

**Title:** The National Trust for welfare of persons with Austims, Cerebral Palsy, Mental retardation and Multiple Disabilities Bill, 1999.

15.20 hrs.

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): Sir, I beg to move:

"That the Bill to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto, be taken into consideration."

The Government of India has become increasingly concerned about the need for affirmative action in favour of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability.

In acknowledgment of a wide range of competencies among these individuals, the Central Government seeks to set up a National Trust to be known as a National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability. The said Trust will be promotive, pro-active and protectionist in nature. It will seek primarily to uphold the rights, promote the development and safeguard the interests of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability and their families.

15.21 hours (Shrimati Margaret Alva - in the Chair)

Towards this goal, the National Trust will support programmes which promote independence, facilitate guardianship where necessary and address the concerns of those special persons who do not have their family support. The Trust will seek to strengthen families and protect the interests of persons who are suffering from these problems after the death of their parents.

The Trust will be empowered to receive grants, donations, benefactions, bequests and transfers. The Central Government will make a one time contribution of rupees one hundred crore to the corpus of the Trust to enable it to discharge its responsibilities.

The Trust will be set up as a statutory body. The overall management of the Trust will be vested in a Board constituted initially by the Government and thereafter partly through process of election.

The Trust shall not be liable to Income Tax or any other Tax in respect of its income, profits or gains derived.

(ends)

MR. CHAIRMAN : Motion moved:

"That the Bill to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto, be taken into consideration."

"श्री रतिलाल कालीदास वर्मा (धन्वुका) : सभापति महोदया, राष्ट्रीय स्वपरायणता, प्रमस्तिष्क घात, मानसिक मंदता और बहूनिःनिशक्तताग्रस्त व्यक्ति कल्याण न्यास विधेयक, १९९९, जो मंत्री महोदया ने चर्चा के लिए प्रस्तुत किया है, उसके लिए मैं सबसे पहले अपनी ओर से धन्यवाद देता हूँ। मेरी जानकारी के मुताबिक यह सदन में ६-१२-९५ को इंट्रोड्यूस हुआ था, लेकिन उस पर उस वक्त चर्चा नहीं हुई। कल जब यह चर्चा के लिए यहाँ रखा गया था, तब कुछ गड़बड़ हो गई, लेकिन कल नहीं, तो आज इस पर चर्चा हो रही है। इसके लिए मंत्री महोदया धन्यवाद की पात्र हैं। यह बहुत पहले आना चाहिए था क्योंकि आज समाज में मानसिक मंदता अपाहिज, आँख के अंधों, कान से बहर लोगों की संख्या बढ़ रही है। इतना ही नहीं जब कभी हम रास्ते पर या चौराहे पर किसी अंधे सहारा लेकर, लंगड़े घसीटकर रास्ता पार कर रहे होते हैं, तो हम जानते हैं कि उनके मन पर क्या गुजर रही होगी। मानसिक मंदता के कारण जब कभी वे रास्ते पर चलते हुए गिरकर मर जाते हैं, हमने क्या कभी सोचा है कि उनका भी कोई जीवन है? इस दुनिया में वे जीने के लिए आए और वे अपंगता या अपाहिजता या मंदता के कारण वे अपने माँ-बाप को तो कोसते ही हैं, लेकिन साथ-साथ इस दुनिया के बनाने वाले भगवान से भी उनकी श्रद्धा उठ जाती है। इस विधेयक के द्वारा मानसिक मंदता एवं इसी प्रकार से जो अपंग व्यक्ति हैं उनके कल्याण के लिए जिस न्यास का गठन हो रहा है उसके लिए १०० करोड़ रुपये की पूंजी रखकर उसकी शुरुआत १ करोड़ से कर रहे हैं, इसके लिए भी मैं मंत्री महोदया को धन्यवाद देता हूँ।

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"लेकिन जो बच्चा अपाहिज होता है, अपाहिज होना उनके अपने हाथ में नहीं है। आज भारत के अंदर गरीबी है और अधिकतर लोग गरीबी की रेखा के नीचे जी रहे हैं। जो बच्चे को जन्म देने वाली माता है, उसे पूर्ण आहार नहीं मिलता, उसकी देखभाल नहीं होती, उसका जो शारीरिक स्वास्थ्य होना चाहिए, उसके लिए हास्पिटल नहीं है। परिणामस्वरूप कुछ बच्चे जन्म से ही अपाहिज पैदा होते हैं। आँख से अंधे जन्म लेते हैं। इसके साथ-साथ जो बच्चे जन्म से अंधे नहीं होते, अपाहिज नहीं होते, वे खेल कूद में हिस्सा लेते वक्त कभी गिर जाते हैं तो अपाहिज हो जाते हैं। कभी कोई ऐसी घटना घटित हो जाती है जिससे डरकर वे अपना मानसिक संतुलन खो बैठते हैं। कभी छोटे-मोटे प्रहार से या खेलने कूदने में चोट लग जाने से अंधे हो जाते हैं। मैं कहना चाहता हूँ कि बाद में भी जो लोग अपाहिज होते हैं, वे भी दयनीय स्थिति में आ जाते हैं। कुछ ऐसे लोग भी हैं, जो जन्म से भी अपाहिज नहीं हैं, गिरने से भी अपाहिज नहीं हुए लेकिन उनके शरीर में कुछ ऐसे छोटे मोटे रोग स्थापित हो जाते हैं जिसके परिणामस्वरूप बड़े होकर वे अपाहिज हो जाते हैं। उनको दूसरे के आश्रित होकर जीना पड़ता है। उनका जीना मुश्किल हो जाता है। वह भगवान से प्रार्थना करते हैं कि जल्द से जल्द भगवान उन्हें ऊपर उठा ले।

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"इसके साथ-साथ उनकी आर्थिक स्थिति भी निम्नोत्तर है। आर्थिक स्थिति के कारण जो पौष्टिक आहार उसे मिलना चाहिए, जिस तरह की सुविधा मिलनी चाहिए, वह भी नहीं मिलती, इससे भी अपाहिज का प्रमाण बढ़ता जाता है। आज हमारे देश के अंदर प्रदूषण काफी बढ़ रहा है। प्रदूषण भी अपाहिज होने करने का एक महत्वपूर्ण कारण है।

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"यह समस्या सबसे ज्यादा विकसित देशों में पाई जाती है। विकसित देशों के अंदर इनकी संख्या बढ़ती जा रही है। सन् २००० तक इनकी संख्या में दो करोड़ लोगों की ओर बढ़ोत्तरी हो जायेगी जो चिन्ता की बात है। मेरी दृष्टि से इसका एक महत्वपूर्ण कारण औद्योगीकरण है। औद्योगीकरण के कारण भी अपाहिजों की संख्या में बढ़ोत्तरी हो रही है। दूसरा कारण शहरीकरण है। शहरों के अंदर भीड़-भाड़ बढ़ रही है जिसके कारण लोग नदी-नालों के समीप रह रहे हैं। लोग झुग्गी झोपड़ियों में रह रहे हैं। वहाँ का वातावरण भी इसका एक बड़ा कारण है। इसके साथ ही साथ भारतीयों के जीवन में आमूल परिवर्तन हो रहा है। जीवन जीने की पद्धति में परिवर्तन आ रहा है। मेरी दृष्टि

से यह भी एक कारण इसके अंदर है।

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"इसलिए आने वाली सदी में डिसेबिलिटी का विकराल मुंह हमें देखना पड़ेगा। इसका सामना करने के लिए, उनको सहायता देने के लिए आज जो विधेयक लोगों को स वायव्यता देने के लिए आया है, उसकी मैं सराहना करता हूँ। अपने देश में पांच से छह प्रतिशत लोग डिसेबल हैं - चाहे वे शरीर से हैं या मानसिकता से हैं, यानी कि ६० से ७० मिलियन लोग आज अपने देश में डिसेबल हैं। इसकी चिन्ता भी इस बिल के जरिये होगी, इसलिए भी मैं आनन्द अनुभव कर रहा हूँ।

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"श्रमिक व्यक्ति को समान अधिकार नहीं मिलता। इतना ही नहीं उसको पूर्ण भागीदारी भी नहीं मिलती। कौन उसे पूछता है कि तेरा हक क्या है? कौन उसको भागीदार देने के लिए तैयार है? कौन उसको हिस्सा देने के लिए तैयार है? घर के अंदर भी अगर कोई अपाहिज है तो उसे कौने में बैठाये रखते हैं कि तू यहाँ बैठा रह, दो वक्त की रोटी खा ले और कुछ बोलना नहीं। उससे कोई राय नहीं ली जाती, उसे कहीं साथ नहीं ले जाया जाता। उसे कोई मजाक के स्थल पर नहीं ले जाया जाता। कौन बोझ उठाकर घुमेगा, तू बैठ कर टी.वी. देखता रहा। वह अपने मन में क्या सोचता होगा? वह अपने पर किस तरह से नाराज होता होगा? टी.वी. तो कुछ अच्छे घराने वाले देखते होंगे लेकिन जो झुग्गी झोपड़ी में रहते हैं, जो गरीब हैं, जिनके घर में टी.वी. भी नहीं है, वह अपना दिन एक जेल में रहने की भाँति काटता है। उसी तरह उसका जी वन बीतता है। वह पूरा दिन नहीं काट सकता।

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"इसके साथ मैंने कहा कि ६०-७० मिलियन ये लोग होने वाले हैं, इनको भागीदारी नहीं देते। वे अन्य लोगों के साथ कदम से कदम मिलाकर चल नहीं सकता। इसी तरह यूनीसेफ के मूलाधिक प्रत्येक छह व्यक्ति में से एक व्यक्ति किसी न किसी रूप में डिसेबल पाया जाता है। रिपोर्ट में लिखा है कि:

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">"Ninety per cent of the existing institutions in the country for rehabilitation cater to the urban areas whereas eighty per cent of the disabled Indians live in the rural areas. The Government alone cannot fill this gap not only for the sheer size of the resources required for launching suitable remedial programmes in the rural areas, but also for its lack of proper understanding of the local ethos and culture."

"सिर्फ सरकार द्वारा नहीं होगा। सामाजिक संस्थाओं का भी सहयोग लेना पड़ेगा, सामाजिक संस्थाओं को भी आगे आना पड़ेगा। जब सामाजिक संस्थाएं आगे आएंगी तो यह सवाल हल होगा। हमारे यहाँ कहा जाता है कि सन् २००० तक एंजुकेशन फॉर ऑल''''''''', सभी के लिए एंजुकेशन देने की बात हुई। लेकिन क्या मंद बुद्धि वाले, अपाहिज लोग एंजुकेशन ले पाएंगे? मेरी दृष्टि से सिर्फ एक प्रतिशत मंद बुद्धि वाले, अपाहिज, आँख के अंधों को ही एंजुकेशन मिलती है, बाकियों को नहीं मिलती। हमारे यहाँ सरकार और सामाजिक स्वयंसेवी संस्थाओं द्वारा उनके वेलफेयर की बात कही जाती है लेकिन मेरी दृष्टि से वेलफेयर के साथ-साथ उनके अधिकार को भी अधिक महत्त्व देना चाहिए। जब नौकरी के लिए कहा जाता है तो सुनने को मिलता है कि अपाहिजों को नौकरी दी जाएगी। कहाँ दी गई है, कौन देता है, कौन नौकरी देने के लिए तैयार है? कोई नौकरी में नहीं रखता, वे पीछे मांगते हैं। एक-दो लोगों को नौकरी मिलती है, ट्रेड होते हुए भी बाकी लोगों को नौकरी नहीं मिलती। देश में बहुत से ऐसे लोग हैं जिनको स्पेशल एंजुकेशन नहीं दी जा सकती। ट्रेड डिसेबल व्यक्ति को भी नौकरी नहीं मिलती। हमारे क्षेत्र में मां-बाप अपने बच्चों को लेकर आते हैं और कहते हैं कि हमारा लड़का एस.एस.सी. पास है, बी.ए. पास है, साहब, कहीं नौकरी में लगाओ। सरकारी नौकरी नहीं मिलती। उनके लिए नौकरी भी नहीं है।

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"कुछ समय पहले इंडिया-चाइना डिसेबल पर वार्ता हुई थी। उसमें जानकारी प्राप्त हुई थी कि चीन में ७० प्रतिशत लोगों को नौकरी दी गई है। मेरी जानकारी के मूलाधिक -

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">1600 welfare factories in China, where more than 40 per cent of the work force is disabled, any Chinese enterprise which is having more than 35 per cent or more of disabled employees, they are exempted from paying business income-tax and those with 50 per cent or more of their employees being disabled do not have to pay any tax.

"चीन में सुविधा दी गई है। पचास प्रतिशत से अधिक डिसेबल लोगों को अगर वे नौकरी में रखते हैं तो कोई टैक्स नहीं होता, बाकियों के लिए पचास प्रतिशत टैक्स है। ऐसी सुविधा, ऐसा इन्सिन्टिव, हमारे देश में भी फंक्शन है, इंडस्ट्री है, उनमें उन लोगों को यह सुविधा देनी पड़ेगी, तब लोग आगे आएंगे वरना बातों से या प्रार्थना से कुछ नहीं होने वाला है। इसी तरह जापान में भी डिसेबल व्यक्तियों की फंक्टी बनाई गई है, इंडस्ट्री बनी है और उनके वहाँ जो उत्पादन होता है, उसकी मार्केटिंग के लिए सरकार की ओर से व्यवस्था की गई है। डिसेबल लोग बहुत सम्मान से जीते हैं, सम्मान से नौकरी करने जाते हैं। हमारे यहाँ भी डिसेबल लोगों के लिए स्पेशल इंडस्ट्री बनानी चाहिए ताकि वे बैठकर काम कर सकें। हमारे यहाँ के लोगों के पास ऐसी ताकत हो तो यह काम आगे हो सकता है। लेकिन मुझे दुःख के साथ कहना पड़ रहा है, मंद बुद्धि अपाहिजों के लिए जो कदम उठाने चाहिए, वे कदम आज तक नहीं उठाए गए हैं। कदम न उठाने का कारण राज्य इच्छा शक्ति का अभाव है। किसी राज्य की इच्छा शक्ति नहीं थी।

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"आज माननीय मंत्री मेनका जी ने इच्छा शक्ति व्यक्त की है। मैं उनको धन्यवाद देता हूँ क्योंकि राज्य इच्छा शक्ति होने पर ही काम होता है। हमारे यहाँ सवाल उठाए गए। यह लोक शाही देश है। लोक शाही देश में वर्ल्ड बैंक को महत्व दिया गया है। वर्ल्ड बैंक के कारण राष्ट्रीय पार्टियाँ कभी मॉर्नोरिटी की बात उठाती हैं, कभी मॉर्नोरिटी का सवाल उठाती हैं, कभी शैड्यूल कास्ट्स और शैड्यूल ट्राइब्स का सवाल उठाती हैं, कभी महिलाओं का सवाल उठाती हैं और कभी दूसरे सवाल उठाकर दो-दो दिन तक हंगामा होता है। क्या कभी किसी ने डिसेबिलिटी, अपाहिज, अपंग, आँख के अंधों के लिए भी सवाल उठाया है?

