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**STANDING COMMITTEE ON
LABOUR & WELFARE
(1995-96)**

TENTH LOK SABHA

**THE PERSONS WITH DISABILITIES (EQUAL
OPPORTUNITIES, PROTECTION OF RIGHTS
AND FULL PARTICIPATION) BILL, 1995**

EIGHTEENTH REPORT



EIGHTEENTH REPORT
STANDING COMMITTEE ON
LABOUR AND WELFARE
(1995-96)

(TENTH LOK SABHA)

THE PERSONS WITH DISABILITIES
(EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS
AND FULL PARTICIPATION) BILL, 1995

Presented to Lok Sabha on 6 December, 1995

Laid in Rajya Sabha on 4 December, 1995



LOK SABHA SECRETARIAT
NEW DELHI

November, 1995/Agrahayana, 1917 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON
LABOUR AND WELFARE
(1995-96)

Shrimati Chandra Prabha Urs — *Chairperson*

MEMBERS

Lok Sabha

2. Shri Mahendra Baitha
3. Shri Dattatraya Bandaru
4. Shri Ram Narain Berwa
5. Shri Shiv Raj Singh Chauhan
6. Shri Ramesh Chennithala
7. Shri Satyendra Nath Brohmo Chaudhury
8. Shri Anadi Charan Das
9. Shri Chandubhai Deshmukh
10. Smt. Sheila F. Irani
11. Smt. Kamala Kumari Karreodula
12. Smt. Padmasree Kudumula
13. Shri Bheru Lal Meena
14. Dr. Chinta Mohan
15. Shri Ajoy Mukhopadhyay
16. Shri Govinda Chandra Munda
17. Shri Rup Chand Murmu
18. Shri D.K. Naikar
19. Shri Siddappa Bhimappa Nyamagoudar
20. Shri B. Akbar Pasha
21. Dr. P. Vallal Peruman
22. Shri K. Pradhani
23. Prof. Rasa Singh Rawat
24. Shri Ram Sagar
25. Shri A. Prathap Sai
26. Shri Vishwa Nath Shastri

27. Dr. R. Sridharan
28. Shri Swami Sureshanand
29. Shri S. B. Thorat
30. Shri Yaima Singh Yunnam

Rajya Sabha

31. Maulana Obaidulla Khan Azmi
32. Shri Sushil Barongpa
33. Smt. Vidya Beniwal
34. Shri B.K. Hariprasad
35. Shri Mohinder Singh Kalyan
36. Shri Kanak Mal Katara
37. Shri Gundappa Korwar
38. Shri Muthu Mani
39. Shri Mool Chand Meena
40. Shri Kameshwar Paswan
41. Shri Ram Ratan Ram
42. Shri Vayalar Ravi
43. Shri Jibon Roy
44. Shri Joyanta Roy

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------------|
| 1. Shri S.N. Mishra | — | <i>Additional Secretary</i> |
| 2. Shri G.C. Malhotra | — | <i>Joint Secretary</i> |
| 3. Shri O.P. Ghai | — | <i>Deputy Secretary</i> |
| 4. Shri R.S. Misra | — | <i>Under Secretary</i> |

INTRODUCTION

1. the Chairperson of the Standing Committee on Labour and Welfare (1995-96) having been authorised by the Committee to submit the Report on their behalf, present this Eighteenth Report on "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Bill, 1995."

2. The Bill was introduced in Lok Sabha on 26th August, 1995. It was referred to the Committee on 29th August, 1995 by Hon'ble Speaker, Lok Sabha under Rule 331 E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and Report.

3. The Committee held preliminary discussion on the Bill on 5th October, 1995 and considered the Bill clause by clause at their sitting held on 6th October, 1995.

4. The Committee wish to express their thanks to the officers of the Ministry of Welfare for placing before them detailed written notes on the subject and for furnishing the information the Committee desired in connection with the examination of the Bill.

