:** (1) The Government of Nepal shall establish a rehabilitation fund for the operation of the rehabilitation centres established pursuant to sub-section (2) of Section 29.

(2) The fund referred to in sub-section (1) shall consist of the following amounts:

- (a) Amount received from the Government of Nepal,
- (a1)<sup>7</sup> Amount received from the Provincial Government,
- (b) Amount received from any person or institution as assistance,
- (c) Amount received from a foreign person, organisation or institution,
- (d) Amount received from the Local Level,
- (e) Amount received by way of fine imposed pursuant to Section 55<sup>8</sup>,
- (g) Amount received from any other source.

(3) Other provisions relating to the operation of the rehabilitation fund shall be as prescribed.

**31. To conduct or cause to be conducted research:** The Government of Nepal shall conduct or cause to be conducted necessary research in order to empower the persons with disabilities and enhance their access to the services and facilities and for the development of disabled friendly services, facilities and technology.

---

<sup>7</sup> Inserted by the First Amendment.

<sup>8</sup> Amended by the First Amendment.

**32. Social security:** (1) The Government of Nepal shall implement the following social security programs in which the persons with disabilities have contribution or for free on the prescribed conditions in such a manner as to enable the persons with disabilities to make living in the society independently and self-respectfully:

- (a) To develop the community housing facilities, along with the safety and health services,
- (b) To provide housing for the helpless children and for the persons with disabilities who have been abandoned by the family,
- (c) To make life insurance, health insurance and accident insurance,
- (d) To provide medicines and other necessary assistive materials,
- (e) To provide unemployment allowance, livelihood allowance and elderly citizens' allowance on the prescribed basis,
- (f) To provide allowances to the attendants of the persons with disabilities who are in the prescribed situations,
- (g) To support the development and use of universal design for the development of the persons with disabilities,

**Explanation:** For the purposes of this Section, the term “universal design” means the design of products, physical structures, programmes and services to be usable by all persons, to the greatest extent possible, and this term also includes assistive devices for particular groups of the persons with disabilities.

- (h) To provide such other services and facilities as prescribed.

(2) In the implementation of the program referred to in sub-section (1), such matters as the diversity of disability, sex, economic and social condition shall be taken as the basis.

**33. Cultural rights and entertainment:** The Government of Nepal and Local Level shall, in order to respect the cultural rights of the persons with disabilities and to create opportunities for such persons to take part in the entertainment related activities on an equal basis with others, make the following provisions:

- (a) To provide necessary scholarship, facilities and supports for the respect and development of the skills, talent that the persons with disabilities have and their interest in literature,

- (b) To develop necessary technology and art in order to make the services, facilities and infrastructure accessible to the persons with disabilities,
- (c) To support the entertainment centres and organisations that provide services to the persons with disabilities,
- (d) To encourage the persons with disabilities to take part in extra-curricular activities,
- (e) To do or cause to be done such other acts as prescribed.

**34. Participation in sports:** (1) The Government of Nepal shall make necessary provisions to have the persons with disabilities participate in sports related activities on an equal basis with others, by making special provisions to that effect.

(2) The organisations or bodies making the development of sports and organising competitions shall develop and promote sports by involving the persons with disabilities in sports related competitions.

(3) For the purposes of sub-sections (1) and (2), the bodies or organisations empowered to develop sports may launch the following programs in order to have the persons with disabilities participate in sports:

- (a) To review the curricula and programs of sports in such a manner as to have the access and inclusive participation of the persons with disabilities,
- (b) To redesign sports grounds and physical infrastructures in order to ensure the access and facilities of the persons with disabilities,
- (c) To develop and use necessary technologies in order to foster the talent and competency of the persons with disabilities in sports,
- (d) To organise sports competitions by including the persons with disabilities,
- (e) To have effective representation of the persons with disabilities in international, national, province and local level mechanisms related to sports,
- (f) To involve the children with disabilities, on an equal basis with other children, in the sports and extra-curricular activities conducted at the school level, and to provide for appropriate training, instruction, competition for the participation of such students in the



sports developed on the basis of the nature of disability and arrange for the resources for that purpose.