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"कभी राजकीय पार्टियों ने उसके लिए कुछ कहा कि हम यह करेंगे, उसको कभी अपना मुद्दा बनाया, इसलिए कि राज्य इच्छाशक्ति का अभाव था। इसका परिणाम यह हुआ कि इस देश के अन्दर एक भाई, एक लड़का और हमारे मां-बाप हैं, वे लोग आज तक दुखी रहे हैं। इसमें मेरा कहना है कि सिर्फ हम कभी-कभी सेमीनार में जाकर अपाहिजों के लिए अच्छे शब्द कहकर चले जाते हैं, उनके लिए अच्छे-अच्छे शब्द बोलते हैं, मीठी-मीठी बातें करते हैं, कभी-कभी २-५ ईनाम लोगों को देते हैं, प्रशस्ति पत्र भी देते हैं और अपने घर चले जाते हैं। उसके बाद कुछ नहीं होता। उसके बाद कोई व्यवहार नहीं, उसके बाद उनके साथ कोई प्रेम नहीं करता है, यहाँ हमारी इतिश्री हम कर देते हैं। उनकी आवश्यकता को हमने कभी आज तक समझा ही नहीं। हमने इसको कभी समझने का ही प्रयत्न नहीं किया। इन कार्यों में मदद करने के लिए हमें जैसे उत्साहित व्यक्ति चाहिए, मैंने पूरा बिल पढ़ा, इसमें जो उत्साही लोग हैं, उनका सहयोग लेना पड़ेगा, जो विशेष लोग हैं, उनकी नियुक्ति करनी पड़ेगी, उन्हें सदस्य बनाना पड़ेगा। जो स्वयंसेवी संगठन हैं, जो समाज के दुखी, पीड़ित, शोषित, अपाहिज, मानसिक मंद बुद्धि वाले लोगों के प्रति सहायता करना चाहते हैं, उन निस्वार्थ व्यक्तियों की हमें मदद करनी पड़ेगी, उन्हें हमें आगे लाना पड़ेगा। निस्वार्थ व्यक्ति अपने ही घर में कटुम्ब के साथ सम्मान से जी सकें, उसके लिए उसे आत्मनिर्भर बनाना पड़ेगा। इतना

ही नहीं, उसे सुविधा भी उपलब्ध करानी पड़ेगी। मैंने पहले बताया कि घर वाले भी उसे अपने ऊपर बोझ मानते हैं और बोझ मानकर उसे बाहर भेज देते हैं कि जाओ, बेटा बाहर जाओ, भीख मांगो। आप सब देखते हैं, जब दिल्ली में हम चौराहे पर खड़े होते हैं तो तुरन्त कोई आकर गाड़ी को कपड़ा लगाता है, कोई हाथ जोड़कर पैसे मांगता है। उनको घर वाले ही भेज देते हैं तो ऐसा न हो, इसलिए हमें उनके प्रति ध्यान रखना चाहिए और कोई भी इस देश के अन्दर ऐसा अपाहिज लावारिस रास्ते पर मरे नहीं, इसका भी हमें ध्यान रखना पड़ेगा।

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"श्रेया माननीय मंत्री महोदया से निवेदन है कि इसके कार्यालय प्रत्येक राज्य में खुलें और साथ-साथ मुख्य जिलों पर यदि इसके कार्यालय खोले जायें। जो सरकारी सदस्य नियुक्त किये जाने का प्रावधान है, उसमें सिर्फ पद ही नहीं देखना चाहिए। आपने इसके अन्दर पद लिखा है कि इस विभाग के अन्दर नौकरी करने वाले हों, उनको नियुक्त ही जाएगी। उस विभाग में नौकरी करने से वह उनका हमदर्द नहीं बन सकता। उस विभाग में नौकरी करने से मानवतावादी नहीं बन सकता, नौकरी तो सब को मिल जाती है, लेकिन सहृदय होना अलग बात है। दुखी को देखकर दुखी होना अलग बात है। ऐसी भावना वाले व्यक्ति को ही वहां रखना चाहिए। ऐसी संस्थाओं में जिसको लगाव है, ऐसी सामाजिक संस्थाओं के साथ जो लोग जुड़े हों, ऐसे अधिकारी को ही पसन्द करना चाहिए, यह मेरी आपसे विनती है। बोर्ड के अध्यक्ष में सहकारिता का गुण हो, ऐसे व्यक्ति को अध्यक्ष बनाना चाहिए, जो मानव प्रेमी हो। इसके लिए स्पेशल स्कूल बनाने पड़ेंगे। आज जो स्कूल चल रहे हैं, वे बहुत कम हैं। कुछ लोग तो जान-बूझकर इनके पीछे घपलेबाजी करके अपनी स्वार्थ सिद्धि कर रहे हैं। इसके साथ लैप्रोसी का अप्रेशन सफल करने के लिए अधिक प्रयत्न करना चाहिए। गुजरात में इसके लिए बहुत अच्छा काम चल रहा है। आज गुजरात में एक भी लैप्रोसी का व्यक्ति बाहर भीख मांगने वाला देखने को नहीं मिलेगा। आज से एक साल पहले लोग भीख मांगते थे। उन सबको ढूँढ ढूँढकर एक जगह इकट्ठा किया, उनको रहने की सुविधा दी, उनको रोजगार दिया। उनसे कहा कि तुम रोड पर नहीं जाओगे, भीख नहीं मांगोगे, यहाँ रहो। आज एक भी व्यक्ति गुजरात में देखने को नहीं मिलता है। गुजरात सरकार ने जिस प्रकार का कार्य किया है, उसी प्रकार का कार्य देश के अन्य राज्यों में भी हो, यही मैं चाहता हूँ।

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"आज नेशनल इंस्टीट्यूट फॉर दि विजुअली हैंडिकैप्ड, देहरादून में चल रहा है। नेशनल इंस्टीट्यूट फॉर दि आर्थोपेडीकली हैंडिकैप्ड, कलकत्ता में चल रहा है। अली व्यवहार जंग नेशनल इंस्टीट्यूट फॉर दि हियरिंग हैंडिकैप्ड, मुम्बई में चल रहा है। नेशनल इंस्टीट्यूट फॉर दि मेटली हैंडिकैप्ड, सिकन्दराबाद में चल रहा है। इसके साथ-साथ इंस्टीट्यूट फॉर दि फिजिकली हैंडिकैप्ड, नई दिल्ली में चल रहे हैं तो ऐसा एक इंस्टीट्यूट गुजरात में बड़े पैमाने पर खड़ा किया जाये, ऐसी मेरी मांग है।

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भारत सरकार के इक्वलि अपोर्चुनिटीज़ प्रोटेक्शन ऑफ राइट्स एंड फुल पार्टिसिपेशन एक्ट, १९९५ के अन्तर्गत तीन प्रतिशत डिसेबल्ड लोगों को नौकरियों में प्राधान्य देना है। क्या कभी सरकार के द्वारा इसकी इन्क्वायरी की गई कि आपके यहाँ तीन परसेंट डिसेबल्ड लोगों को नौकरी दी गई? इसके लिए कहीं कोई इन्क्वायरी नहीं हो रही है। इसकी इन्क्वायरी होनी चाहिए और जहाँ नौकरी नहीं दी गई, वहाँ उनको रखना चाहिए। इन तीन प्रतिशत में एक प्रतिशत इंडीविजुअली बांटा है, एक परसेंट ब्लाइंड्स के लिए है, एक परसेंट हियरिंग इम्पैयरमेंट के लिए है।

दोनों के लिए एक परसेंट बांटा गया है। जहाँ तक एम्प्लायमेंट एक्सचेंज की बात है, इनके द्वारा अपाहिजों को नौकरी नहीं मिलती है। एम्प्लायमेंट एक्सचेंज सिर्फ नाम लिखा कर आंकड़े इकट्ठे करने का काम कर रहे हैं। जनसंख्या बताते हैं कि इतने लोग अपाहिज हैं। कारण यह कि भर्ती डायरेक्ट होती है और उनके द्वारा किसी को बुलाया नहीं जाता है। एम्प्लायमेंट एक्सचेंज में बहुत मिमिनेजमेंट है, इसको भी आपको देखना चाहिए। जानकारी के अनुसार देश में ५१ प्रतिशत स्पेशल एम्प्लायमेंट एक्सचेंज है और ३९ स्पेशल सैल है, लेकिन इनके द्वारा कोई रिफ्लाई नहीं दिया जाता है। दिल्ली की बसों में तो ये चढ़ भी नहीं पाते हैं और होता यह है कि जिसको जाना होता है, वह बाहर रहता है और जिसको नहीं जाना होता है, वह अन्दर होता है। जब यह बसों की हालत है तो अपाहिज उसमें कैसे जा सकते हैं। बसों में इनके लिए व्यवस्था के साथ-साथ में रेलवे स्टेशनों पर दिए जाने वाले स्टालों की ओर भी आपका ध्यान दिलाना चाहता हूँ। रेलवे स्टेशनों पर स्टाल बड़े मजबूत लोगों को दिए जाते हैं, वहाँ अपाहिज कोई नहीं दिखता है। अपने परीचित लोगों को स्टाल दिए जाते हैं। जहाँ तक बैंकों से लोन की सुविधा का प्रश्न है, वे लोग जा नहीं पाते हैं। मेरा सुझाव है कि बैंकों पर दबाव डालना चाहिए कि ऐसे लोगों को बुलाकर फार्म इत्यादि भरवाने चाहिए अथवा अधिकारी जायें और इन लोगों को सुविधा प्रदान करें।

इसके साथ-साथ डिस्ट्रिक्ट रिहैबिलिटेशन सैन्टर्स स्कीम के अन्तर्गत देश में ११ सैन्टर्स खोले गए हैं, लेकिन गुजरात में एक भी सैन्टर नहीं है। मेरा निवेदन है कि गुजरात में भी एक सैन्टर खोला जाए। इसी प्रकार नेशनल हैंडिकैप्ड फाइनेंस एंड डेवलपमेंट कांफॉरेशन १९९७ में बना था, इसकी गतिविधियों को बढ़ाना चाहिए। कांफॉरेशन बहुत अच्छा बना है, लेकिन इसके बारे में लोग जानते नहीं हैं कि कैसे इससे लाभ उठाया जा सकता है। इसका प्रचार और प्रसार होना चाहिए, ताकि इसकी जानकारी अपाहिज लोगों तक पहुँच जाये। कबीर का एक दोहा है - कबीर हाय गरीब की कबहू न खाली जाए, मूए डोर के चर्म लोहा भस्म हो जाए। गरीब की आह दिला से निकलेगी, तो भस्म हो जाएगा।

अंत में, मैं इतनी ही प्रार्थना करना चाहता हूँ कि यह विधेयक सही है, लेकिन यह सही रूप में कार्यान्वित हो, सही आफिस खुलें, सही कर्मचारी हो और जिस उद्देश्य से यह विधेयक आया है, वह परिपूर्ण हो। इस बिल का समर्थन करते हुए, मैं अपनी वाणी को विराम देता हूँ।

SHRIMATI RENUKA CHOWDHURY (KHAMMAM): Madam, I thank you very much for allowing me to speak on this subject.

">SHRI SOMNATH CHATTERJEE (BOLPUR): Has the order been changed? ... (Interruptions)

">MR. CHAIRMAN : Shri Jafar Sharief was called but he was not there.

">SHRI SOMNATH CHATTERJEE : Therefore, the Congress Party has lost the chance!

">MR. CHAIRMAN: In the second round, we have given them a chance.

">SHRI SOMNATH CHATTERJEE : The first round is not complete, Madam. ... (Interruptions)

">SHRIMATI RENUKA CHOWDHURY : Anyway..... (Interruptions)

">SHRI SOMNATH CHATTERJEE : I concede your right. ... (Interruptions) I concede the opportunity that is given to her.

">SHRIMATI RENUKA CHOWDHURY : Thanks. That is very charming and chivalrous.

">SHRI MADHAVRAO SCINDIA (GUNA): A chivalrous gentleman!

">SHRIMATI RENUKA CHOWDHURY : Yes.

">Now, this is a subject that has been gathering dust for some time now. If I am not mistaken, this Bill was brought forward in the Rajya Sabha at one point of time. Then, it went back and it has now come up. This is a very sensitive subject, something for which perhaps

the country needs to be sensitised because many of us are uncomfortable when we look at someone with a disorder like this. Many of us do not know how to handle such retardation or cerebral palsy.

">Even less is understood about autism. It is sad that less is understood because statistics say - if I am not wrong - that almost one in every 500 suffers from some kind of autism or the other which is often not understood. The parents are not equipped to deal with this. Social structures are virtually non-existent. So, what is the first thing that strikes us for the need to have a Bill like this? What is the first need that strikes us all? As parents or surrogate parents when we look at the children, and the dream, barring cutting across all religious and economic lines, the one dream that all of us have and the anxiety that all of us have is: what happens to my children after me? The norm is that, at least, we live a shorter life span than the children do. Fortunately or unfortunately, these children who are afflicted with this disease or disorder are the people who can live a perfectly normal span of life. So, the first anxiety that needs to be set at ease is that we should have the facility that parents can give their money which will be monitored and kept in security and which will be executed for the welfare of that particular child. This would mean great trust, great transparency and the ability to handle this so that in our life time, we have the peace of mind that this money is going to go where it needs to go.

">There was a letter addressed to the present Prime Minister, Shri Atal Bihari Vajpayee. This letter was addressed by a group of parents and professionals who have drawn his focus to this Bill so that a substitute care giver could be appointed for the protection, care and decision-making of those who are incapable of such decisions. I am extending this to those who do not need this help and who undermine their ability and their aspirations. This national Bill was envisaged, as I see it, as a substitute care giver.

">Regarding parents of such people who live in perpetual fear, there is a lot of enigmatic development that has to take place; and the dynamics of implementing this have to be remained very sensitive and responsive to a system which has shown that time and again we have failed to deliver the goods. So, this is what we call the individual contractual capacity. Basically, it has to be a contractual capacity so that the people will be able to take care of their children after their own life time.

">Mental retardation often needs guardian. Now, when we come to mental retardation, the other check point that I would like to impress upon is quite often very cruelly this concept of diagnosis of such children and the ability for parents to palm off such children is misused. It has happened. We shudder the thought of it. The fact remains that quite often a small disability, even something as dyslexia is viewed as retardation. Due to influences of various kinds, we have misused the powers and we have had such people certified and put away. So, it is harmful to digress from this concept a little bit. We have seen this happened to women who are in lunatic asylums, who sit there, who are perfectly normal but are not wanted by their own people or their society.

">When it comes to autism, it is acknowledged as one of the most heart breaking disease. Nobody really knows what causes autism, whether it is genetic or whether it is something that you acquire as you go along. Nobody knows this. On one side, we are doing DNA splicing, we do gene interference but we are not able to understand what autism is. Some of these children who are autistic can be very brilliant. They have a pre-determination towards some kind of art or Mathematics.

">Let me tell you this for the interest of the House. If I am not mistaken, it was brilliantly portrayed by one of the film stars in the West, known as reins man. This very prominent film star, Dustin Hoffman acted in it. It helped portray the poignancy of this disease.