5. The Report was considered and adopted by the Committee at their sitting held on 27 November, 1995.

NEW DELHI;
27 November, 1995
6 Agradhayana, 1917 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

CHAPTER I

INTRODUCTORY

1.1 The need for a comprehensive legislation for safeguarding the rights of persons with disabilities and enabling them to enjoy equal opportunities and fully participate in national life has been felt for a long time. A committee was set up under the Chairmanship of Justice Baharul Islam to work out the details for such a legislation for handicaps. The Committee submitted its report in June, 1988 and recommended a wider and more comprehensive framework for a Bill for the disabled. Based on this report two Bills, namely, Board for the Welfare and Protection of the Rights of the Handicapped Bill, 1991 and National Trust for the Welfare of Persons with Mental Retardation and Cerebral Palsy Bill, 1991 were introduced in Rajya Sabha in 1991. These Bills, however, could not be taken up for consideration due to change in Government.

1.2 The Economic and Social Commission for Asia and Pacific at its meeting held in Beijing in 1992 adopted a resolution which proclaimed the period 1993—2002 as the 'Asian and Pacific Decade of Disabled Persons'. The contents of the Bill "Board for Welfare and Protection of Rights of the Handicapped, 1991" were further examined and it was decided to replace it by a more elaborate legislation covering all aspects of security, prevention and rehabilitation of the handicapped, including their education, training and employment to make them productive citizens.

1.3 While explaining the main features of the Bill "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Bill, 1995" introduced in Lok Sabha on 26th August, 1995, the Secretary, Ministry of Welfare apprised the Committee that the Bill consisted of three important tenets. First of all, it reflects a shift from charity to right. Earlier the care of the disabled was left to the religious and charitable organisations. Today it has been recognised that the disabled have a right; they are as equal citizens as anybody else in the country is; and therefore they have a right to demand certain facilities and certain rights from Government.

Secondly, the Bill recognises disability, in fact, handicapped *per se*, is the result of environmental restrictions and thus proposes a barrier free environment.

Thirdly, the Bill itself reflects the conceptual shift on human right aspect, non discrimination and enabling environmental aspects.

1.4 Other salient features of the Bill are:—

- (i) Constitution of a Coordination Committee at the Central and the State level under the Chairmanship of Union Welfare Minister and State Welfare Minister respectively to:—
 - (a) Develop a National Policy for Persons with Disabilities.
 - (b) Advise the Government in the formulation of policies, legislation, programmes for persons with disabilities.
 - (c) Review and monitor programmes for the disabled etc.
- (ii) Prevention and early detection of disability.
- (iii) Free education (special, integrated part-time etc.) to every child with disability upto 18 years.
- (iv) Provision for vocational training to the disabled, reservation of posts, establishment of Special Employment Exchanges and notification of vacancies by employers for persons with disabilities to facilitate their employability and schemes for assisting them to set up self-employment units.
- (v) Making available aids and appliances to persons with disabilities.
- (vi) Allotment of land and houses at concessional rates to the disabled.
- (vii) Measures to create barrier-free environment.
- (viii) Treatment, research and manpower development in the field of rehabilitation of the disabled.
- (ix) Social security measures and special insurance policies.
- (x) Establishment of homes for persons with severe disabilities.
- (xi) Legal aid to secure their rights.

1.5 The Bill provides for appointment of a Chief Commissioner for Persons with Disabilities, whose office would serve as a watchdog for proper implementation of programmes and schemes for the handicapped and shall submit an Annual Report with reference to such activities every year.

1.6 The observations of the Committee in regard to changes recommended in the Bill are detailed in the succeeding Chapter.