(g) To do or cause to be done such other acts as prescribed.

**35. Additional services and facilities for the persons with mental or psycho-social disabilities:** (1) The Government of Nepal shall make provisions for the treatment of the persons with mental or psycho-social disabilities in such community hospitals or health centres as chosen by them or any member of their families or their guardians.

(2) The Government of Nepal shall provide free medicines and consultancy service required for the persons with mental or psycho-social disabilities.

(3) The Government of Nepal shall make arrangements for the treatment and rehabilitation or family reunion of the persons with mental or psychosocial disabilities who have been disregarded by their families.

**36. Not to keep in prison:** (1) Notwithstanding anything contained in the prevailing law, any person with mental or psycho-social disability shall not be held in prison in the name of treatment or protection.

(2) Notwithstanding anything contained in sub-section (1), nothing shall bar the keeping in prison of any person with disability who is undergoing action or has been sentenced for any criminal offence, in accordance with the prevailing law.

## Chapter-8

### Facilities and Concessions to Persons with Disabilities

**37. Facilities and concessions:** (1) The Government of Nepal shall make provisions for providing grants, or loans at the concessional interest rate, to the persons with disabilities for agriculture and self-employment business or entrepreneurship.

(2) The owner or operator of a vehicle shall provide fifty percent concession in the passenger fare to such persons with disabilities as prescribed, while they travel by public vehicles such as bus, train and aircraft.

(3) The Government of Nepal may provide full or partial exemption from customs, excise duties, local tax or other fees, in accordance with the prevailing law, to the assistive devices, equipment or tools to be used by the persons with disabilities, disability friendly motor vehicles and goods, machines, spare parts

and raw materials that are used for education, training or self-employment of the persons with disabilities.

(4) The Government of Nepal may grant tax exemption as prescribed to the expenses incurred by any enterprise established with the objective of providing employment to the persons with disabilities in the replacement or installation of spare parts specially to make disability friendly the machines installed in such an enterprise.

(5) The Government of Nepal may grant tax exemption to the amount for that purpose to any institutional school that provides free education to the persons with disabilities.

(6) The Government of Nepal shall make provision for free education as prescribed to the children of the persons with disabilities as prescribed.

(7) The Government of Nepal may make provision for making available from banks and financial institutions loans at concessional interest rate to the social institutions, business or industrial enterprises that provide for employment or training for employment to the persons with disabilities only.

(8) The Government of Nepal may provide loans at a special concessional rate to any enterprise that has been established with the objective of providing employment or training to the persons with disabilities or that provides employment to the persons with disabilities in a number that exceeds the prescribed number, grant to such establishment tax exemption or concessions and exemptions while importing equipment required for the safety of the workplace or importing raw materials that are required for the safety of the persons with disabilities at workplace, providing raw materials or market management.

## Chapter-9

### Steering Committee and Coordination Committee

**38. Steering Committee:** (1) There shall be a Steering Committee for the functions including to co-ordinate, monitor, promote the activities related to the rights, facilities, services and protection of the persons with disabilities and to give direction in the activities related thereto.

(2) The formation of the Steering Committee shall be as follows:

- (a)<sup>9</sup> Minister, Ministry of Women, Children and Senior Citizens -Chairperson
- (a1)<sup>10</sup> A member nominated by the Steering Committee from among the members referred to in clause (r) -Vice-chairperson
- (b) Member, National Planning Commission (responsible for social service) -Member
- (c) Chief Secretary of the Government Nepal -Member
- (d)<sup>11</sup> Secretary, Ministry of Women, Children and Senior Citizens -Member
- (e) Secretary, Ministry of Finance -Member
- (f) Secretary, Ministry of Law, Justice and Parliamentary Affairs -Member
- (g) Secretary, Ministry of Home -Member
- (h)<sup>12</sup> Secretary, Ministry of Federal Affairs and General Administration -Member
- (i) Secretary, Ministry of Health and Population -Member
- (j)<sup>13</sup> Secretary, Ministry of Labour, Employment and Social Security -Member
- (k) Secretary, Ministry of Education, Science and Technology -Member
- (l) Secretary, Ministry of Physical Infrastructure and Transportation -Member
- (m) Member Secretary, Social Welfare Council -Member
- (n) President, Federation of Nepal Chamber of Commerce and Industry -Member
- (o) Chairperson, National Federation of Persons with Disabilities -Member
- (p) National Coordinator, Community-based

---

<sup>9</sup> Amended by the First Amendment.