">Now, autism comes along with multiply burdened problem. It does not come in one direction, which is the worst tragedy. It means it compounds the injury. So, we have children with autism who then suffer from cerebral palsy, down syndrome, wet syndrome, facial disorder or visual impairment among others. So, when we decide that we are going to empower somebody else, then I will urge, with all the anxiety that I have at my command, that we must see that we cater to the periphery, to the range of all these, to the entire concept of what autism is, not say it `autistic' and put them in somebody's care. The monies are not understood and translated for the care of all these diseases because we have red tape which comes in. The bureaucratic red tape which comes in and says: "Oh, but this child has been given this money for autism and not for cerebral palsy, or you know that this has been for treatment of cerebral palsy which does not take in visual impairment or seizure that comes under the heading of visual impairment; `seizure disorders' could be epilepsy. So, it does not come under this heading."

">So, there is a great complexity about understanding the disease in itself and how we are going to apply it and how we are going to cater to all the needs. On the one hand, India can take pride in being the leader in considering progressive legislations. We can give us a pat on the back because we have taken legislations for persons with disabilities in general and we have taken the lead in South Asia on having passed the progressive Acts such as the Persons with Disabilities Act, Equal Opportunities Act, Protection of Rights Act and Full Participation Act. We have also taken a very bold and laudable step by considering the inclusion of autism in the said Act because autism was not known, it is still not known and even Parliament does not know. It would be nice if the hon. Minister could organise some kind of sensitization or awareness to a programme to be given to the Members of Parliament because we go into our constituencies, we find people who come to us with their children and they do not know what is wrong and the local infrastructure is not capable of diagnosing or prescribing anything for them. Likewise, the National Trust Bill for Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill is a progressive Act. That faces up squarely to the States' responsibility of providing care, protection and substitute decision-making for those citizens who need help. Because of the contractual incapacity, persons with mental retardation, etc. often need guardianship, even after reaching adulthood. Many people believe that this kind of a disease affects the youngsters and it is over and done with and after that adults are not their concern. We must constantly remember that children who are affected with this disease grow into adults and still have the disease, still need monitoring, sexual needs, habits, sanitation and hygiene, etc. which need to be cater to.

">Now, the procedure for appointing a guardian was available to persons lacking contractual ability under the Indian Lunacy Act of 1912. The Lunacy Act was repealed and then the Mental Health Act of 1987 did not include the mental disabilities which gave us a hard time. Hence, no legal procedure was available to appoint guardians for those who so required it. So, in consonance with its philosophy of providing protection with autonomy, the National Trust Bill incorporated a procedure for appointing guardians for those adults with mental retardation and autism and cerebral palsy of those who needed them. While such a procedure is specially needed to protect the quality of life for the above disabilities, it has no relevance for physical disability.

">So, what we need to focus when we constitute such a Bill is the quality of life. There have been horrifying reports. Even in cash rich

countries, in well-developed nations, so called developed nations like the U.S.A. where the care taking for older people showed gross neglect. They are the people who could afford care, who paid for it but they are neglected terribly whereby then often died because of malnutrition and other related disease caused by unhygienic conditions, such as bed sores which ate away the flesh and where the bones were revealed in their hip-joints, etc. because the quality of life was denied to them.

">They died of malnutrition because old people need time to be able to chew and swallow and the attendants often did not care to wait that long. I cannot think of more cruel insensitive side of human being and our natures if we can go out of our way to do less for such people than to do more for them. Persons with physical disabilities are also seeking equal opportunities, full participation and recognition of their own capacities. They are asking for the right to speak for themselves. And it is to this end that the Disabilities (Protection of Rights) Act of 1995 was enacted. This National Trust Bill is meant to include those with physical disabilities which undermine their ability to take care of themselves. People with disabilities are now fully capable of exercising their rights which were needlessly denied to them earlier.

">The Prime Minister has been appealed to add one point and we hope that the Government will be responsive enough. This Bill was first brought in the National Trust Bill form in 1991. It has taken nearly ten years and I think it is befitting that we are bringing this Bill towards the end of this millennium so that we start the new millennium with hope, with care and with good health for all of you.

">So, drawing your attention to these few issues, I support this Bill and I congratulate the Minister for having brought this Bill.

SHRI SOMNATH CHATTERJEE : Madam Chairperson, this is an extremely important piece of legislation which is being considered now and I hope it will be passed unanimously. I congratulate the hon. Minister for having brought this Bill. It is better late than never. I also congratulate Shrimati Renuka Chowdhury for a very illuminating speech that she delivered.

">SHRI MADHAVRAO SCINDIA : You are in a very chivalrous mood for all the ladies, I think.

">SHRI SOMNATH CHATTERJEE : I am lamenting the dearth of ladies. I want 33 per cent of them. Therefore, I would like to continue with chivalry. The only thing is they do not look at me. What can I do?

">MR. CHAIRMAN : Do not fish for compliments in the House.

">SHRI SOMNATH CHATTERJEE : Madam, at least if I can keep three of you happy, then I shall be happy.

">As I said, this is a very welcome Bill. A large number of people who are, unfortunately, afflicted with these diseases, were not within the ambit of the earlier Bill. Of course, we have a lot to say about the implementation of that Bill and what was left out. There was a very strong demand for providing an appropriate legislation.

">Why I chose to speak today, Madam, is because some time back I had attended a seminar on disabled persons and what I saw that day - apart from what we see everywhere in the country - and what I heard that day, prompted me to say something out of my own experience. That very day, I had raised the matter on the floor of the House and made a request to the Government of the day to bring forth the legislation at the earliest. A lady saw me there. She had come to that seminar with her son, the only child, who was mentally retarded.

">16.00 hrs.

">She said that she had never been anywhere except her house and had come to the convention to tell the people, the organisers and the speakers who would be participating to look at her condition and the situation in which she was in. She said : "I have never seen anything in life - no drama, no theatre, no cinema, no social call." Apart from that fact, whatever she has, whatever the family has, they are trying to look after that child who remains a child for ever, unfortunately because of the disease he is suffering from or afflicted with.

">Even during the lifetime of the parents it becomes sometimes important to provide protection for them. Therefore, I am a little worried on one thing. The hon. Minister may clarify. I believe that once the hon. Minister has said in her statement that this is not meant for those who have family members. If it is not, it is all right. I am happy. The family members are also affected. Apart from the lack of financial resource, they themselves become almost mental wrecks. Therefore, for proper protection of those people who are suffering from these diseases, something is to be done. Naturally the parents are the most concerned. Even they are not able to look after them properly. Mere best wishes will not do. Therefore, this has to be looked into.

">Recently I had a conversation with Shri Javed Abidi whom you must be knowing very well. He said : "Please implore upon the hon. Minister that for every law, it needs to be properly implemented". Implementation should be more sincere. So far as the earlier Act of 1995 is concerned, there is much to be said. It provides for things like education for disabled people - not the aggravated forms of disablement that we are considering in this Bill - but the ordinary disablements like hearing impairment, blindness and things like that. They are mentioned in the 1995 Act. Even those are not being implemented.

">There are things like education to them. My friend has rightly referred to the provision for employment which is not at all being implemented. Even the three per cent reservation is only on paper. Although this is a mandatory provision of law, from Government downwards nobody bothers to provide for that. We hear that in China there are so many inducements. Apart from the inducements they are still doing it. Therefore, what was not done was implementation. Mere good wishes and pious wishes will not help.

">Therefore, I implore upon the hon. Minister that these are the matters in which the hon. Minister may have to take personal interest so far as monitoring is concerned. If I am not misunderstood in saying so, I know that she is ruthlessly efficient in certain other matters in implementing them. We appreciate that. I appreciate her tenacity also. But what is needed is very faithful, honest, sincere and as the law contemplates, adequate implementation of what we are going to do today and also of the earlier Act.

Madam, I will make one or two comments. I do not want to make it a controversial law. It may be considered now. I have not given any

amendments. The Board as provided may be too large. There is a chairperson. There will be nine persons representing parents and eight persons from high bureaucratic level officials and three persons for philanthropic activities. Apart from that there will be a Chief Executive Officer who will again be a bureaucrat of the rank of Joint Secretary. Then there will be another eight persons who may be associated. It becomes a total of 30 persons.

I think, it is too large a Board. I have been told of another Council, but I will not name it. I will not name the individual who is more busy publishing his photographs. Madam Chairperson, you must be knowing him. Somebody says that he is more busy publishing booklets with his photographs as beautifully made out as can be. But that is not helping the work. The work is not helped. Some of the people who are aware, who are working in this sphere say that Rs. 100 crore for a country like ours where seven crore of people are disabled, in these days of escalating costs, will not be sufficient.

I do not know whether the hon. Minister's Ministry has made a study about how many homes they should start in the country, what is the number of people they wish to accommodate in those sheltered homes and what will be the per head expenditure. Therefore, will this amount of Rs. 100 crore kept in deposit and probably Rs. 10 crore of money earned every year, cannot be sufficient for this stupendous task. The amount that may be given by individuals will be meant for those persons or their wards. Therefore, I would request the hon. Minister to consider this. If necessary, she may come with amendments at a suitable time.

The more important thing is the persons who feel most are the parents and the family members of the disabled. There are good organisations. Even there is an organisation called National Federation of Parents Association. It is felt that the representation of the parents and the members of the family of the disabled should be more compared to others. I have nothing per se against the bureaucrats, but somehow that bureaucratic attitude is taken up. They have to look into so many rules, regulations and procedure. Even if they want to overcome it, there will be too many inhibitions, either mental or procedural, which will affect the functioning of this Trust board.

Who are going to be made associates? It is there in clause 3(5). The hon. Minister must have noticed that professionals are contemplated to be associated. They may be taken out of the registered organisations or of professionals. Therefore, professionals by profession means, probably, doctors and others who are looking after these persons. Therefore, I would have preferred more representation of parents, experts and professionals. Of course, some philanthropic organisations may be there. I am sure that the Minister will consider, after a trial is given, whether to change it or not.

But let it not be an organisation just like those which remained only to provide for paraphernalia of the Chairperson, Chief Executive, officers, cars and travelling. Let this good money not be utilised or misutilised for that.

The other thing I wanted to say about this Bill is about the objects of the Trust. The Bill says that the objects of the Trust are to strengthen facilities to provide support to persons with disability to live with their own families and to extend support to the registered organisations to provide need-based services during the period of crisis in a family of persons with disability. Now, both these areas have to be very seriously looked into because, as I said, those who live in the family need help, apart from the guardians, which has been provided here. How can such help be rendered to the families? That is a matter which has to be very seriously looked into. The other thing is the local-level committee which is the most important committee.

The Local Level Committee, under Chapter 6, will select the persons who, according to them, will be entitled to the assistance of guardians etc. That Local Level Committee, Madam, if you kindly see clause 13, consists of an officer of the Civil Service, not below the rank of a District Magistrate or a District Commissioner of a District, then one representative of a registered organisation, and a person with a disability, as defined in clause (t) of Section 2 of the other Act. Now, I have some doubts about the utility of this because we do not know whose interests the registered organisation represents or it comprises of what. As Shrimati Chowdhury correctly said, these particular types of diseases are different from ordinary impairment, ordinary disability; as I said, they are aggravated forms of disability, and the people with these particular types of diseases must be properly represented. Supposing a blind person is there, it does not necessarily mean, in spite of his best efforts, that he can do this.

As far as the Collectors are concerned, again, this bureaucratic approach is there. I am not per se against the Collectors or the District Magistrates, but this is a matter which has to be tackled differently from a different point of view. Therefore, I do not know why these Local Level Committees should be comprised of three persons. One may not have any connection with this, the other is just giving a bureaucratic sort of leadership, and the third is an organisation's representative -- it may not be of a parents' organisation. These are the doubts which have been expressed by those who are working in this area. I cannot ask for change of the law here and now, unless she brings an amendment today.

Now, there is a provision for appointment of guardians. Will they be honorary persons? If not, then a provision has to be made for their payment. I do not find it here, and that has to be adequate. The Minister is shaking her head and, therefore, I think, they will be paid. In that case, that has to be adequate. Do not just indulge in tokenism; that would be neither here nor there. We are trying to make some suggestions to make this Bill as better workable as possible. Therefore, this is a matter which may please be looked into.

I will not take more time. The last point is, the Board has been given the power to receive bequests only on movable property. Supposing a family gives a house, either you can convert it to a home or you can sell it. Why do you compel the family to sell it and give it to you? Why not receive bequests of immovable property also from any person for the benefit of persons with disability? This is a matter which may be looked into.

Madam, I am reading one or two sentences of a letter which a mother has written to the Prime Minister.

"Myself and my husband have been struggling to provide education, vocational training and an occupation to my son. Our aim is to provide him with the normal facilities, opportunities, the avenues of life, which are available to the other citizens of this country ..." (Very deserving thought.)

She says:

"We want an answer to the all pervading question, "After us, who?"

This answer has to be given to the parents of persons with mental retardation, cerebral palsy and autism for whom sheltered homes are being set up with funds being provided by the Government to the National Trust and donations collected by it. Therefore, this is a question which is perennial in the minds of the people of those, whose children, unfortunately, are suffering from these diseases. However, with great difficulty, I may carry on to look after them. But after me, what will happen and who will look after them"

These are matters which have to be looked into. I know, no such law could be properly implemented without an attitude of care, compassion, love and concern for these people. Merely we have passed a law, and it would be one of those laws which would remain in the Statute book. Money would be provided but how far would it go to those who really need them?

I express my hope and faith that the hon. Minister would see that this law is not a mere paper provision. It should be implemented and I am sure, with the zeal for protection of those who need protection, this would be a legislation which, we all shall be happy to have it not only in the statute book but also to see that it is properly implemented.

SHRIMATI RENUKA CHOWDHURY (KHAMMAM): Madam, Chairperson, may I just make a suggestion?

An hon. Member was telling me that when he tried to give money to one of the Centres, from the MPLADS, who look after these children, he was not allowed on the ground that this was not within this scheme. We should work collectively towards that to change this. I would rather fund an institute than to give a borewell or something like that.

Madam, the other thing about which I would like to draw the attention of the hon. Minister is Alzheimer. Alzheimer is a mental incapacity that comes with the onset of age. India has not woken up to this fact. Alzheimer is very much there in India, especially given the longevity of life. Would the hon. Minister include Alzheimer also under the purview of the Bill so that we could look after them?

MR. CHAIRMAN : Next speaker is Smt. Jayashree Banerjee not present.

Shri Anadi Charan Sahu.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): When I rise to support this Bill, Madam, Chairperson, I am reminded of a strange coincidence. When you were the hon. Minister of State for Youth Affairs at the Centre, I was the Director (Sports and Youth Services, Government of Orissa. You were then kind enough to sanction money for organising an athletic meet for the disabled persons, including those who are mentally retarded.

">Madam, I would like to cite one instance here which has remained poignant and elected to my mind. This is about a 14 year old mentally-retarded boy who was brought by his parents from Bolangir to participate in that athletic meet. It was a very simple athletic meet which was conducted with the help of the doctors. There were only jumping, running and throwing events in that meet. Amongst all those mentally-retarded children, that boy was distinguished by good clothes and by the fact that his parents were hovering around him.

">That boy, in the running event, got the first prize. His mother started crying in joy and this boy -- although he was 14 years old was behaving like a two year old child -- went to his mother and kissed and hugged her and threw the prize up in the air in joy. His father was a mute spectator to all this and was crying but laughing as well. That incident has remained elected in my mind and it is a strange coincidence that I am narrating this here again.