CHAPTER II

REPORT

Clause 3(2) of the Bill

Clause 3(2) of the Bill deals with the composition of Central Coordination Committee. Clause 3(2)(1) states as under:—

“three persons, as far as practicable, being persons with disabilities to represent non-Governmental organisations which are concerned with the disabilities, one from each area of disability, Members;”

2.2 The Committee felt that the provision of three persons to represent non-governmental organisations in the Central Coordination Committee is insufficient in view of the fact that seven categories of disabilities have been listed in clause 2 of the Bill. They suggested that the membership from N.G.Os. should be increased from three to five. They also desired that along with non-governmental organisations, other associations and women and SC/ST categories should also be given representation in the Committee.

2.3 The Committee, therefore, recommend that Clause 3(2)(1) of the Bill may be amended as under:—

“Five persons, as far as practicable being persons with disabilities, out of which one each should belong to women and SC/ST categories to represent non-governmental organisations/associations which are concerned with disabilities, one from each area of disability, Members;”

Clause 9 of the Bill

2.4 Clause 9 of the Bill deals with the composition of the Central Executive Committee. It states as under:—

9(2) The Central Executive Committee shall consists of—

(a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson *ex-officio*;

(b) the Chief Commissioner, Member *ex officio*;

(c) The Director-General for Health Services, Member *ex officio*;

(d) the Director-General Employment and Training, Member *ex-officio*;

(e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel, Public Grievances and Pensions and Urban Affairs and Employment, Science and Technology, Members *ex-officio*;

(f) the financial Advisor, Ministry of Welfare in the Central Government, Member *ex-officio*;

(g) Advisor (Tariff) Railway Board, Member *ex-officio*;

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union territories in such manner as may be prescribed by the Central Government;

(i) three persons to be nominated by the Central Government to represent the interests which in the opinion of Central Government ought to be represented, Members;

(j) three persons, as far as practicable, being persons with disabilities to represent non-governmental organisations, which are concerned with disabilities, one each from each area of disability, member;

(k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the Welfare of the Handicapped, Member-Secretary *ex-officio*.

2.5 The Committee felt that the proposed size of the Committee was very unwieldy. For its effective functioning, they suggested that its size should be reduced. At the same time to keep parity with the Central Coordination Committee the number of representatives of non-governmental organisations should be increased from three to five.

2.6 The Committee, therefore, recommend that Clause 9(2)(h) may be amended as under:

"two persons to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government."

Clause 9(2)(i) may be read as under:

"one person to be nominated by the Central Government to represent the interest, which in the opinion of Central Government ought to be represented, Members."

Clause 9(2)(j) may be read as under:

"five persons, as far as practicable, out of which one each should belong to women and SC/ST categories, to represent non-governmental organisations/associations, which are concerned with disabilities, one each from each area of disability, Member;"

Clause 13 of the Bill

2.7 Clause 13 of the Bill deals with the composition of the state Coordination Committee. Clause 13(2)(f) provides as under:—

"three persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations which are concerned with disabilities, one persons from each area of disability, Members;"

2.8 The Committee were of the view that in the light of changes suggested in the composition of Central Coordination Committee, the number of representatives from the non-governmental organisations may be increased from three to five. The Committee further desired that to give representation to Women and SC/ST categories it should be provided that one each out of these five representatives should belong to women and SC/ST categories and that the word 'Associations' may be added after the words 'non-governmental organisations'.

2.9 The Committee, therefore, recommend that clause 13(2)(f) of the Bill may be amended as under.

"five persons, as far as practicable, being persons with disabilities, one each out of which should belong to women and SC/ST categories to represent non-governmental organisations/associations, which are concerned with disabilities, one person from each area of disability, Members".

Clause 19 of the Bill

2.10 Clause 19 deals with the composition of the State Executive Committee. Sub-clauses (d) and (e) state as under:

(d) three persons to be nominated by the State Government to represent the interests, which in the opinion of State Government ought to be represented, Members;

(e) three persons, as far as practicable, being persons with disabilities to represent non-Governmental organisations, which are concerned with disabilities one persons from each area of disability, Member;

2.11 The Committee felt that in order to maintain parity with State Coordination Committee and to follow the pattern of Central Executive Committee, similar changes are necessary in this clause also.