<sup>10</sup> Inserted by the First Amendment.

<sup>11</sup> Amended by the First Amendment.

<sup>12</sup> Amended by the First Amendment.

<sup>13</sup> Amended by the First Amendment.

- Rehabilitation Network -Member
- (q) Two persons including one woman from among the experts in the field of disability -Member
- (r)<sup>14</sup> Ten persons including at least five women on the basis of the principle of inclusion in such a manner as to have representation from the different groups of disabilities from among the organisations, associations, federations at the national level and the institutions involved in the field of human rights -Member
- (r1)<sup>15</sup> Two persons from among the persons with disabilities that have rendered important contribution at the national level -Member
- (s) Two persons including one woman from among the service provider institutions related to disability -Member
- (t) Chief of the concerned Division of the Ministry -Member Secretary

(3)<sup>16</sup> The Ministry shall nominate the members referred to in clauses (q), (r), (r1) and (s) of sub-section (2), and the term of office of such members and the Vice-chairperson nominated pursuant to clause (a1) shall be two years.

(4) If any Member nominated pursuant to sub-section (2) fails to perform the duties of his or her office, the Ministry may, at any time, remove such a Member from office.

(5) In removing any Member from office pursuant to sub-section (4), he or she shall be provided with an opportunity to defend himself or herself.

(6) The secretariat of the Steering Committee shall be situated in the Ministry.

**39. Functions, duties and powers of the Steering Committee:** The functions, duties, and powers of the Steering Committee shall be as follows:

---

<sup>14</sup> Amended by the First Amendment.

<sup>15</sup> Inserted by the First Amendment.

<sup>16</sup> Amended by the First Amendment.

- (a) To make recommendation to the Government of Nepal for the formulation of long-term policies related to disability,
- (b) To prepare and implement the disability related plans and programs subject to the policies approved by the Government of Nepal,
- (c) To pursue, or cause to be pursued, appropriate measures for the full enjoyment of human rights and basic freedoms of the persons with disabilities without any discrimination, by using, protecting and promoting the rights, services, facilities and opportunities of the persons with disabilities,
- (d) To make coordination between the various governmental bodies or non-governmental organisations in the activities related to disability,
- (e) To make suggestion to the Government of Nepal for improvement, if any, in the prevailing law related to disability,
- (f) To have conducted research on latest technology of the equipment or goods used for the services and facilities of the persons with disabilities and to make additional improvement and development, and to promote, or cause to be promoted, the availability and use of such equipment in this sector,
- (g) To provide, or cause to be provided, training to the concerned persons and employees about the role of various bodies on the matters of the rights of the persons with disabilities,
- (h) To enhance, or cause to be enhanced, public awareness about the conditions that may cause disability, precaution for the prevention of disability, and the behaviour and assistance that should be made for the respect of the rights of the persons with disabilities,
- (i) To provide interpreter service to the persons who are deaf and who have sight and hearing disabilities, to make research, development and promotion of Nepali sign language and, for that purpose, to develop, or cause to be developed, necessary glossaries and touch communication,

**Explanation:** For the purposes of this clause, the term “interpreter” means a sign language translator that facilitates in the communication of the deaf or the persons with hard of hearing, a

captioner for the persons with hard of hearing or a touch communication translator that facilitates in the communication for the persons with hearing and sight disabilities.