">Madam, this Bill is a very good Bill and has been brought with a good purpose as well. Right from the year 1991 when it was thought of giving equal rights to the disabled, India has been thinking of the incapacitated. In 1994, there was a Convention in Delhi and on the basis of that Convention, the Act of 1995 relating to the mentally-retarded persons was drafted which became an Act in 1996. The most important fact in that Act was about education and employment. As Shri Somnath Chatterjee has said, we have enacted an Act but we have not yet implemented it fully.

">Madam, Chairperson, there are lofty ideals in the Bill. Madam Minister has lofty ideals, but to be able to implement it, there must be some good people with understanding of the problem that has to be tackled. This Act, as has been mentioned by Smt. Renuka Chowdhary proposes to give a new definition and an attempt has been made to define the ailments.

">The objective is to instill a sense of purpose in the parents who brought a child to this world. That is the most important thing. Let them not feel, in the poetic words, "Tell me not in mournful numbers life is but an empty dream." Each child who has come to the earth should feel happy and should feel that he is among equals. He may not be better placed but the purpose is to prevent any sort of discrimination against him, to protect and promote his rights, and to develop and safeguard the interest of the disabled.

">The difficulty is that there is a plethora of Acts. In 1965 Act, Section 3 has the provision of a Board. It has provision for some District and local level Committees also. The present also has provision of Boards in Clause 3 and then District level Committees at clause 13. As per the 1995 Act, there is a set of Boards. As per this Act, one will have another set of Boards. It may create problems, as Shri Somnath Chatterjee was saying. We have created a corpus of Rs.100 crore for this but to man the Boards also the corpus may be eaten away.

">There is a provision in Clause 10 of this Act which, inter alia, could mean that funds could be given to the guardian. If we read through the lines, we can find that it is there. A regulation has to be made as to the manner in which funds have to be given to the guardian. Otherwise, it would be difficult to implement. There is another provision in Clause 17 which says that if the guardian is not taking any steps, the child, the patient, or the disabled person, is to be taken out. A difficulty may arise here because there is no penal provision. Supposing there is some inter-State property, if the disabled person has been taken away or dies, how is that property to be recovered? An important fact is that nobody is an ideal person. Maybe, Madam Minister is very ideal in her thinking but the persons who will be implementing the law may think of taking the money. Therefore, the first important thing for this provision is that the

Public Demands Recovery Act has to be taken into account. There may be many people with ulterior motives, who would like to misappropriate funds. Implicitly, why not give the responsibility with the financial support, as it has been indicated in Clause 14, saying that the parents themselves should be the guardians? Why appoint another person as guardian? These are a few things which should be sorted out.

">As Shri Somnath Chatterjee has said, the Boards should not be very big in their size comprising 29-30 people. Academicians and medical officers should form part of the Board which has not been indicated in the Bill. At the District level Committee, the District Magistrate cannot do anything. With my experience in District administration, I know that a District Magistrate is the chairperson of sixty to seventy Committees. He does nothing except sitting over the Committees. At times, the District Magistrate does not even know for what purpose the Committee he is chairing is constituted.

">If it is possible, now of course it cannot be amended, it should be provided that the Chief District Medical Officer should be the Chairman of the Committee with some academicians and professionals as members. As Shri Somnath Chatterjee has said, if they can be taken into this Committee it would be possible to give some thrust to the objective the Minister has thought of. Otherwise, it would be better to have family support. It would be better to give some money to the family and see that they take up the activities of these mentally retarded people, in right earnest.

">It is possible. If you have a better atmosphere for them, they could do wonders. This has been clearly indicated in the London Charter which Madam Minister had attended probably, in September, 99. The Draft Charter of Disability for the Third Millennium finalized in London calls for compassionate policy that respects the dignity of all people, and the inherent plans and benefits derived from the varied diversity of people. This is the main thrust on which this Act has come.

">I would not dilate much. I would not go into the details of other things. So, what are the requirements? They are adequate genetic services to alleviate the physical and psychological impairments caused by the inescapable ravages of environment. That can be done if the parents are involved, and not the guardians. I do not know how a guardian would be able to take care of a person who is mentally retarded and requires lots of affection. By merely enacting or by making some people a registered body, we cannot implement this Act in a better manner.

">So, although I support it, I would request that while finalizing the rules and regulations, kindly keep all these things in mind. With these words, I conclude. Thank you.

">MR. CHAIRMAN : Hon""ble"> Members, there is a statement to be made by Minister at 4.30 p.m. So, the next speaker would be disturbed in between in his speech. Or she can finish her speech before the Statement is made.

">श्रीमती रीना चौधरी (मोहनलालगंज) : सभापति महोदया, सबसे पहले मैं मंत्री महोदया को स्वपरायणता, प्रमत्तिष्क घात, मानसिक मंदता और बहु-निःशक्तताग्रस्त व्यक्तियों के कल्याण के लिए राष्ट्रीय स्तर पर एक निकाय के गठन और उससे संसक्त अथवा आनुषंगिक विषयों का उपबंध करने वाले विधेयक को लाने के लिए धन्यवाद देती हूँ।

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">यह सही बात है कि आज हमारे समाज में जिन्हें हम विकलांग कहते हैं, वह समाज का सबसे उपेक्षित वर्ग है। विकलांगों के पुनर्वास का कार्य बहुत बड़े पैमाने पर हमें करने की जरूरत है और यह हमारा अनिवार्य कर्तव्य भी बनता है कि हम उनके प्रति बड़ी गम्भीरता से, सहृदयता से और अपने अन्दर एक कोमल भावना से सोचें।

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">एस.एस.ओ. द्वारा १९९१ में एक सर्वेक्षण किया गया था, जिसके अनुसार ग्रामीण क्षेत्रों में ७० प्रतिशत विकलांग निरक्षर व्यक्ति हैं। शहरी क्षेत्रों में ४६ परसेंट विकलांग निरक्षर हैं। १९९१ की जनगणना के अनुसार कुल आबादी का ४८ परसेंट बिना पढ़े-लिखे हैं। इससे पता चलता है कि सामान्य व्यक्तियों की तुलना में विकलांग शिक्षा के क्षेत्र में कितने पिछड़े हुए हैं। आज ग्रामीण क्षेत्रों में चार परसेंट और शहरी क्षेत्रों में १२ परसेंट विकलांग माध्यमिक शिक्षा स्तर तक पहुँच पाते हैं। आज देश में करीब नौ करोड़ विकलांग व्यक्ति हैं, जिनमें मानसिक विकलांगों की संख्या २.४० करोड़ के करीब है। देश के सभी तरह के विकलांग व्यक्तियों का सही आँकड़ा अभी भी हमारे पास उपलब्ध नहीं है। एक अनुमान के अनुसार १९९१ में अपंग व्यक्तियों की जनसंख्या ८०.४४ लाख थी। नेत्रहीनों की संख्या ३६.२६ लाख, बहरों की संख्या २९.२४ लाख और गुंगों की संख्या १७.६८ लाख। देश की कुल विकलांग आबादी का ८० परसेंट हमारे गाँवों में रहते हैं और देश में ९७ परसेंट गाँवों में विकलांग स्कूल नहीं हैं। सबसे ज्यादा समस्या गाँवों में ही विकलांगों के लिए है। मैं भी ग्रामीण क्षेत्र से इस सदन में दूसरी बार चुनकर सांसद आई हूँ। हम महसूस करते हैं कि विकलांगों के लिए पैशन की सुविधा है, अन्य सुविधाएँ हैं, लेकिन वे उनको उपलब्ध नहीं हो पाती हैं। वे हमारे पास भागकर आते हैं, फार्म भरते हैं, इसकी एक लम्बी प्रक्रिया है, जिस प्रक्रिया के दौर से गुजरकर भी वे उन सुविधाओं से बंचित रहते हैं। मुझे ऐसा महसूस होता है, मैं ब्यूरोक्रेट्स के खिलाफ नहीं हूँ, लेकिन मुझे लगता है कि उनका जरूरत से ज्यादा हस्तक्षेप वहाँ पर विशेष माहौल उत्पन्न करता है। विकलांग व्यक्ति एक तो वैसे भी शरीर से इतना सक्षम नहीं होता कि वह सामान्य व्यक्ति की तरह दौड़-भाग करके सुविधाओं को प्राप्त कर सके, इसलिए सबसे पहले हमारी यह प्राथमिकता होनी चाहिए कि उनके लिए हम जो सुविधाएँ दे रहे हैं, उसकी जो प्रक्रिया है, वह सामान्य और सहज होनी चाहिए।

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वह सुविधा प्राप्त करने में विकलांग व्यक्तियों को परेशानी न हो। समाज में पुरुष विकलांग की स्थिति फिर भी ठीक है, ऐसा मुझे लगता है, लेकिन महिला विकलांगों की समस्या जटिल है। मानसिक रूप से वह समाज में अपने आपको स्थापित नहीं कर पाती है और समाज में उनको सहानुभूति या परिवार का जो माहौल मिलना चाहिए, वह पुरुषों की अपेक्षा ज्यादा खराब है। विकलांग व्यक्तियों को दया की जरूरत नहीं है, हमें प्यार, मोहब्बत और पारिवारिक माहौल देने की जरूरत है। इस दिशा में हम लोगों की सबसे बड़ी जिम्मेदारी बनती है। सामाजिक, आर्थिक और राजनीतिक दृष्टि से भी विकलांगों को उतना महत्व नहीं दिया जाता है। गाँवों में, जैसा कि कहा गया है, विकलांगों की स्थिति बहुत ही ज्यादा खराब है। विकलांगों के लिए नौकरियों में जो सुविधा प्रदान की गई है, सरकारी आँकड़ों को यदि आप देखें, तो तीन प्रतिशत आरक्षण का लक्ष्य भी पूरा नहीं होता है। कोई विकलांगों को नौकरी नहीं देना चाहता है। निजी क्षेत्रों में सिर्फ ०.२३ परसेंट ही नौकरियाँ मिल पाती हैं, जबकि १९९५ में बने विकलांग कानून के अनुसार पाँच प्रतिशत रोजगार देने की व्यवस्था है। अपंग व्यक्तियों को नौकरी देने पर टैक्स इत्यादि में छूट दी जाती है, फिर भी इस दिशा में कोई परिवर्तन नजर नहीं आता है।

एक बात, सभापति महोदय, मैं आपके माध्यम से कहना चाहता हूँ, हमारी सीमाओं पर लड़ते हुए सैनिक अपने किसी अंग को खो देते हैं, उनकी ओर अधिक ध्यान देना चाहिए। एक सामान्य व्यक्ति जब अपने किसी अंग को खो देता है, तो आप उसकी मानसिक स्थिति का अंदाजा लगा सकते हैं। ऐसी स्थिति होने पर शुरू में तो ऐसे व्यक्तियों को ज्यादा महत्व दिया जाता है, लेकिन धीरे-धीरे हमारे रवैये और दृष्टिकोण में परिवर्तन होता जाता है। यह एक कटु सत्य है। ऐसी स्थिति होने पर बाद में



उसको अपने जीवन-यापन के लिए संघर्ष करना पड़ता है। इसलिए मैं कहना चाहूंगा कि उनके लिए यदि कोई बोर्ड गठित किया जाता है, तो इन चीजों का ध्यान रखा जाए।

महोदय, औद्योगिक प्रदूषण के माध्यम से भी बच्चों के अन्दर मानसिक अपंगता देखने में आई है, जो बड़ी तेजी से बढ़ रही है। इस ओर भी मंत्री महोदय को ध्यान देना चाहिए। मुझे ख़ुशी है कि उन्होंने ट्रस्ट का गठन किया है, इसके लिए मैं उनको बधाई देता हूँ। लेकिन मेरी मानना है कि अगर इसमें माता-पिता को रखा जाएगा, तो मुझे ख़ुशी होगी, क्योंकि माता-पिता से अच्छा दोस्त, अच्छा मित्र, अच्छा शुभ-चिन्तक दुनिया में और कोई नहीं हो सकता है। मेरे विचार से ब्यूरोक्रेट्स को इससे दूर रखा जाए। इसके साथ ही अगर जनप्रतिनिधियों की भागीदारी हो जाती है, तो उचित रहेगा, यह मेरा सुझाव है। जिस क्षेत्र से मैं चुनकर आई हूँ, वहाँ ऐसे व्यक्ति मदद लेने के लिए आते हैं।

मंत्री महोदय ने बहुत ही अच्छा विधेयक सदन में प्रस्तुत किया है और मुझे विश्वास है कि हम लोग इसके माध्यम से समाज में एहसास करा सकेंगे कि वे इस समाज का हिस्सा हैं और हमारे साथ-साथ कन्धे से कन्धा मिलाकर चलने के योग्य हैं।

17.01 hrs.

MR. CHAIRMAN : The House will now take up the discussion on the Bill which is before us. Shri Sudarsana Natchiappan to speak now. Shri Natchiappan, please be brief, because we have to conclude it by 5.30 p.m, when we take up the Half-an-Hour Discussion.

SHRI E.M. SUDARSANA NATCHIAPPAN (SVAGANGA): Madam, it is really a very emotional and sensitive Bill which is before this House. It is about those people, who cannot represent their grievances, come and agitate for their welfare or demand anything for them before this Parliament.

">I would like to trace the history of this Bill. In the year 1993, when the Congress Party Government was in power, this Bill was drafted along with the Disabilities Bill and both the Bills were presented before Parliament in 1995. But, due to the telecom scandal involving Shri Sukh Ram, the House was continuously being adjourned for about a fortnight. In the meanwhile, there was an agitation by the disabled persons and they represented their grievances before the then Prime Minister and the then Leader of the Opposition, Shri Atal Bihari Vajpayee. At that time, only the Disabilities Bill was passed and this Bill remained pending. It could see the light of the day only now. Therefore I would request the whole House to pass this Bill as early as possible, so that the welfare activities for the disabled persons can start immediately.

">We have got the experience of the Act of 1995 where a three tier system was created, with the Chief Executive, the Central Coordination Committee and also the Central Executive Committee. The constitution of the Committees itself took about two years, the nomination of the Chief Executive took about four years and finally only on 01.09.1998, the entire body was constituted. This was constituted three years after the passing of the Bill and even now, that body is not functioning fully. I wish that the same thing should not happen in the case of the Trust which is envisaged under this Bill, because the disabled children cannot go and plead their case before anybody. They are suffering so much. So, this Bill, which is a Bill of the 20th Century, should become an Act before the 21st Century begins.

">Madam, the hon. Minister has so much of sympathy for the animals, but the disabled persons are human beings and they cannot argue their case before anybody. So, I would request the hon. Minister to take the initiative to constitute the Trust before 1st January, 2000 and present it as a new year gift to the disabled children so that they are protected. I would request the hon. Minister to take it as a challenge and see that the body starts functioning before 1st January, 2000.

">While participating in the Helen Keller Award Presentation Ceremony on 2nd December, 1999, the President of the Congress Party has said:

">"Legislation, of course, is not enough. Disability is not just a legal or welfare issue..."

">"...at heart, it is a human rights issue. Our 60 million disabled are very much citizens of our country and it is incumbent on the State to allocate adequate resources for their well-being and special needs. A much higher allocation is needed. I urge upon the Government to make this a reality when it presents the Budget for 2000-2001.""

">This is the request made by Shrimati Sonia Gandhi as President of the Congress Party at a function on 2nd December, 1999.

">I would request in the same manner that Rs. 100 crore are not sufficient for so many people who are suffering a lot in the villages. Especially in my constituency, a local committee may be constituted. In Shivaganga, there are a plenty of people who are disabled. Such type of mentally-retarded people are living in the villages. Nobody is taking care of them.