2.12 The Committee, therefore, recommend that clauses 19(2) (d) and (e) of the Bill may be amended as under:—

(d) one person to be nominated by the State Government to represent the interests, which in the opinion of State Government ought to be represented, Members;

(e) five persons as far as practicable being persons with disabilities, one each out of which should belong to women and SC/ST categories to represent non-Governmental organisations/associations which are concerned with disabilities one person from each area of disability, Member;

Clause 25 of the Bill

2.13 Clause 25 of the Bill provides for steps to be taken for prevention of occurrence of disabilities. It states as under:—

Within the limits of their economic capacity and development the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall—

- (a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;
- (b) promote various methods of preventing disabilities;
- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at primary health centres;
- (e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;
- (f) take measures for pre-natal, perinatal and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadis workers,

- (h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

2.14. The Committee viewed with concern that the steps to be taken for preventing occurrence of disability are subject to the limit of the economic capacity and development of the concerned appropriate Governments. It tended to greatly dilute the effectiveness and introduction of these provisions. The Committee are, therefore, of the view that according to the demand and requirement, appropriate provisions might be made by the appropriate Governments in their Budget for undertaking reformative measures for the physically and mentally handicaps and the works "within the limits of their economic capacity and development might be dropped."

2.15 The Committee, therefore, recommend that clause 25 of the Bill may be amended as under:

"The Appropriate Governments and the local authorities according to the demand and requirement shall make provisions in their budgets with a view to preventing the occurrence of disabilities, and shall—

- (a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;
- (b) promote various methods of preventing disabilities;
- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at primary health centres;
- (e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;
- (f) take measures for pre-natal, perinatal and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;
- (h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

Clause 33 of the Bill

2.16. Clause 33 of the Bill provides as under:

"Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from—

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy,

In the posts identified for each disability:

"Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section."

2.17 The Committee expressed their doubt whether it is within the constitutional limits to reserve three per cent of posts for disabled. The representative of Ministry of Welfare replied that he would clarify this after seeking Law Ministry's advice.

2.18 The Ministry of Welfare had accordingly referred the matter to the Department of Personnel and Training seeking clarification in the matter. The Department of Personnel and Training has *inter-alia* informed as follows:—

"The Government had under consideration the method of effecting the 3% reservation for physically handicapped persons in the light of the judgement of the Supreme Court in Indira Sawhney case (W.P. No. 930 of 1990). The Court has held that reservation for SC/ST/OBCs may be called vertical reservation and the reservation for physically handicapped persons as horizontal reservation. Horizontal reservation out across vertical reservation (in what is called inter-locking reservation) and the persons selected against the physically handicapped quota have to be placed in the appropriate category; if he belongs to SC category he will be placed in that quota by making necessary adjustment and similarly if he belongs to open competition

(OC) category he will be placed in that category by making necessary adjustment. Even after providing for these horizontal reservations, the percentage of reservation in favour of backward class of citizens should remain the same. In the light of the above said observations of the Supreme Court, it has been decided that the physically handicapped persons selected under the reservation provided for them should be placed in the appropriate category viz. SC/ST/OBC/General category depending upon which they belong. For example, if in a given year there are 200 Group C vacancies, the reservation for SCs will be 30, for STs it will be 15, for OBCs it will be 54 and for General category it will be 101. The vacancies reserved for physically handicapped will be calculated as per the instructions on the subject contained in O.M. dated 14.86. Suppose the vacancies for the Physically handicapped in that year come to 6 and of the 6 physically handicapped candidates selected, 1 belongs to the SC category, 1 to the ST category, 2 to the OBC category and 2 to the General category, then the one physically handicapped SC candidate will be adjusted against the 30 SC vacancies, the one physically handicapped ST candidate will be adjusted against the 15 ST vacancies and the 2 physically handicapped, OBC and General category candidates against the 54 OBC and 101 General category vacancies respectively. The Roster points will be filled up accordingly. The vacancies reserved for the physically handicapped should be indicated along with the other vacancies so that the physically handicapped candidates can also apply along with the others.