- (j) To approve necessary policies in order to make the physical structures accessible to the persons with disabilities,
- (k) To prepare and implement necessary programs by specifying the time limit, in order to make easy the access of the persons with disabilities to public places including hospitals, sports grounds, roads, public and governmental, Local Level means of public transportation, roads, toilets, bus parks and parks,
- (l) To assist in the functioning of the institutions that work for the rights, interests, promotion, protection of the rights, services and facilities of the persons with disabilities and to collaborate with such institutions,
- (m) To monitor, supervise and evaluate the various programmes launched for the persons with disabilities,
- (n) To make study, research, collection, processing and publication of information, on disability,
- (o) To have the concerned bodies include appropriate provisions in their programs in order to implement the provisions of the United Nations Convention on the Rights of Persons with Disabilities,
- (p) To write to the concerned body for necessary action if any activity or action is found to have been carried out by any person contrary to the rights or interests of the persons with disabilities,
- (q) To formulate, or cause to be formulated, appropriate policies, plans and programs for the implementation of the commitments expressed by the Government of Nepal with respect to disabilities at the international level,
- (r) To do, or cause to be done, such other acts as prescribed.

**40. Procedures relating to meeting:** (1) The meeting of the Steering Committee shall be held at least one time in every three months.

(2) The meeting of the Steering Committee shall be held on such place, date and time as specified by the Chairperson and in his or her absence, by the Vice-Chairperson.<sup>17</sup>

(3) The Member Secretary of the Steering Committee shall give notice of the meeting to the Members at least in advance of forty-eight hours of the meeting.

(4) The presence of more than fifty percent Members of the total number of Members of the Steering Committee shall be deemed to constitute a quorum for a meeting of the Steering Committee.

(5) The meeting of the Steering Committee shall be presided over by the Chairperson and in his or her absence by the Vice-Chairperson.<sup>18</sup>

(6) The opinion of the majority at a meeting of the Steering Committee shall be deemed to be the decision of the Steering Committee and in the event of a tie, the Chairperson shall exercise the casting vote.

(7) The Steering Committee may invite any official or expert in the concerned field to its meeting.

(8) The decisions of the meetings of the Steering Committee shall be attested by the Member Secretary of the Steering Committee.

(9) Other procedures relating to the meetings of the Steering Committee shall be as determined by the Steering Committee itself.

**41. Power to form committee at Province level:** (1) The Provincial Government may form a Province level committee chaired by the Minister responsible for the concerned subject for performing functions, inter alia, implementing, or causing to be implemented, effectively the rights of the persons with disabilities and preparing and implementing necessary programs on the rights of the persons with disabilities by the Provincial Government, in accordance with this Act and the Rules framed hereunder.

(2) The functions, duties and powers of the committee formed pursuant to sub-section (1) shall be as determined by the Provincial Government, subject to this Act and the Rules framed hereunder.

**42. Provisions relating to Coordination Committee:** (1) There shall be a Local Coordination Committee in each Rural Municipality and Municipality for

---

<sup>17</sup> Inserted by the First Amendment.

<sup>18</sup> Inserted by the First Amendment.

performing functions, inter alia, to make coordination on the matters related to the protection of rights, interests of the persons with disabilities.

- (2) The Coordination Committee shall be formed as follows:
- (a) Vice-chairperson of the Village Executive or Deputy Mayor of the Municipality Executive - Coordinator
  - (b) A woman member designated by the Village Executive or Municipality Executive from among the women members of the Village Executive or Municipality Executive -Member
  - (c) A person designated by the Chairperson of the Village Executive or Mayor of the Municipality from among the headteachers or resource persons of the secondary schools within the Rural Municipality and Municipality -Member
  - (d) A doctor of the local health post or hospital designated by the Chairperson of the Village Executive or Mayor of the Municipality Executive -Member
  - (e) Chief of the local police office -Member
  - (f) A representative of the institution nominated by the Chairperson of the Village Executive or Mayor of the Municipality Executive from among the institutions in operation at the local level in the field of the rights, interests of and protection of the persons with disabilities -Member
  - (g) Three persons including one woman nominated by the Coordination Committee from among the persons with disabilities within the Rural Municipality and Municipality -Member
  - (h) Chief of office of the Government of Nepal and Provincial Government responsible for the concerned field at the local level -Member
  - (i) An employee of the Village Executive or Municipality Executive designated by the



Vice-chairperson of the Village Executive or

Deputy Mayor of the Municipality

Executive

-Member Secretary

(3) The term of office of the Member nominated pursuant to sub-section (2) shall be two years.