">Regarding the constitution of body, I just request that a provision for parents' representation is to be made in clause 13. In that clause, there is no representation for parents. But it is only for representation of registered organisations while the other clause, that is, regarding apex body, gives more representation for parents. This clause should also have some more representation for parents.

">Chapter VI is a very very good initiative to give duties of the guardian and appointment of guardianship. That should be properly followed so that the guardians protect the interests of the children.

">Finally, I would request that there should be softness towards implementation. A total involvement should be there. Then only, this can be achieved. This achievement will lead to a real civilisation where we are living and where the lot of the suffering human beings can also be accepted by other civilised people who are having money in their hands but, at the same time, are also having the heart to help the people. Therefore, I would request the hon. Minister to take more interest in these types of people and make an initiative. Let it be a pioneer thing in India. Actually, we are the people who are caring for the masses who are not at all having a feeling that they are cared about.

"श्री. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, जो विधेयक की प्रति हम लोगों को मिली है उसमें सबसे पहले तो नाम का जो हिन्दी अनुवाद हुआ है उसमें भारी भूल हुई है। उसे देखने से वह हास्यास्पद लगता है। शुरू में लिखा है कि 'राष्ट्रीय स्वपरायणता', यह नेशनल ट्रस्ट का अनुवाद किया गया है, जो हास्यास्पद है। जिस किसी ने भी हिन्दी का अनुवाद किया है उसने भूल की है। जो 'राष्ट्रीय' शब्द सबसे शुरू में है, उसका अन्त में यानी 'कल्याण' और 'न्यास' शब्दों के बीच में रखना चाहिए। इस ५

।कार से यह- स्वपरायणता, प्रमस्तिष्क घात, मानसिक मंदता और बहु-निशक्ताग्रस्त व्यक्ति कल्याण राष्ट्रीय न्यास विधेयक, १९९९ होना चाहिए। जब नाम में त्रुटि होगी और जब आप लोग टाइटिल इनेकिंग फार्मुला इत्यादि पास करेगी तो वह गलत हो जाएगा। यह ठीक है कि अंगरेजी में तो वह ठीक होगा, लेकिन हिन्दी में गलती होगी। इसलिए इसको सुधार जाए। जहां कहीं 'नैशनल ट्रस्ट' होगा वहां 'राष्ट्रीय न्यास' लिखा जाना चाहिए। 'स्वपरायणता' के साथ राष्ट्रीय शब्द जोड़ना हास्यास्पद है। इसलिए इसके नाम में ही संशोधन की जरूरत है। नंबर एक त्रुटि तो यह हो गई।

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"प्रहोदया, कोई भी सभ्य समाज, अविकसित या विकासशील मुल्क और जिस समाज में इंसानियत की मर्यादा बची है, उनके लिए यह सोचने का विषय है। जो कोई भी सक्षम व्यक्ति होता है, वह अपनी बुद्धि का विकास कर लेगा, अपनी शिक्षा का विकास कर लेगा।

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"लोकन भगवान की तरफ से, प्रकृति की तरफ से अथवा किसी अन्य कारण से कृपोषण से, कुव्यवस्था से या जिस किसी भी कारण से मानसिक रूप से कमजोर, कमहोश, कमसकून बच्चे पैदा होते हैं। स्वपरायणता भी बड़ी कलिष्ट हिन्दी है। हमारे ख्याल में ऑटिज्म को कमहोश, कमसकून कहा जाये तो ज्यादा अच्छा होगा। फिर इतना लम्बा नाम हमने आज तक किसी विधेयक का नहीं देखा है। इसका नाम स्वपरायणता, प्रमस्तिष्क घात, मानसिक मंदता, बहुनिःशक्ताग्रस्त व्यक्ति है। मैं कहना चाहता हूँ कि इसका संक्षिप्त नाम होना चाहिए। यह प्रयास बहुत अच्छा है, इसकी भावना अच्छी है लेकिन विधेयक को बनाने में लोगों ने खूब ध्यान नहीं दिया है। किसी भी विधेयक का नाम छोटा होना चाहिए। जो मानसिक रूप से कमसकून है, क्या बनाने वाले भी मानसिक रूप से कमसकून हैं? मतलब उसका नाम परसकून आदमी भी न ले सके। सोमनाथ दादा मशहूर बकील हैं। इतना लम्बा नाम पढ़ने में दिक्कत होती है।

">... (व्यवधान)

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"श्री संतोष मोहन देव (सिल्वर) : नाम में क्या रखा है।

">... (व्यवधान)

">आप नाम को छोड़िये।

">... (व्यवधान)

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"श्री. रघुवंश प्रसाद सिंह :इस विधेयक का आप क्या नाम बोलेंगे, हमें बता दीजिए। कानून क्या है? नैशनल ट्रस्ट फॉर वेल्फेयर ऑफ पर्सन विद ऑटिज्म माने डैफिनेशन आदि सब एक ही में आ गया

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">The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill, 1999.

"मतलब विकलांग और कमहोश के लिए है लेकिन उसका नाम भी इस तरह से दिया गया है। कैसे कोई इसका उच्चारण करेगा?

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"सभापति महोदय : आपने सुझाव दिया है, मंत्री जी उसे देख लेंगी। अब आप आगे बोलिये।

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"श्री. रघुवंश प्रसाद सिंह (वैशाली) : हम इसका सुधार चाहते हैं। इसका संक्षिप्त और शुद्ध नाम हो जाये। जो अंग्रेजी से हिन्दी में अनुवाद किया गया, उसमें भारी त्रुटि हुई है।

... (व्यवधान)

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"सभापति महोदय : क्या कोई अनुवाद ठीक करे।

... (व्यवधान)

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"श्री. रघुवंश प्रसाद सिंह : नाम से ही शुरूआत है। आम आदमी कैसे बोलेंगा। ... (व्यवधान)

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"सभापति महोदय : रघुवंश प्रसाद जी, आप उधर उत्तर मत दीजिए।

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"श्री. रघुवंश प्रसाद सिंह : कानून हमारा बन गया। हम क्या बोलें? इसका नाम बोलने में पढ़े-लिखे लोगों को दिक्कत हो जायेगी। इसलिए कहते हैं कि अपने देश में ६ से ७ परसेंट लोग हैं। उस दिन श्री जयपाल रेड्डी ६ परसेंट कह रहे थे। मानसिक विकलांग, शारीरिक विकलांग, मानसिक कमजोर, मंद बुद्धि आदि सभी तरह के करीब ६ परसेंट लोग हैं यानी ६ करोड़ ४२ लाख हैं। ६ करोड़ से ज्यादा और ७ करोड़ की बीच लोगों ने अनुमान लगाया है। मतलब काफी बड़ी संख्या में लोग इस पीढ़ा से, इस रोग से ग्रस्त हैं। इनसे समाज में लोग घृणा भी करते हैं। एक तो प्रकृति, खुदा की तरफ से नाराजगी और दूसरा समाज में लोग उनसे घृणा करते हैं। उनके कल्याण के लिए कोई भी विधेयक, कोई भी प्रयास स्वागतयोग्य है और वह प्रशंसनीय कार्य है।

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">श्री नीतीश कुमार: आप इस पर समर्थन कर दीजिए। काहे को आप भाषण दे रहे हैं।

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">श्री. रघुवंश प्रसाद सिंह : इसमें त्रुटि भी है। ऐसा नहीं है कि जो विकलांग हैं, वह नाकाबिल है। अपने इतिहास में ही देख लीजिए। अष्टावक्र बहुत बड़े विद्वान थे। वे ज्ञान में ठीक शरीर वाले को टिकने ही नहीं देते थे। सुरदास जी, अंग्रेजी के कवि मिलटन अंधे थे लेकिन उनकी प्रतिष्ठा, उनकी क्षमता बलिहारी है। इसलिए विकलांग होने के चलते समाज में उपेक्षापूर्ण व्यवहार होता है, उसको रोकने के लिए और उसके कल्याण के लिए कोई भी सार्थक प्रयास स्वागतयोग्य है और उसका हम लोग स्वागत करते हैं। इसके लिए १९९५ में कानून बना था और जो छूट गया, वह अभी बन रहा है। हम लोग इसका समर्थन करते हैं। इस तरह के अच्छे काम के हम खिलाफ नहीं हैं।

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">लोकन जो विधेयक में त्रुटि है जैसे लिखा गया है कि राष्ट्रीय निकाय का गठन होगा। फिर कहते हैं कि बोर्ड बनेगा। अब यह ट्रस्ट बोर्ड होगा या ट्रस्ट अलग होगा और बोर्ड अलग होगा, यह कन्फ्यूजन इसमें हो रहा है।

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">श्वारा ३ में दिया है कि व्यक्ति न्यास के नाम से एक निकाय का गठन किया जाएगा। उसके बाद कहा गया है कि एक बोर्ड का भी गठन किया जाएगा। वह निकाय बोर्ड होगा, ट्रस्ट बोर्ड होगा या ट्रस्ट अलग होगा, बोर्ड अलग होगा, हमें बड़ा कन्फ्यूजन लगता है। इसे देख लेना चाहिए।

">... (व्यवधान)

">ऐसी तारीख से जो केन्द्रीय सरकार अधिसूचना द्वारा नियत करे, इस अधिनियम के परियोजनाओं के लिए फिर राष्ट्रीय स्वपरायणता'''''''' है, यह हमको बहुत अस्वाभाविक लगता है, राष्ट्रीय अलग होना चाहिए, स्वपरायणता, प्रमत्तिका घात, मानसिक मंदता और बहु-निःशक्तताग्रस्त व्यक्ति कल्याण राष्ट्रीय न्यास के नाम से एक निकाय का गठन किया जाएगा। जब निकाय का गठन हो गया तो बोर्ड क्या होगा। आगे है - न्यास के कार्यकलापों और कारबार का साधारण अधीक्षण, निदेशन और प्रबंध बोर्ड में निहित होगा। जब निकाय का गठन हो गया तो वही बोर्ड हुआ। ट्रस्ट बोर्ड हुआ तो अलग से निकाय का गठन होगा, फिर बोर्ड का गठन होगा, हमको लगता है कि एक ही बात को कहीं निकाय कहा गया है और कहीं बोर्ड कहा गया है। इसलिए कानून साफ और स्पष्ट होना चाहिए।">

">श्वर कहा गया है कि लोकल लेवल कमेटी बनाई जाएगी। लोकल लेवल कमेटी में एरिया नहीं बताया गया है। कहा गया है कि उस समय विचार होगा कि एरिया क्या होगा। यह कहा गया है कि डिस्ट्रिक्ट मैजिस्ट्रेट रैंक अथवा डिस्ट्रिक्ट कमीशनर कमेटी का प्रेसीडेंट होगा। हम जिले का एरिया मानें, कमीशनरी एरिया मानें या और छोटा कुछ एरिया मानें। हम देख रहे हैं कि इसमें वह भी अस्पष्ट है। हमको लगता है कि जो एकक संबंधी नियमावली का निर्माण होगा, उसमें इस पर विचार किया जाएगा और सुधार किया जाएगा। इसमें यह स्पष्ट नहीं है कि जो सौ करोड़ रुपये मिलने हैं, उससे ये विकलांग और मानसिक रूप से कमजोर लोगों को कैसे मदद करेंगे। उ: या सात करोड़ लोगों के लिए सौ करोड़ रुपये बहुत कम हैं, यह हमको लगता है। जब हम अपने क्षेत्र में जाते हैं तो लोग तरह-तरह के विकलांग लोगों को ले आते हैं। यह पहले से है कि विकलांग का सर्टीफिकेट चाहिए। वह विकलांग का सर्टीफिकेट लेने के लिए दौड़ता रहता है। कहा जाता है कि फोटो खिंचवाइए, फार्म लगाइए। यह सारी प्रक्रिया बहुत उलझनपूर्ण है जिससे विकलांग को मदद के बजाए ज्यादा परेशानी हो जाती है। देश में सात करोड़ विकलांग लोगों के कल्याण के लिए एक सहज प्रक्रिया का होना आवश्यक है जिससे उनको कुछ मदद मिल सके और समाज में सम्मान मिल सके। तीन प्रतिशत नौकरी वाला मामला कहीं लागू नहीं होता। बेचारे विकलांग लोग दौड़ रहे हैं लेकिन उनको कोई नहीं पूछता। अच्छे व्यक्ति को देखने वाला कोई नहीं है तो इस सरकार और इस राज में विकलांग को क्या पूछेगा। माननीय मंत्री जी हैं, हम नहीं जानते कि इनकी नजर में इंसान की क्या कद्र है लेकिन मैं सुनता हूँ कि ये जानवर, कुत्ते, बिल्ली की देखभाल के लिए ज्यादा करती हैं। ये हमारे यहाँ गई थीं। अखबार में निकला था कि इन्होंने गधे की छान खुलवा दी थी। देहात में धोबी लोग गधे को चरने के लिए छोड़ देते हैं। इन्होंने खुलवाकर उसे आजादी दिलवा दी। धोबी बेचारा खोज रहा होगा। हम समझते हैं कि प्राणी के लिए ज्यादा उदार, ज्यादा करुणा, उनको ज्यादा महत्व दिया जाए।

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">उसके बाद और ज्यादा कोई उदार है तो जानवर और कुत्ते बिल्ली की भी हिफाजत की जाये, लेकिन मनुष्य प्राणी इन्सानियत को कम करके कुत्ते बिल्ली पर ज्यादा ध्यान दे, यह सोच हमको अच्छी नहीं लगती है। सम्पूर्ण प्राणी मात्र पर करुणा की भावना को मानवता कहते हैं और इसमें यह होना चाहिए। लेकिन हम देखते हैं कि व्यवहार में इंसान के लिए एक बढ़िया कहावत है, दिनकर जी ने कहा, ठरवानों को मिलता दूध मात, भूखे बच्चे अकूलाते हैं''''''''। बड़े लोगों के घरों में कुत्ते दूध मात खा रहे हैं और गरीब आदमी के बच्चे को दूध नहीं मिल रहा है तो विकलांग को कौन पूछेगा। यह सोच और यह दृष्टि जो इंसान है जो मनुष्य प्राणी है, विकलांग भी है, उसके लिए समाज, सरकार और हम सभी जिम्मेदारी लें कि यदि भगवान खुदा के घर से वह बर्दकिस्मत है तो हम उनके लिए ऐसी व्यवस्था करें कि दुनिया में, विश्व में सभ्य समाज या सभ्य सरकार कही जाये, नहीं तो जिस समाज में इन्सानियत की कद्र नहीं है, वह समाज सभ्य नहीं कहा जा सकता, विकसित तो हरगिज नहीं कहा जा सकता। इसलिए इस हिसाब से इस विधेयक की जो दृष्टि है, दिशा है, भाव है, इससे हम सहमत हैं, लेकिन इसको लागू करने के लिए दृढ़ इच्छाशक्ति का अभाव लगता है और इसपर कम ध्यान दिया जा रहा है, कम खर्च किया गया है। इसलिए ज्यादा खर्च हो और ठीक ढंग से इसको इम्प्लीमेंट किया जाये, जिससे उनको सहूलियत हो और कल्याण के लिए सहयोग मिल सके।

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यही मैं अपेक्षा करता हूँ।

MR. CHAIRMAN : I just want to mention that there are still seven speakers left and we have a Half-an-Hour discussion also coming up at 5.30. I would request the Members to be brief because everyone is supporting the Bill and there are no amendments also. If you could please be brief and not repeat the points it would help the Minister is very keen on finishing it because it has to go to the Rajya Sabha.