2.19 The Committee have taken note of the position explained by the Department of Personnel and Training in the above paragraphs. The Committee are, however, of the opinion that the question of reservations for the physically handicapped need to be re-examined further in light of the facts and figures available regarding the number of disabled persons in the country. The Committee recommend that the Government may direct the Census Authority at the time of next census that a provision may be made for the format to find out the blindness or the disability of a person in any family to arrive at actual number of disabled persons in the country. In case handicapped persons happen to be the applicants, they may be given priority over the candidates in the same category while filling up the vacancies in Government/Public Sector establishments.

Clauses 66 and 68 of the Bill

2.20 Clause 66 of the Bill states as under :

"The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities."

2.21 Clause 68 of the Bill states as under ;

"The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation."

2.22 The Committee noted that no separate allocation has been made for the payment of unemployment allowance and such a provision should be made in the Bill. Further all the social security measures are subject to the limit of economic capacity and development of respective States. The members felt that the words "within the limits of their economic capacity and development" might be dropped as they tend to dilute the effectiveness of the measures.

2.23 The Committee therefore recommend that clauses 66 and 68 of the Bill may be amended as under :

Clause 66. "The appropriate Governments and the local authorities shall undertake or cause to be undertaken rehabilitation of all persons with disabilities."

Clause 68. "The appropriate Governments shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation."

2.24 The Committee agree with rest of the clauses of the Bill.

NEW DELHI;
27 November, 1995

CHANDRA PRABHA URS,
Chairperson,
6 Agrahayana, 1917 (Saka) Standing Committee on Labour and Welfare.

ANNEXURE I

MINUTES OF THE FOURTEENTH SITTING OF THE STANDING
COMMITTEE ON LABOUR AND WELFARE HELD ON 5.10.1995

The Committee met from 11.00 hrs. to 13.00 hrs. in Committee
Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Smt. Chandra Prabha Urs — *Chairperson*

MEMBERS

Lok Sabha

2. Shri Mahendra Baitha
3. Shri Dattatraya Bandaru
4. Shri Ram Narain Berwa
5. Shri Anadi Charan Das
6. Shri Bheru Lal Meena
7. Shri Ajoy Mukhopadhyay
8. Shri Govinda Chandra Munda
9. Shri D.K. Naikar
10. Prof. Rasa Singh Rawat
11. Dr. R. Sridharan
12. Swami Sureshanand
13. Shri S.B. Thorat

Rajya Sabha

14. Maulana Obaidulla Khan Azmi
15. Shri Mohinder Singh Kalyan
16. Shri Kameshwar Paswan
17. Shri Ram Ratan Ram

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri R.S. Mishra — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Shri K.B. Saxena — *Secretary*
2. Shri A.K. Choudhary — *Joint Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri T.K. Vishwanathan — *Joint Secretary, LC*

At the outset, the Chairperson, Standing Committee on Labour and Welfare welcomed the Members and representatives of the Ministry of Welfare and Law, Justice and Company Affairs and desired a brief introduction to the 'Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Bill, 1995 referred to the Committee.

Explaining the salient features of the Bill, the Secretary, Ministry of Welfare stated that the policy enshrined in the Bill reflects a shift from charity to right. The Bill recognises that the disability in fact, handicap *per se* is the result of environmental restrictions and thus proposes to create a barrier-free environment for the disabled.

He explained that disability means blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation and mental illness. He further added that 'Persons with Disability' means persons suffering from not less than 40% of any disability certified by a medical authority.

Some Members expressed reservations that there might be cases where the certificate issued by a professional is wrong. Replying to this the Secretary stated that in case of such complaint, the Chief Commissioner could get the case re-examined from some authorised doctor.