(4) If any Member nominated pursuant to sub-section (2) fails to perform the duties of his or her office, the Coordination Committee may, at any time, remove such a Member from the office.

(5) In removing any Member from office pursuant to sub-section (4), he or she shall be provided with an opportunity to defend himself or herself.

**43. Functions, duties and powers of the Coordination Committee:** The functions, duties, and powers of the Coordination Committee shall be as follows:

- (a) To launch various programs in coordination with various bodies, institutions or associations engaged in the local level in the field of the rights, interests of and protection of the persons with disabilities and give direction to anyone to launch such programs,
- (b) To inquire into application by the person with disabilities whose classification of disability is not clear or in respect of whom there is a doubt as to whether he or she has disabilities and make recommendation to the Local Level to issue identity cards,
- (c) To develop or build, or cause to be developed or built, disability friendly structures in order to make easy the access of the persons with disabilities to hospitals, schools within the Local Level, including other governmental and public physical structures and places,
- (d) To cause to be collected and updated the records of the persons with disabilities within the Local Level,
- (e) To monitor and evaluate, or cause to be monitored and evaluated, the programs launched at the Local Level in respect of the persons with disabilities,
- (f) To perform such other functions as prescribed.

**44. Procedures relating to meeting of the Coordination Committee:** (1) The meeting of the Coordination Committee shall be held as per necessity.

(2) The meeting of the Coordination Committee shall be held on such place, date and time as specified by the Coordinator of the Committee.

(3) The Member Secretary of the Coordination Committee shall give notice of the meeting to the Members at least in advance of twenty-four hours of the meeting.

(4) The presence of more than fifty percent Members of the total number of Members of the Coordination Committee shall be deemed to constitute a quorum for a meeting of the Coordination Committee.

(5) The meeting of the Coordination Committee shall be presided over by the Coordinator of the Committee and in his or her absence by a Member selected by the Members from among themselves.

(6) The opinion of the majority at a meeting of the Coordination Committee shall be deemed to be the decision of the Coordination Committee and in the event of a tie, the person chairing the meeting shall exercise the casting vote.

(7) The Coordination Committee may invite any official or expert in the concerned field to its meeting.

(8) The decisions of the Coordination Committee shall be attested by the Member Secretary of the Coordination Committee.

(9) Other procedures relating to the meetings of the Coordination Committee shall be as determined by the Coordination Committee itself.

## Chapter-10

### Responsibility towards the Persons with Disabilities

#### **45. Responsibility of the Government of Nepal, Provincial Government and Local**

**Level:** (1) It shall be the responsibility of the Government of Nepal, Provincial Government and Local Level to implement, or cause to be implemented, effectively the rights of the persons with disabilities.

(2) It shall be the responsibility of the Government of Nepal, Provincial Government and Local Level to provide easily such support as may be provided to the persons with disabilities from the State.

(3) It shall be the responsibility of the concerned Local Level to provide such services, facilities and opportunities to the persons with disabilities within its jurisdiction as may be provided as the local level.

(4) The Government of Nepal shall take such measures as prescribed in order to ensure that there exists the environment that enables the persons with disabilities to make living with respect and dignity without any discrimination, on an equal basis with others.

**46. Responsibility of educational institutes:** It shall be the responsibility of the concerned educational institute to effectively implement the education related provisions provided by this Act for the persons with disabilities.

**47. Responsibility of family member and guardian:** (1) The family member or guardian shall look after, maintain, and provide opportunity of education to, the persons with disabilities, by having special regard according to the condition of disability.

(2) In cases where a person with disability may suffer further risk if his or her treatment is not made, the family member or guardian shall immediately take him or her to the nearby hospital or such health institution as specified by the Government of Nepal for his or her treatment.