SHRI RAM MOHAN GADDE (VIJAYAWADA): Madam Chairperson, India is the land of the apostle of non-violence, Mahatma Gandhi. It means that there should not be any distinction not only between caste and creed but also between the able-bodied human beings and the disabled human beings. But, on the contrary, we find that in India, there are hardly any facilities for persons with cerebral palsy, mental retardation and multiple disabilities.

">The lot of the mentally handicapped and disabled persons is the worst in India. The country lags behind in areas from the detection of mental deficiencies to rehabilitation.

">17.24 hours (Dr. Raghuvansh Prasad Singh in the Chair)

">The majority of the parents of the retarded or disabled do not have a clear understanding of the problem, what to talk of gainful employment of the disabled. There are certain disabled who are intellectually alert, but in spite of that, they are denied employment opportunities because the employers are concerned about the possible loss in productivity in handling them in the work place. As a result, they continue to be a liability for the family and the society.

">The present day family problem has to be transferred into a social issue so that collective action can be taken to look into the welfare of such persons with cerebral palsy, mental retardation and multiple disabilities.

">The existing infrastructural facilities in the country are very limited for providing facilities for vocational training of such persons in the country. As such, creation of a National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill is a welcome step from the Government side because such a Trust can provide grants for extending facilities for preparing the mentally retarded for taking part in primary and tertiary activities. I propose that apart from efforts for creating a National Trust, the Government should also open some institutes to train the retarded and disabled persons for related jobs rather than for a particular job.

">Such steps warrant innovation which also need money and such a Trust will be helping in the matter.

">I, therefore, welcome this Bill and hope that the Trust will be able to solve the problem of mentally retarded and multiple disabled persons.

">I, on behalf of my Telugu Desam Party, welcome the Bill.

">Thank you.

">श्री. गिरिजा व्यास (उदयपुर): सभापति महोदय, मुझे एक तमिल पोएट की बात याद आ रही है, जिन्होंने लिखा था

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">It is a privilege to be born a human being and more so without any disability.

">अभी-अभी आपने अपने भाषण में अष्टावक्र का जिक्र किया था। मैं भी अपने भाषण की शुरुआत वहीं से कर रही हूँ। जब जनक के दरबार में अष्टावक्र ने प्रवेश किया था, तब सारे सभासद उस पर हँस रहे थे। तब दो श्लोक अष्टावक्र ने बोले थे, जो आज के समय में भी बहुत मौजूद हैं। उन्होंने कहा था जब गुस्से में उनकी तरफ देखा कि राजा इनकी तरफ क्रोध करने की जरूरत नहीं है, क्योंकि आज मेरे शरीर में जो आठ जगह से तोड़ा-मरोड़ा गया है, और ये हँस रहे हैं, मैं इनको चर्मकार से ज्यादा कुछ नहीं समझता। लेकिन इसके साथ-साथ मैं अपने माँ-बाप के प्रति और अपने गुरु के प्रति आभारी हूँ कि मेरा शरीर जो इसके लिए जिम्मेदार है या तो ईश्वर जिम्मेदार है या कोई और, लेकिन मेरे माँ-बाप और मेरे गुरु ने मुझे शिक्षा दी, ताकि आठ वर्ष की उम्र में मैं आपके दरबार में आ सकूँ। तीसरा प्रश्न वह राजा की तरफ उठालते हैं कि मुझे से पूछिए कि आप दरबार में क्यों आए। उत्तर भी स्वयं देते हैं कि एक संवेदना का सागर आपके हृदय में है। आज जरूरत इस बात की है कि जो डिसएबलड है, उनमें से वेदनशीलता है। मुक पशु-पक्षियों की वाणी सुनने के बाद आपने इस तरफ रुख किया है तो हमें पूरा विश्वास है कि इस ट्रस्ट के साथ-साथ बहुत कुछ यहाँ गुजरेंगा। लेकिन दो रूपों में हमें इसको देखना पड़ेगा। मेटली रिटाईड और मल्टीपल डिसएबलड। उस दृष्टि से भी तीन भागों में इनका विभाजन करना पड़ेगा, एक तो बच्चे, दूसरे एडल्ट और तीसरी महिलाएं। मुश्किल यह होती है जब हम डिसएबलड की बात करते हैं तो सबको एक ही श्रेणी में ले लेते हैं। बच्चों को यदि शुरू में निदान मिलता, उनका बचपन कुछ अंशों में उनको लौटा दिया जाए तो वे आगे चलकर अपना जीवनयापन कर सकते हैं। लेकिन शुरू से ही जैसा कि मुझे मालूम है लोजन ने अपनी किताब 'कंडेमेंड मीन' लिखी थी। उस किताब की प्रिफ़ेस में उन्होंने लिखा कि जब मैंने टूटे पैरों और हाथों से अपने घर में जन्म लिया, उस वक्त से लेकर, स्कूल तक के दरवाजे और उसके बाद की जिंदगी भी मुझे अभिशापित मिली। यदि मुझे बचपन सही मिल जाता तो आज जो मैं लेखक के रूप में उभर कर आया, सम्भवतः २० वर्ष की उम्र में नोबल पुरस्कार ले लेता। मुझे पता नहीं उनकी बात कहां तक ठीक थी। लेकिन बच्चों की विकलांगता के सम्बन्ध में माँ-बाप में कोई अव्यथरनैस नहीं है, वे उसको अभिशापित समझकर विशेषकर गांव के इलाके में, जहां से आप आते हैं, वहां तो इसे कोई रोग समझ लेते हैं और इसके निदान के लिए मंदिर वगैरह में जाकर इतिश्री कर लेते हैं। अभी जिक्र हो रहा था, आपने भी कहा था कि सात करोड़ में से केवल एक लाख को नौकरी दे पाए हैं, लेकिन पांच लाख ऐसे हैं जिन्हें कुछ साधन मिलेंगे। मैं आपके माध्यम से मंत्री महोदया से कहना चाहूंगी कि बच्चों के लिए अलग से योजना बनाएं और उनके बचपन के छोटों से संसार में उनको डालने की कोशिश करें।

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">श्री. खासकर महिलाओं का जिक्र करना चाहूंगी। दोनों ही स्थितियों में चाहे वह शारीरिक रूप से दुर्बल हो या मानसिक रूप से दुर्बल है, विशेषकर मानसिक रूप से हम कितनी ही महिलाओं को देखते हैं जो अपनी असुरक्षा के कारण मातृत्व तो झेल लेती हैं, लेकिन उनको घर में नहीं रख सकते। महिलाओं के लिए अलग से योजनाएं बनाकर लाएं। व्यवस्था की दृष्टि से आर्थिक व्यवस्था आवश्यक है। मैं आपका बिल देख रही थी और आपके स्टेटमेंट को पढ़ रही थी। उसमें आर्थिक व्यवस्था का जिक्र ज्यादा नहीं है। यह जिक्र है कि उनके अभिभावकों की मृत्यु के बाद उनको लेने की कोशिश की जाएगी। मेरा प्रश्न है कि उनकी प्रोपर देखभाल की जाएगी या टोटल देखभाल की जाएगी। इस सम्बन्ध में कोई जिक्र नहीं है। जब उसके अभिभावकों की मृत्यु हो जाए, तब टोटल केयर का जिक्र किया जाना चाहिए, अन्यथा प्रोपर केयर का जिक्र किया जाना चाहिए।

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">श्री. इसी तरह से सामाजिक संरक्षण की आवश्यकता है। मनोवैज्ञानिक दृष्टि से उनके अभिभावकों और उनके गुरुओं तथा स्वयं को समझाना आवश्यक है। सुरक्षा की दृष्टि से सोशियल सिक्योरिटी आवश्यक है। सरकार ने इस संबंध में नया कानून बनाया है।

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">महोदय, मैं अधिक बात न कहते हुए, इस विधेयक का समर्थन करती हूँ। संवेदनात्मक दृष्टिकोण से घर-परिवार के लोगों को एबेयर करना आवश्यक है। कड़ा कानून आवश्यक है और इसके साथ-साथ सरकार का संरक्षण तथा राजनीतिक निदान आवश्यक है। यदि आपके अन्य कानूनों की तरह भी यदि आपमें राजनीतिक इच्छा शक्ति नहीं होगी तो यह कानून भी बेकार साबित होगा। इसलिए मैं आपके माध्यम से निवेदन करना चाहती हूँ कि जो परिवार में सुप्ता अवस्था में है, उसे समग्र दृष्टि से सरकार और सामाजिक संस्थाओं तथा उसके साथ-साथ सभी लोगों का इसमें सहयोग मिले और इस बिल का भी संरक्षण मिल जायेगा तो अपाहिजों के कल्याण की दृष्टि से यह एक अच्छा बिल होगा। मैं इसका समर्थन करती हूँ। माननीय मंत्री महोदय जिस प्रकार से बेजुबानों को जूबान देने की कोशिश कर रही है, वे अपनी इच्छा शक्ति से इस बिल को शक्ति दे पायेंगी। इन शब्दों के साथ मैं इस बिल का समर्थन करती हूँ।

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">18.02 hrs.

प्रो. रासा सिंह रावत (अजमेर) : मान्यवर सभापति जी, आदरणीय मेनका जी के द्वारा प्रस्तुत राष्ट्रीय स्वपरायणता, प्रमस्तिष्क घात, मानसिक मंदता और बहु-निशक्तताग्रस्त व्यक्ति कल्याण न्यास विधेयक, १९९९ का मैं हार्दिक स्वागत करता हूँ। यह विधेयक वास्तव में राष्ट्रीय जनतांत्रिक गठबंधन की सरकार की संवेदनशीलता का परिचायक है और मेनका जी इसे बहुत कम समय में ही ले आई हैं। यद्यपि पहले की सरकारों के समय में भी इस बहुत चिंतन हो चुका था, लेकिन देर आयद, दुरुस्त आयद, मैं इसका स्वागत करता हूँ और इसका पुरजोर समर्थन करता हूँ। विकलांगों के कल्याण के लिए कानून तो बहुत बनें और जैसा कहा गया कि हमारे देश में लगभग नौ करोड़ लोग विकलांग हैं और उनमें मानसिक विकलांगों की संख्या भी करीब दो करोड़ है। इस बिल की विशेषता यह है कि इसमें स्वपरायणता को परिभाषित कर दिया गया है, जिसका मतलब यह है कि विषम कौशल विकास की वह अवस्था जो मुख्य रूप से किसी व्यक्ति के सम्प्रेषण और सामाजिक योग्यताओं को प्रभावित करता है और इसके साथ-साथ प्रमस्तिष्क घात का जो विषय है उसके बारे में भी डिलीवरी के समय या प्रसवकाल के दौरान या बालावधि में जो दिमागी आघात या क्षति पहुंचती है, उसके कारण जो असामान्य स्थिति पैदा हो जाती है, ऐसे विकलांगों के लिए और जिनमें अनेक प्रकार की विकलांगताएं हो और जो बहुत ज्यादा कमजोर हो चुके हों, इन सबके लिए यह नया विधेयक लाया गया है।

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"सभापति महोदय, इस विधेयक में ऐसे लोगों के लिए आत्मीयता की आवश्यकता है, सहानुभूति की आवश्यकता है तथा विकलांगों के प्रति किसी प्रकार का भेदभाव नहीं होना चाहिए तथा न्यास के गठन के बारे में इन्होंने इसमें जो प्रावधान रखे हैं मैं उनका स्वागत करता हूँ। लेकिन मैं प्रार्थना करना चाहूंगा कि सारे देश में और सब राज्यों की राजधानियों में जब इसके कार्यालय खुलेंगे, केन्द्र में एक कार्यालय होगा और इसमें ७८ के लगभग एन.जी.ओ.न. हैं।

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"सभापति महोदय, जो इस क्षेत्र में काम करने वाले हैं उनको अनुदान भी दिया जाएगा, तो उसके लिए एक अरब रुपए का प्रावधान प्रारंभ में किया गया है, जो मैं समझता हूँ कि कम पड़ेगा। हालांकि इसमें लिखा है कि विभिन्न स्वयंसेवी संस्थानों और मातापिता के जो संगठन होंगे या जो साधन संपन्न लोग होंगे या दानदाताओं से दान लेकर या बड़े-बड़े सामर्थ्यवान व्यक्तियों से दान लेकर उनसे यह राशि बढ़ाई जाएगी, लेकिन मैं समझता हूँ कि प्रारंभ में ही धन का अधिक प्रावधान होना चाहिए।

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"महोदय, एक बात जो मैं कहना चाहता हूँ वह यह है कि निशक्त का संरक्षक तय करते समय बहुत सावधानी की आवश्यकता है क्योंकि आज के जमाना बहुत चालाक लोगों का है। ऐसे कामों के अंदर जैसा स्वामी विवेकानन्द ने कहा था- दुखी मानवता की सेवा करने से बड़ी और सच्ची उपासना कोई नहीं है, यह भावना रखनी चाहिए। हमारी संस्कृति के नीतिकारों ने भी कहा है-

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"न त्वाहं कामये राज्यं, न स्वर्गं च पुनर्भवं।

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"कामये दुःखतप्राणां प्राणिनाम आतिर्नाशनम्

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"हे परमपिता परमात्मा मैं आपसे राजपाट की इच्छा नहीं करता, मैं स्वर्ग की कामना भी नहीं करता, मैं पुनर्जन्म की भी कामना नहीं करता, दुखी संतप्त, अशक्त और विवकलांग इस प्रकार की कटेगरी में आने वाले लोग हैं उनको सेवा करने की सामर्थ्य मेरे अंदर आ जाए, उनका दुःख दूर करने की सामर्थ्य आ जाए, ऐसी शक्ति चाहता हूँ। इसलिए मैं समझता हूँ कि आज मानसिकता में भी परिवर्तन की आवश्यकता है। ऐसे लोगों को हमदर्दी चाहिए, प्यार चाहिए, आत्मीयता चाहिए और यह एक मानवीय समस्या है और मानवीय समस्या का निराकरण मानवता के आधार पर होना चाहिए। जिन परिवारों के अंदर ऐसे बच्चों को रखा जाए या जिनको संरक्षक बनाकर उनको सौंपा जाए, कहीं वे उनसे गलत काम न कराएँ, जैसे भीख आदि मंगवाने का काम न कराएँ।

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"सभापति महोदय, मंत्री महोदय से निवेदन है कि एन.जी.ओ.ज को जो सहायता देते हैं उसकी कल्याण मंत्रालय को मानिटरिंग करनी चाहिए। वह उन संगठनों के बारे में पता लगाए कि उनके पास साधन हैं या नहीं, भवन हैं या नहीं, स्कूल हैं या नहीं, बर्कशाप लगाने के लिए व्यवस्था है कि नहीं, तभी उनको अनुदान दिया जाए। इस बारे में कानून तो ठीक है, लेकिन कानून का सही अर्थों में पालन हो जाए, सार्थकरूप में क्रियान्वित हो जाए, तभी इसकी मंशा पूरी होगी। हमें ऐसे लोगों के लिए नियम मार्गदर्शन का काम करना होगा, क्योंकि समाज में जीने का सबको अधिकार है और विकलांगों को स्वतंत्र, संपूर्ण जीवन जीने का पूरा हक है। उन्हें ऐसी संस्थाओं को सौंपते समय या उनका पुनर्वास किए जाने के समय हमें इन सारी बातों का ध्यान रखना चाहिए। इन शब्दों के साथ आपने मुझे जो समय दिया, उसके लिए मैं आपको धन्यवाद करता हूँ।

">DR. V. SAROJA (RASIPURAM): Mr. Chairman, Sir, I rise to support this Bill. The Government of India seek to set up a National Trust known as National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability. This Trust seeks to strengthen families and protect the interests of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability after the death of their parents.