Clause 25 of the Bill, which provides for steps to be taken for prevention of occurrence of disabilities, was widely praised by the Members. However, they were of the view that the function of appropriate governments and local authorities to prevent that occurrence of disabilities should be made mandatory. According to the demand and requirement, appropriate provisions may be made by the appropriate Government in their Budget; for undertaking reformative measures for the physically and mentally handicaps and the words "within the limits of their economic capacity and development" should be deleted.

The Committee then adjourned.

ANNEXURE II

MINUTES OF THE SIXTEENTH SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON 6.10.1995

The Committee met from 11.15 hrs. to 13.00 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Smt. Chandra Prabha Urs — *Chairperson*

MEMBERS

Lok Sabha

2. Shri Mahendra Baitha
3. Shri Ram Narain Berwa
4. Shri Anadi Charan Das
5. Shri Bheru Lal Meena
6. Shri Govinda Chandra Munda
7. Shri K. Pradhani
8. Prof. Rasa Singh Rawat
9. Shri Swami Sureshanand

Rajya Sabha

10. Smt. Vidya Beniwal
11. Shri Mohinder Singh Kalyan
12. Shri Kameshwar Paswan
13. Shri Ram Ratan Ram
14. Shri Vayalar Ravi
15. Shri Jibon Roy

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri R.S. Misra — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Shri K.B. Saxena — *Secretary*
2. Shri A.K. Choudhary — *Joint Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri T.K. Vishwanathan — *Joint Secretary, LC*

The Committee took up clause by clause consideration of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Bill, 1995.

Discussing the provisions made in sub-clause (1) of clause 3(2) of the Bill some members pointed out that while the disabled have been categorised under seven groups, provisions has been made for the membership of only three N.G.Os in the constitution of Central Coordination Committee, which is insufficient. Members suggested that the membership from NGOs should be increased from three to five persons, out of which one each should belong to women and SC/ST categories and the word 'Associations' may be added after the words 'Non-Governmental Organisations'.

Discussing the constitution of Central Executive Committee, the members felt that the proposed size of the Committee is very unwieldy. They, therefore, suggested that in clause 9(2) (h), the number of members should be reduced from four to two and in Clause 9(2)(i) from three to one. At the same time to keep parity with the Central Coordination Committee, the number of members in clause 9(2)(j) should be increased from three to five persons, out of which one each should belong to women and SC/ST categories and the word 'Associations' may be added after the words 'Non-Governmental Organisations.'

Clause 13 of the Bill deals with the composition of State Coordination Committee. Members scrutinised it in the light of the changes suggested in Central Coordination Committee. Members suggested that the number of persons from N.G.Os may be increased from three to five persons, out of which one each should belong to women and SC/ST categories and the word 'Associations' may be added after the words 'Non-Governmental Organisations.'

Discussing the composition of the State Executive Committee in clause 19, the Members were of the opinion that as in Central Executive Committee, the number of representatives of non-Governmental organisations may be increased from three to five in the States also as per clause 19(2) out of which one each should belong to women and SC/ST categories and the word 'Associations' may be added after the words 'Non-Governmental Organisations' and in sub-clause (d) the number of persons to be nominated by the State Government should be decreased from three to one.

Taking up clause 33 of the Bill on 'Employment' some members raised the doubt whether it is within the constitutional limits to reserve three per cent of posts for disabled. The Secretary replied that he would clarify this after seeking Law Ministry's advice.

Chapter XIII which deals with social security was also discussed in detail. The Members pointed out that no separate allocation has been made for the payment of unemployment allowance. They were of the opinion that such a provision should be made in the Bill. Further all the social security measures have been subjected to the limit of economic capacity and development of respective States. These provisions, the Members felt, might be dropped.

The Committee then adjourned.