(3) No person with disability shall be expelled from the home or family or be disregarded.

(4) The Government of Nepal, Provincial Government and Local Level may provide self-care and maintenance related training and other necessary service, support to the families of the persons with disabilities in a manner to assist them in the performance of the responsibility towards such persons.

**48. Responsibility of medical doctor:** (1) If a medical doctor considers that there is a risk that any person present before him or her for treatment may have disability, the doctor shall give information thereof to the concerned person and make treatment by having proper regard to that also.

(2) A medical doctor shall make treatment of a person with disability in a disability friendly environment by giving priority to such a person, and if, for any reason, such a doctor is not in a position to make treatment of such a person, he or she shall make recommendation to the place where such treatment may be possible.

**49. Social responsibility towards the persons with disabilities:** (1) An enterprise and educational institute shall set aside under the social responsibility such amount as prescribed from their income for the promotion and enhancement of the opportunities of health, education, employment of the persons with disabilities.

(2) A development partner engaged in Nepal shall spend such amount as determined by the Ministry of Finance, out of the total amount to be spent in development programs of Nepal, for the empowerment of the persons with disabilities and rehabilitation related activities referred to in this Act.

(3) The amount referred to in sub-section (1) shall be used as prescribed.

(4) The owner or operator of a means of transport shall reserve seats in such a number as prescribed for the persons with disabilities, in public means of transport including bus, rail, aircraft.

- 50. Priority may be accorded to services, facilities according to classification:** In providing any services, facilities and concessions to the persons with disabilities from the State, priority shall be accorded on the basis of the degree, gravity of disability or economic condition of a person with disability.

## **Chapter-11**

### **Protection and Enforcement of the Rights of, and Responsibility**

#### **towards, the Persons with Disabilities**

- 51. Application may be made for the enforcement of rights:** (1) If any person violates such right of a person with disability or does not fulfil such responsibility towards the person with disability as set forth in this Act, the person with disability himself or herself or any of his or her family members or his or her guardian may make an application to the Chief District Officer of the concerned district for the enforcement or fulfilment of such right or responsibility.

(2) If an application is received pursuant to sub-section (1), the Chief District Officer shall inquire into the concerned person or body and make necessary inquiry thereinto within seven days.

(3) If, in making inquiry pursuant to sub-section (2), it appears that any person has violated the rights of a person with disability or has not performed the responsibility towards the person with disability, the Chief District Officer shall give order to the concerned person to enforce the right of the person with disability or perform the responsibility towards the person with disability.

(4) If, in making inquiry pursuant to sub-section (2) it appears that anybody or institution has not enforced the right of a person with disability or has not performed the responsibility towards the person with disability, the Chief District Officer shall make a request to the concerned body or institution for the

enforcement of the right of a person with disability or performance of the responsibility towards the person with disability.

(5) If a request is received pursuant to sub-section (4), the concerned body or institution shall make provisions for the enforcement of the right of a person with disability or performance of the responsibility towards the person with disability.

(6) In making the enforcement of the right of a person with disability or performance of the responsibility towards the person with disability pursuant to this Section, the Chief District Officer may give necessary suggestion, warning or order to the family member or guardian of the person with disability.

(7) A person who is not satisfied with the order given by the Chief District Officer pursuant to sub-section (3) or (6) may make an appeal to the concerned High Court within thirty-five days.

**52. Application may be made to the District Court for enforcement of rights:** (1) Notwithstanding anything contained in Section 51, a person with disability, his or her family member or guardian may make an application directly to the District Court of the district where the person with disability is residing, for the enforcement of the right of the person with disability or for the performance of the responsibility towards that person.

(2) If an application is made pursuant to sub-section (1), the District Court shall make necessary enquiry into that matter and may issue appropriate order to the concerned person or body in relation to the enforcement of the rights of the person with disability or for the performance of the responsibility towards the person with disability.

(3) If, in making inquiry into the application received pursuant to sub-section (1), it appears that any family member or guardian has violated the right of the person with disability or has not performed the responsibility towards the person with disability, the Court shall provide necessary information to such family member or guardian about the rights of the person with disability and the responsibility towards such person, and cause such a member or guardian to make commitment to refrain from violating the rights of the person with disability or to perform the responsibility towards him or her.