">The ultimate object of forming this trust to render a service to mentally-retarded society will not be fulfilled because there is no medical personnel in the trust. A Physiotherapist, an occupational therapist and definitely a person not less than a neuro-surgeon or a neuro-physician should find a place in this trust. The handicapped society, with whom we are dealing with, has the associated complications. They are very sensitive. It is very difficult to understand them or handle them. So, if we constitute this trust with officials who do not have any expertise in handling such a community, the ultimate aim of forming this trust will be defeated. So, some one from the medical profession, a physiotherapist, is a must. There is no mention about the social workers. The social workers, who are trained to identify and classify the handicapped children, have the utmost importance in the society. So far as rehabilitation is concerned, there is no mention about the residential schools. They have mentioned about the residential hospitals and residential hostels but there is no mention of the residential schools. Job-oriented courses should be started. There should be increased employment opportunities for the rehabilitated society so that they could find proper placements. Giving them protection as also food are more important than appointing some guardian.

">Chapter 4 mentions about the powers and duties of the Board. I appreciate the counselling and training being given to the family members of the disabled persons. It is much more important than the formation of local committees. I am one who believes in

community participation. I would say that without community participation no scheme for that matter no Government - can achieve hundred per cent success. In the formation of these local committees, there is no place for the local elected representatives like MLAs, MPs, etc. So far as monitoring system is concerned, there is no monitoring of funds or the quality of work that they are going to render for the community.

">The Government has allocated Rs.100 crore as the consolidated fund for this. Is this amount sufficient for 16 million handicapped persons which form 6 per cent of the total population? Is there any modality? In case the Government is not able to mobilise the funds from other sources, does the Bill mention any alternative? In case we are not able to mobilise the money, there should be some alternative with the Government.

">Sir, in this area I would suggest one thing. In States like Tamil Nadu, there are many more self-financing physiotherapist colleges and their motto is to give service. They will definitely come forward to help or adopt these children. It will serve the dual purpose. Those students can get the training from this institute and these children will get quality treatment free of cost. The States like Andhra Pradesh and Tamil Nadu which are studded with physiotherapy colleges have the expertise in this field. They are the people who can handle the patients. It is not the question of just giving treatment. A neurosurgeon has to identify the nature of the disease and a physiotherapist has to treat the patients on a daily basis. It is a gradual procedure as it involves the nerve system where you cannot expect recovery overnight. I would request the Minister to look into all these matters.

">Sir, as per the Bill, the expenditure towards Secretarial assistance is to the tune of Rs.15 lakh. You can just imagine the recurring and non-recurring expenditure. But as far as the Bill is concerned, it says that if it is enacted, it will not involve any other recurring or non-recurring expenditure. Sir, I fail to understand these words. I would expect the hon. Minister to explain all these points.

">Sir, last but not least, the objectives are given in Chapter 3. The objectives are good but who is going to execute the job. They are especially the bureaucrats. Instead of bureaucrats, I appeal to the hon. Minister that there should be a monitoring body which is not connected with the official machinery. Even if we are not able to deliver the goods through the MPLAD Scheme, I do not know how so many officials in the trust are going to deliver the goods. The implementing system should be revamped. The District Collector will be the Chairman at the District level and the District Health Officer will be the Executive Director. The social welfare organisations can help in this field as also the local physiotherapists. They always come forward to render service free of cost. They can help the nation.

DR. A.D.K. JAYASEELAN (TIRUCHENDUR): Mr. Chairman, Sir, at the outset, I welcome and compliment the Minister for bringing this important Bill. I consider this Bill as a gift to the millennium. We are on the threshold of the new millennium and I consider it as a gift to the mankind and particularly to the millions of people who are disabled. It is my maiden speech hence it is my duty to thank my renowned and the most dynamic leader, the Chief Minister of Tamil Nadu, Dr. Kalaingar. I also want to thank my revered guru, the hon. Minister of Commerce and Industry, Shri Murasoli Maran and the people of my Constituency.

">I really think that this Bill will be considered as the just exercise to the disabled sector. For the last 52 years, many Governments failed to do so. But I congratulate the NDA Government and the Minister for taking up this issue. The objects of the Bill are really magnificent. But they are challenging in a way because we have to take care of more than 2.5 crore mentally retarded persons. I can give an example of the Tamil Nadu which is a pioneering State in providing welfare measures.

">I have to admire our dynamic Chief Minister. He is well versed in framing these welfare measures, particularly to help millions of the less privileged and also the disabled persons. I can say that Tamil Nadu wants to give the disabled persons VIP treatment not with guns, but with respect to them, by giving them due dignity and by giving them subsidy and help for education and for getting loans and reservations. I need not elaborate it. I can say that the Government is spending more than Rs.3 crore every year for more than 20,000 disabled persons directly and millions of disabled persons there indirectly.

">Here we can divide the disabled persons into two categories; the socially dependent disabled persons and the socially independent disabled persons. When we say the socially dependent, they do not have the capacity to improve their skills and fit in the mainstream of life. The socially independent disabled persons are those who have the capacity to improve their skill and they can fit in the mainstream of life. I suggest that the Government of India and all other States must adopt persons who are socially dependent on society. For the socially independent disabled persons the Government must provide enough opportunities to improve their skills and in course of time they must have their own employment opportunities or they must be capable of having employment with dignity.

">Regarding the finance many people talked about many factors. The most important thing for the success of any scheme is the dynamic leadership. I am sure that our Minister will give the dynamic leadership. But what is needed is finance. She is having Rs.100 crore as corpus for this Himalayan task. So far as raising funds is concerned, the Minister has another important job on hand. Raising funds is the job of the Minister now. I think it is implied there. I seek the help of the Central Government also to extend assistance every year.

">We have to approach our own people. There are many rich philanthropists. By extending Income-Tax concessions or exemptions we can approach the millionaires and philanthropists to contribute for this cause. Further, we can approach the NRIs, our wealthy Indian brethren who are living in foreign countries. They want to share their wealth for the Indian people. Actually, they would like to participate in this task if we can provide some ways and means to attract them. We can approach the foreign donor agencies also who are eager to help poor people, the less privileged people and the unfortunate people.

">Members of Parliament have been provided with Rs.2 crore every year under the MPLAD scheme. We can spare at least one or two lakh rupees every year for this purpose. You can easily calculate this, so that you can raise a few crores of rupees on this count. Each MP will contribute, I am sure towards this end. You can fetch money like that.

">Likewise, it is the duty of the humanity to help this less privileged, less fortunate people. I think that finance is very important. With the able leadership and guidance of our Minister, I hope the scheme will be really successful. We stand in support of this Bill.

SHRI K.H. MUNIYAPPA (KOLAR): Respected Chairman, Sir, I have to give some points only. I congratulate the hon. Minister who has concern and commitment for the welfare of the disabled people of this country. The unfortunate thing in this country is that there is no Cabinet Minister to look after the welfare of about 25 per cent of our population who need social justice and empowerment. Earlier, there was one Cabinet Minister and one Minister of State for this Ministry. This Ministry covers 25 crores of people. We have requested the SC and ST Forum MPs and the General-Secretary so many times. Various organisations and SC and ST associations have been writing as to why this Ministry is degraded so as to be headed by a Minister of State. Madam Maneka Gandhi is very competent to be a Cabinet Minister. She is doing very well. On 5th and 6th of this month there was a conference of SC and ST MPs. which the Prime Minister inaugurated.

">In her Welcome Address, she made a very good speech. In that speech, she had mentioned that Navodaya type of schools are being run for the Scheduled Caste children. We are really grateful to her.

">Next, whichever voluntary organisation is running properly to serve this section of people, we have to encourage them to run residential schools. Wherever the thickest Scheduled Caste population is living, new schools should be opened.

">As far as the disabled people are concerned, we really appreciate this Bill. In every district, there must be a residential school exclusively for the disabled boys and girls. Also, a disabled people's home should be set up at the district level. In every tehsil training schools for artisans should be set up. It will be very useful for these people.

">These are the three points that I wanted to raise. I do not want to take much time of this House on this issue. The most important thing is that the amount which has been provided is very less. There is the World Health Organisation. We can get more funds from it. There must be compulsory reservation of jobs. Taking the population of the disabled into account, they should be given priority in this respect. I would request the hon. Minister that the District Collector in every District should be directed by this Ministry to make a survey of these disabled people in order to provide identity cards for them. They should be provided free railways passes and free transport facilities. This should be given priority.

">The Government has come forward with this Bill. We really agree to the aims and objectives of this Bill. More information is with me. I would like to give it in writing to the hon. Minister.

">Finally, I would like to say that I am really thankful to the hon. Minister for having introduced this Bill.

">With these words, I conclude.

">श्री मोहन रावले (मुम्बई दक्षिण मध्य): सभापति महोदय, मैं अपनी पार्टी शिव सेना की तरफ से इस बिल का समर्थन करता हूँ। मंत्री जी जो काम कर रही हैं, उससे मुझे प्रिंसिपल डायना की याद आ रही है। उन्होंने भी काफी काम किया था और उनकी मृत्यु के बाद पूरा इंग्लैंड वहाँ जमा था। अभी हमारे एक साथी बोल रहे थे। उन्होंने तमिल के एक पोयट का उल्लेख किया, जिसको मैं भी कहना चाहता हूँ--

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">"It is a privilege to be born as a human being and more so without any disability."

">श्रेय क्षेत्र में डा. शिरोडकर नाम का एक स्कूल है, जहाँ इस किस्म के बच्चे आते हैं। उसके प्रिंसिपल डा. सुभाष पाठक मेरे दोस्त हैं। इन बच्चों को सम्भालना बहुत मुश्किल होता है। कभी तो ये ठीक होते हैं और कभी-कभी सिखाने वाले टीचर को काटते हैं। मेरे दोस्त ने मुझे दिखाया कि यह देखा मुझे भी काटा है। लेकिन फिर भी वे इस काम में पूरी दिलचस्पी ले रहे हैं। मैं मंत्री जी को कहना चाहता हूँ कि आप जो पैसा संस्था को देने जा रही हैं, उसमें यह भी देखें कि उस पैसे का सदुपयोग हो रहा है या नहीं।

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">श्रेय में १७ लाख लोग इससे पीड़ित हैं। उसमें से पांच प्रतिशत ज्यादा गम्भीर हैं, उन्हें सम्भालना बहुत मुश्किल होता है। घर और संस्था में भी सम्भालना मुश्किल होता है। २० प्रतिशत उससे कम गम्भीर हैं और ७० प्रतिशत के करीब सामान्य मंद बुद्धि के हैं। इसके लिए ज्यादा से ज्यादा स्कूल होने चाहिए। जो २० से ७५ प्रतिशत के बीच हैं, उनको अगर बोकेशनल गाइडेंस की ट्रेनिंग दी जाए तो वे अपने पैरों पर खड़ा हो सकते हैं। विदेशों में मंद बुद्धि बच्चों की जिम्मेदारी सरकार लेती है। हमारी सरकार ने इस सम्बन्ध में जो बिल पेश किया है, सब लोग उसका स्वागत कर रहे हैं।

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">विदेशों में उनके लिए अनेक केन्द्र खोले गये हैं जबकि हमारे यहाँ केन्द्रों की संख्या बहुत ही कम है। साथ ही मां-बाप के चले जाने के बाद उनको रास्ते में फँक दिया जाता है। जबकि विदेशों में उन बच्चों को पालते तथा बड़ा करते हैं। इसके साथ-साथ मैं यह भी कहना चाहता हूँ कि यदि आप १९९१ के आंकड़ों को देखेंगे तो पायेंगे कि नेत्रहीनों की संख्या ३६.२६ लाख है, विकलांगों की संख्या ८० लाख है, बहरों की संख्या २९.२४ लाख है, गूंगों की संख्या ७०.६८ लाख है। हमारी सरकार उनके लिए आरक्षण करना चाहती है लेकिन उनको आरक्षण मिलता भी है या नहीं, इस बात को कोई नहीं देखता है।

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">हमारे देश में बहुराष्ट्रीय कंपनियाँ आ रही हैं और उनका कहना है कि विकासशील देशों में अगर कानून सख्त होंगे तो वे उनको बढ़ावा देंगे। नेशनल सेंटर फॉर डिसेबल्ड पर्सन्स ने १०० कंपनियों का सर्वेक्षण किया था जिनमें ६३ कंपनियाँ निजी हैं, २३ सरकारी हैं और १४ बहुराष्ट्रीय कंपनियाँ हैं। लेकिन अन्य ३९ कंपनियों ने उनको जवाब ही नहीं दिया।

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">आज हमारे यहाँ ७० लाख विकलांग लोग रोजगार कार्यालयों में पंजीकृत हैं, जिनमें से सिर्फ एक ही लाख लोगों को नौकरी मिली है। हमारी सरकार ने ऐसे लोगों के लिए ३ प्रतिशत आरक्षण रखा है जबकि ०.४९ प्रतिशत लोगों को ही अभी तक नौकरी मिली है। कुल नौकरियों की संख्या ६,२५,२४२ इतनी है तथा इनमें से केवल २१०० विकलांग लोगों को ही रोजगार मिला है।

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"ऐसे लोगों को टेलीफोन बूथ देने के लिए जब मैं अपने निर्वाचन क्षेत्र में सिफारिश करता हूँ तो उस पर कोई कार्यवाही नहीं होती है और यदि कभी कार्यवाही होती भी है तो ऐसे लोगों को बहुत कठिनाइयों का सामना करना पड़ता है। पीठासीन महोदय ने स्वयं कहा है कि ऐसे लोगों को बहुत कठिनाई होती है और वे लोग कहां जायेंगे। मेरी केंद्रीय सरकार से विनती है कि वह सभी मंत्रालयों से इस विषय में बातचीत करे और टेलीफोन के साथ-साथ अन्य कोई सुविधा भी ऐसे लोगों को अगर दी जा सके तो वह दी जानी चाहिए। तीन प्रतिशत जो आरक्षण है अगर वह पूरा नहीं होता है तो उस दिशा में भी कदम उठाये जाने चाहिए। इसके साथ मैं यह भी कहता हूँ कि रेलवे स्टेशनों पर स्टाल आदि की सुविधाएं देने के लिए ऐसे लोगों को अग्रता मिलनी चाहिए, जिससे इन लोगों में स्वावलम्बन की भावना का विकास किया जा सके। मेरा निवेदन है कि मानवता के आधार पर इन सुझावों पर गौर किया जाए। मैं इस बिल का स्वागत करता हूँ।