ANNEXURE III

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING
COMMITTEE ON LABOUR AND WELFARE HELD ON 27.11.1995

The Committee met from 15.00 hrs. to 17.20 hrs. in Committee
Room 'E', Parliament House Annexe.

PRESENT

Smt. Chandra Prabha Urs — Chairperson

MEMBERS

Lok Sabha

- Shri Mahendra Baitha
Shri Mahataya Baidya
4. Shri Ram Narain Berwa
 5. Shri Anadi Charan Das
 6. Shri Chandubhai Deshmukh
 7. Shri Bheru Lal Meena
 8. Shri Ajoy Mukhopadhyay
 9. Shri Rup Chand Murmu
 10. Shri B. Akbar Pasha
 11. Prof. Rasa Singh Rawat
 12. Dr. Yaima Singh Yumnarn

Rajya Sabha

13. Shri Vayalar Ravi
14. Shri Jibon Roy
15. Shri Joyanta Roy

SECRETARIAT

1. Shri G.C. Malhotra — Joint Secretary
2. Shri O.P. Ghai — Deputy Secretary
3. Shri R.S. Misra — Under Secretary

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Shri K.B. Saxena — *Secretary*
2. Shri A.K. Choudhary — *Joint Secretary*
3. Smt. Sandhya Baliga — *Director*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

1. Shri T.K. Vishwanathan — *Joint Secretary, & LC*

The Committee took up for consideration the draft Eighteenth Report on "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Bill), 1995." The Secretary, Ministry of Welfare resolved the queries raised by the Members. The Committee adopted the Report with the following amendments/modifications:—

Page	Para	Amendments/Modifications made
1	2	3
7	2.5 Line 4	<i>After "reduced" add:</i> The Committee were of the view that as per clause 9(2)(i), one person instead of three might be nominated by the Central Government to represent the interest which in the opinion of the Central Government ought to be represented."
8	2.6	<i>Delete</i> "The Committee therefore recommend that clauses 9(2)(h) may be amended as under : "two persons to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government."
8.	2.6	<i>For</i> "Five persons as far as practicable out of which one each should belong to women and SC/ST categories, to represent non-Governmental,

1	2	3
		<p>organisations/associations, which are concerned with disabilities, one each from each from each area of disability, Member;”</p> <p><i>Read “five persons, as far as practicable, being persons with disabilities, one each out of which should belong to women and SC/ST categories to represent non-governmental; organisations/associations, which are concerned with disabilities, one persons from each area of disability, Member.</i></p>
2.	**	**

3. The Committee authorised the Chairperson to finalise the Reports in the light of aforesaid amendments and present the same to the Parliament.

The Committee then adjourned.

(g) advisor (Tariff) Railway Board, Member ex-officio:

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government.

(i) three persons to be nominated by the Central Government to represent the interest which in the opinion of Central Government ought to be represented, Members.

(j) three persons, as far as practicable, being persons with disabilities to represent non-governmental organisations, which are concerned with disabilities, one each from each area of disability, Member.

(k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the Welfare of the handicapped, Member-Secretary ex-officio.

2.5 The Committee felt that the proposed size of the Committee was very unwieldy. For its effective functioning, they suggested that its size should be reduced. The Committee were of the view that as per clause 9(2)(i), one person instead of three might be nominated by the Central Government to represent the interest which in the opinion

of the Central Government ought to be represented. At the same time to keep parity with the Central Coordination Committee the number of representatives of non-Governmental organisations should be increased from three to five.

2.6 The Committee therefore recommend that clause 9(2)(i) may be read as under :—

“one person to be nominated by the Central Government to represent interest, which in the opinion of Central Government ought to be represented, Members”.

Clause 9(2) (j) may be read as under :—

“five persons, as far as practicable, being persons with disabilities, one each out of which should belong to women and SC/ST categories to represent non-governmental organisations/associations, which are concerned with disabilities, one persons from each area of disability, Members.”