(4) In issuing an order pursuant to sub-section (2), the District Court may warn the person, the chief of institution or body that violates the rights of a person

with disability or does not perform the responsibility towards the person with disability or impose punishment pursuant to Section 55 and order the recovery of reasonable compensation from him or her.

## Chapter-12

### Offences and Punishment

- 53. Prohibition on hatred, disregard or neglect:** No person shall hate, disregard, neglect a person with disability, knowingly do any act that hurts his or her self-respect or make obstruction to or interference in the use of assistive materials to be used by a person with disability or snatch or disorder such materials.
- 54. Prohibition on engagement in begging:** No person shall engage a person with disability in begging.
- 55. Punishment:** (1) If any person does any act in contravention of sub-section (1) of Section 5 shall be liable to punishment with imprisonment for a term from one month to three months or with a fine of three thousand to ten thousand rupees or both penalties.
- (2) If any person does any act in contravention of Section 53 shall be liable to punishment with imprisonment for a term from three months to nine months or with a fine of thirty thousand to ninety thousand rupees or both penalties.
- (3) If any person does any act in contravention of Section 54 shall be liable to additional fifty percent punishment, in addition to the punishment that is imposable on a person who does begging or engages any one in begging pursuant to the prevailing law.
- (4) Any person who entices, attempts to commit or becomes accomplice in the commission of any offence referred to in sub-section (1) shall be liable to half the punishment that is imposable on the principal offender.
- (5) If a person who has been sentenced pursuant to sub-section (2) or (4) again does such an act, the person shall also be liable to an additional punishment by twenty percent of the punishment that is imposable pursuant to that sub-section.
- (6) If any person violates the right of a person with disability conferred by this Act or fails to perform the responsibility towards him or her, the person shall be liable to punishment with a fine not exceeding fifty thousand rupees.

(7) Any person or the chief of any organization or body who does any act in contravention of this Act, other than that set form in the foregoing sub-sections, shall be liable to punishment with a fine not exceeding fifty thousand rupees.

- 56. Limitation:** A case has to be filed within three months from the date of the commission of the act in relation to the matter punishable under Section 55.
- 57. Government of Nepal to be plaintiff:** The Government of Nepal shall be plaintiff in a case punishable under sub-sections (1), (2), (3), (4) and (5) of Section 55, and such a case shall be deemed to have been included in Schedule-1 of the National Criminal Procedures Code, 2074.

### Chapter-13

#### Miscellaneous

- 58.<sup>19</sup> Protection Officer:** The Local Level may designate an employee as the Protection Officer for the functions, including the protection of the rights of the persons with disabilities.
- 59. Power to operate mobile services:** The Ministry shall operate, or cause to be operated, mobile services as prescribed for the provision of the services, facilities .....<sup>20</sup> referred to in this Act and the rules framed hereunder to the persons with disabilities in an easy manner.
- 60. Power to frame Rules:** The Government of Nepal may, in order to carry out the objectives of this Act, frame necessary Rules.
- 61. Power to make procedures and directives:** The Ministry may make and implement necessary procedures or directives for the implementation of this Act, subject to this Act and the Rules framed hereunder.
- 62. Power to make alteration in Schedule:** The Ministry may as required make an alteration in the Schedule, by a notification in the Nepal Gazette.
- 63. Repeal and saving:** (1) The Protection and Welfare of Disabled Persons Act, 2038 (1983) is hereby repealed.

(2) All the acts and actions done and taken pursuant to the Protection and Welfare of Disabled Persons Act, 2038 (1983) shall be deemed to have been done and taken pursuant to this Act.

---

<sup>19</sup> Amended by the First Amendment.

<sup>20</sup> Deleted by the First Amendment.

## **Schedule**

### **(Related to sub-section (1) of Section 3)**

#### **Classification of Disabilities**

- (a) Persons with disabilities according to the problem and difficulty in any organ or system of the body:
1. Physical disability: Problem that arises in operation of physical parts, use and movement in a person due to problems in nerves, muscles and composition and operation activities of bones and joints (for example, disability that arises due to polio, lack of a physical organ, effect of leprosy, muscular dystrophy, permanent problem associated with joints and backbone, reversal of clubfeet, problem associated with rickets bones), and a person whose height is excessively lower than the average height that a person having attained sixteen years of age has according to the age.
  2. Disability related to vision: the condition where there is no knowledge about an object's figure, shape, form and colour in an individual due to the following problem with vision:
    - (a) Blindness: A person who cannot distinguish fingers of hand by both eyes from a ten feet distance or who cannot read the letters on the fourth row of the Snellen chart (3/60), even upon utilization of medicines, operation, lenses or lens.
    - (b) Low vision: A person who cannot distinguish fingers of hand by both eyes from a twenty feet distance or who cannot read the letters on the fourth row of the Snellen chart (6/18), even upon utilization of medicines, operation, lenses or lens.
    - (c) Total absence of sight: A person who cannot differentiate brightness or darkness.
  3. Disability related to hearing: Problems arising in an individual who cannot discriminate composition of the parts of hearing and voice, rise and fall of position, and level and quality of voice,
    - (a) Deaf: A person who cannot hear voice above eighty decibels or who needs sign language for communication.
    - (b) Hard of hearing: A person who needs a hearing device to hear or who can hear voice from sixty-five to eighty decibels.



4. Deaf-Blind: A person who is without both hearing and vision or who has joint interaction of disabilities in two organs.
5. Disability related to voice and speech: Difficulty produced in parts related to voice and speech and difficulty in rise and fall of voice to speak, unclear speech, repetition of words and letters.
6. Mental or psycho-social disability: The inability to behave in accordance with age and situation and delay in intellectual learning due to problems in performing intellectual activities like problems arising in the brain and mental parts and awareness, orientation, alertness, memory, language, and calculation.
7. Intellectual disability: A person who is in a condition that results in the problem in doing activity relative to the age or environment due to lack of intellectual development resulting from the lack of development of intellectual awareness along with the increase in age (for example, Dounce syndrome).
8. Disability associated with haemophilia: A person who has such physical condition that there arises problem in the clotting of blood due to deflection in factors in blood because of genetic effect.
9. Disability associated with autism: A person who has problem in the development of veins or tissues and functionality thereof (for example, a person who has difficulty to communicate, to understand and apply general social rules, and who does not show normal behaviour along with the age, who shows abnormal reaction, repeats the same activity, does not assimilate with others or makes reaction instantly).
10. Multiple disability: A person who has a problem of two or more than two types of disability mentioned above (for example, cerebral palsy).

**(b) Classification of disabilities on the basis of severity of disability:**

- (1) Profound disability: A person who is in such a condition that he or she has difficulty with performing his or her day-to-day activities even with continuous support of others.
- (2) Severe disability: A person who is in such a condition that he or she needs support of others continuously to perform personal activities and involve in social activities.

- (3) Moderate (mid-level) disability: A person who is in such a condition that he or she can regularly participate in his or her daily activities and in social activities if physical facility is available, environmental barrier is ended or education or training provided.
- (3) Mild disability: A person who is in such a condition that he or she can regularly participate in his or her daily activities and social activities if there exists no physical and environmental barrier.

**Explanation:**

1. “Composition and functions of organs of the body” means organs and functions associated with the operation of the body, vision, speech and hearing, mental, muscular and nerve system and other systems.
2. “Participation in the functions of daily life and social life” means a person’s learning, daily functions, communication, mobility, self-care, domestic life interaction, inclusive education, employment, community and functions and participation in community as well as civic life.
3. “Barriers created from the existing social and physical environment” means barriers created from psycho-social, technologies, nature and man-made environment, attitude related, service systems and policies.
4. For participation, facility and representation as well, in the case of a person with intellectual disability and with total disability, his or her father, mother or a person directly involved in his or her maintenance shall be considered the family member or concerned person.