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"श्री हरीभाऊ शंकर महाले (मालेगांव) : महोदय, आपने मुझ समय दिया, इसके लिए मैं आपका आभारी हूँ। यह संवेदनशीलता और मां के अंतःकरण का परिचय देने वाला बिल है। मैं मंत्री जी को बधाई देता हूँ। हमारे महाराष्ट्र में नानेश्वर मां हो गईं। उन्होंने संस्कृत की गीता मराठी भाषा में लिखी। दूसरी मां साने गुरुजी महाराष्ट्र की मां बन गईं। उनकी शताब्दी मनाई जा रही है। उन्होंने विकलांगों, पतितों और गरीबों के बारे में कविताएं की थीं। उन्होंने गरीब और विकलांगों को सहारा देना, उनको जगाना और शिक्षा देने की बात कही थी।

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"महोदय, अब यह होता है कि आग सोमेश्वर में जलती है और बम रामेश्वर में रहता है, इतना अंतर पड़ जाता है। मैं एक सम्मेलन में गया था, वहां छोटे-छोटे विकलांग बच्चे बैठे थे, लेकिन वहां परिचय देने वाले और सम्मेलन का मार्गदर्शन करने वाले अंग्रेजी बोल रहे थे। उन विकलांग बच्चों को अंग्रेजी के बारे में क्या मालूम है। उन्हें तो प्यार और सहानुभूति की भाषा चाहिए। जब मोरारजी भाई प्रधानमंत्री थे तो उस समय में भी यह बिल लाया गया था, अब इसे मेनका गांधी जी लाई है, यह बहुत अच्छा काम किया। सब लोगों ने कहा कि जो विकलांग एवं अंधा होता है, उनको सुविधाएं देना जरूरी है। इनके लिए तीन प्रतिशत आरक्षण है, लेकिन इसको राज्य सरकार और केंद्र सरकार ने अभी तक पूरा नहीं किया। टेलीफोन तथा अन्य सुविधाओं के बारे में प्राथमिकता दी जाए। हमारे नासिक में एक मूक, बधिर माईलले नाम की शाला है, वह रचना विद्यालय ने चलाई है। वह अच्छा काम कर रही है। मूक, बधिर, अंधे और विकलांग लोगों के लिए ज्यादा से ज्यादा पाठशालाएं खोलनी चाहिए। बाबासाहेब अम्बेडकर को सब मानते हैं। उनके नीचे कारणों मूक, बधिर थे। उन्हें एक आदमी ने संभाला और यह बड़े आदमी बन गए। संस्कार बहुत बड़ी चीज है। सुमद्रा का बेटा जब उसके पेट में था तो चक्रव्यूह की बात चली, तब उसने भेदने की बात सुनी लेकिन बाहर निकलने की बात नहीं सुनी, इसलिए वह मर गए। विकलांगों के बारे में सोचना बहुत जरूरी है। यह समाज और अधिकारियों का सवाल है। आपने बोला कि प्रभु जन्म देता है, यह ठीक बात है, लेकिन कहीं-कहीं सरकार और मानवता से आपत्ति हो जाती है। हमारे निर्वाचन क्षेत्र में अभी भी एक दिन की कमाई ३८ नये पैसे हैं, इसलिए लोग भूखे मरते हैं। कुपोषण होता है इस कारण से वे अंधे, विकलांग और मूक-बधिर हो जाते हैं और सरकारी साधनों की कमी से भी वे ऐसे होते हैं। इसके लिए आप कोई उचित व्यवस्था करें ताकि ये ऐसे न हों, यही मेरी प्रार्थना है।

">SHRI TRILCHAN KANUNGO (JAGAT SINGHPUR): Sir, the House has heard many illuminating and eloquent deliberations on this Bill, including the one made by my friend, Shri Anadi Sahu. I do not want to make a big speech here. I want to make some points only to the hon. Minister through you.

">This is Bill The National Trust for Welfare of Persons with Autism, Carebral Paosy, Mental Retardation Multiple Disabilities Bill, 99 just not an ordinary law. This is an act of dedication to the humanity. There is no doubt this is for the care, cure and protection of those who deserve it most. There is no doubt this will be a law of commitment, compassion and love for those who need it most. Therefore, it has been supported by one and all. It has been supported unanimously. It gets the unanimous support of this House. There is no doubt that this is the Act of the millennium. May God bless the hon. Minister for bringing such an enactment. But she has to remember one thing that all are not Shrimati Maneka Gandhi. Therefore, necessary amendments are necessary. Necessary improvements are necessary in the institutions, in the arrangements so that in future, the purposes will not be defeated for which it has been enacted. Therefore, I have made certain suggestions and not many. I do not know if the hon. Minister has gone through those suggestions. Those are not amendments but those are suggestions only. I think those suggestions will be accepted here and now. Shri Somnath Chatterjee was asking whether she would make it now or not. It does not matter. But I have already put the amendment here so that the hon. Minister can bring about the necessary improvement to make the Bill perfect for implementation.

">So, my first suggestion is about the Chairman or Chairperson of the Board. The arrangement should be in such a way that it should be impartial and perfect. It should be devoid of political and bureaucratic overtones. You know many things have gone wrong during the past because of these two evils-politicisation and bureaucratisation of Public institutes. You know the fate of the Public Sector Undertakings. We have taken an 'U' turn towards so-called liberalization. Why? It is because we could not get whatever we wanted from the Public Sector Undertakings. We wanted many more good things to come up but that did not come because of the weak institutional arrangements. Therefore, I am suggesting this that it should be devoid of bureaucratic and political controls. In stead of the Central Government appointing the Chairman, I have suggested that the Chairman should be appointed by the President in consultation with the Prime Minister, the Chief Justice of India and the Leaders of the Opposition, both from Lok Sabha and Rajya Sabha so that at least not only the knowledgeable person but also the person who has the commitment, who has the love and compassion for those persons with autism, etc., should be appointed. So, such a Board will be constituted for that purpose. It is not the Central Government that should be all powerful. Today, you are here. Tomorrow, when it will be occupied by some other person, maybe, he or she may be a better person than you.

">But if he or she will be worse, then, Madam, the purpose of this Act will be defeated. Therefore, I am telling that the Central Government should not be so powerful and they should not appoint the Chief Executive.

">So, I think that this Board should appoint the Chief Executive. If such a Board is constituted, then that Board will appoint the Chief Executive so that it can function well.

">The third point is about the objectives. The objects of the Trust have been mentioned in page 4 clause 10. I have added two more things to make it comprehensive and exhaustive. First is:

">"to extend support to promote and/or to recommend for recognition and reward Persons of outstanding merit in different walks of life from among persons with disability."

">This is first thing which I want to add and the second thing is:

">"to do any other act which the Board may deem proper for care and welfare of persons with disability."



">These are the two new things which I want to add to the objectives of this Trust.

">I have also mentioned in page 5 ...(Interruptions).

MR. CHAIRMAN : Please conclude. You have already made three points. How many more points do you want to make?

SHRI TRILOCHAN KANUNGO : Sir, I am looking to you as my Adarsa. I am telling you that you are my ideal. (Interruptions).

Sir, in page 5 clause 11(1)(c), I do not want to close the door of the Central Government to give further finance to the Trust. Therefore, I have included that receive from the Central Government such sums as may be considered necessary in each financial year for "furtherance of any of the objects of the Trust." So, I do not want that the door of the Central Government should be closed to the Board.

Sir, these are my suggestions. I hope the hon. Minister will look into this.

Sir, last but not least, the guiding principle to me, I think, to everybody, will be, I quote the quotation of a blind saint of Orissa:

"Praninka Arata Dukha Apramita Dekhu-Dekhu Keba Sahu,

Mo jibana pachhe narke padithau jagata udhara heu"

This is the guiding principle of this Trust. I think nobody has understood it, because I received the verse in Oriya. I am just giving an English rendering of this quotation:

"Who will tolerate the suffering and deprivations of the people. They are many and various. Let my life go to hell. But let the world and people around it be safe and the sufferings be over."

That was a blind saint of the nineteenth century -BHIMA who uttered these words and, I think that will be the guiding principle of this Act. I hope this Act will give a good performance. I believe, I hope and I pray to God, let this Act be an Act of the millennium to show path in the future. This Act should not consist of any deficiency, any weakness insofar as performance is concerned. This Act should be enacted in such a manner that in future it will give the best of results.

Sir, with these words, I conclude.

DR. RAM CHANDRA DOME (BIRBHUM): Thank you, Mr. Chairman, Sir. I must congratulate the Minister for bringing such a legislation, namely, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill, 1999.

">Many things have been told by different speakers in this House. I would not repeat all those things and will be very brief.

">In the Statement of Objects and Reasons, it is very rightly stated that while constituting the National Trust, the main objectives will be pre-emptive, pro-active and protectionist in nature. That is very much welcome. But our experience in the past is not matching with the objectives of this Bill. This Bill, though it is a welfare Bill, just to form a Trust for the most unprivileged segments of our society, should have come much earlier. But I must say that it is better late than never and that is why I congratulate the hon. Minister for bringing this Bill.

">For disability of any kind, from medical point of view, there has to be some reason, particularly for the disabilities for which this law is going to be enacted, namely, autism, cerebral palsy, mental retardation and multiple disabilities. Though the medical factors in such cases may be genetic in nature, or may be mechanical injuries, or may be pre-natal or post-natal in nature, but I must say that all these are preventive in nature. If you compare the morbidity pattern of all these diseases in our country with other developed or even developing countries, you will see that the picture is very much grim here. It is completely related to the socio-economic standard of the particular nation. If the economic standard is high, the occurrence of disabilities due to all these diseases are less.

">A survey made in our country shows that about 60 to 70 million people are disabled due to various causes. So, it is a very grim picture. We must not try to alleviate their sufferings only by having a welfare attitude. In this sort of things, particularly in the case of disabled persons, our attitude towards them is only sympathetic or compassionate. It is a welfare programme, but I must say that it should not be a welfare programme, it should be a part of the Plan programme not only of our nation but also of every nation.

">The problem is not of the handful of the people in our society. Even there is a sensitive part in that problem. That is why I make this humble submission to the hon. Minister through you. All these things may not come within the purview of a particular Department. It is a comprehensive approach. Prevention of disease is not directly related to the Welfare Department. Unless we take appropriate action in our preventive programmes, particularly prevention of all these diseases and also in genetic counselling of these diseases, it will not help. These are very much necessary but are not available. That is why the prevention part should be taken care of.

">Social economic standardisation is a broad parametre. Mental retardation is absolutely dependent on malnutrition. If you do not attend to that part and if you cry here for the mentally retarded persons, we cannot check this. You have to go to the root of the problem. Alleviation of malnutrition depends on alleviation of poverty and illiteracy which is a broader parametre. That should be taken into consideration because it is a responsibility of the Government, not of a Department only. That is why this is a comprehensive approach.

">Finally, I must say that our objective is to give them an independent life. In that approach provision for education to the disabled persons of any kind as it suits them should be there upto the district level. Many of the speakers have expressed their concern that these provisions are not made even after 52 years of our Independence. Only crying is not the solution. Nowadays we have schools for

the blind and deaf and dumb persons. But there are no schools for the mentally retarded and those suffering from cerebral palsy and multiple disabilities in our country. Opening of schools for them should be a Plan programme. The vocational courses should be there in them so that they can stand on their feet.

">Sir, I am concluding in a minute. This is the last but not the least point.

">The next point is the occupational part of it. Many speakers have already expressed their concern of not having any provision for employment for them. It is really in a mess. You take the statistics. Till today we have only one lakh disabled persons, in a population of 100 crore throughout the country, who have got the services. In these days, employment has been scuttled not only in the public sector but in the private sector also. Public sector has been dismantled due to the policy of the Government. The brunt of that has fallen on the disabled persons also. The employment opportunities for them are getting reduced. Providing employment to them should be mandatory and that should be monitored from the Central level.

">There should be provision for compulsory employment for these disabled persons in the private sector also and suitable legislation should be made for that. ... (Interruptions)

">SHRI ANADI SAHU (BERHAMPUR, ORISSA): Sir, there is the 1995 Act which deals with this.

">19.00 hrs.

">DR. RAM CHANDRA DOME : I was talking about private sector.

">Sir, I am supporting this Bill. I do support it and since suggestions have already been made by other Members on different clauses of the Bill, I do not want to utter anything about them. I must say that the Government should have a political will, a social commitment to implement the programme which has been sought in the Statement of Objects and Reasons of the Bill. I hope, the Government will try to do that.

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">श्री अखिलेश सिंह (महाराजगंज, उ.प्र.) : माननीय सभापति महोदय, मैं आपका आभारी हूँ कि आपने मुझे बोलने का अवसर दिया। राष्ट्रीय स्वपरायणता, प्रमस्तिष्क घात, मानसिक मंदता और बहु-निःशक्तताग्रस्त व्यक्ति कल्याण न्यास विधेयक १९९९ का मैं समाजवादी पार्टी की तरफ से समर्थन करता हूँ। मैं माननीय मंत्री जी को बधाई देना चाहता हूँ कि उन्होंने समाज के इन उपेक्षित लोगों की तरफ पहली दफा ध्यान दिया और इस न्यास को गठित करने के लिए पहली दफा विधेयक सदन के समक्ष प्रस्तुत किया। समाज कल्याण और सोशल वेलफेयर के संबंध में जो हमारे पिछले अनुभव हैं, वह बहुत कटु हैं उनके संदर्भ में मैं यह कहना चाहता हूँ कि देश के अंदर कफन चोरों की कमी नहीं है। उस पर माननीय मंत्री जी को विशेष रूप से ध्यान देना होगा और सौ करोड़ रुपये की जो धनराशि इस न्यास के लिए दी जा रही है, मेरी समझ में यह धनराशि बहुत कम है। इस धनराशि में और ज्यादा वृद्धि होनी चाहिए। ज्यादातर इससे प्रभावित होने वाले लोग गरीब तबके से निकल कर आ रहे हैं। उसके पीछे कुपोषण, बच्चों की सही ढंग से पालन-पोषण न होना तमाम ऐसे कारण हैं, जिनके कारण आज इस तरह के दुष्परिणाम हमारे समाज के सामने उभरकर आ रहे हैं। उन बीमारियों को दूर करने के लिए, उन बुराइयों को दूर करने के लिए भी हमें सार्थक प्रयास करने चाहिए। मैं इस पर कोई लम्बी-चौड़ी बहस नहीं करना चाहता हूँ। मैं माननीय मंत्री जी से केवल इतना ही कहना चाहता हूँ कि जिस पवित्र भाव से जिस नेक इरादे से आपने इस बिल को प्रस्तुत किया है, मविध्य में भी आपकी यह सोच परिलक्षित होती रहे, आप इस कुर्सी पर न रहें तब भी इसका कोई दुरुपयोग न करने पायें, इसके लिए भी हमें इस विधेयक में कठोर प्रावधान करने होंगे। हमें केवल अधिकारियों पर ही निर्भर नहीं रहना होगा, बल्कि हमें समाज की उन समाज सेवी संस्थाओं और व्यक्तियों को चिन्हित करना होगा जिनकी वास्तविक रूप में इन पीड़ित लोगों की सेवा करने में रुचि है। यदि उन्हें हम इस न्यास से जोड़ने का काम करेंगे तो निश्चित रूप से जिस पवित्र भाव से यह विधेयक लाया गया है वह अपनी मंशा में फलीभूत होगा। इन्हीं शब्दों के साथ मैं एक बार फिर माननीय मंत्री जी को बधाई देते हुए अपनी बात समाप्त करता हूँ।

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">श्री सत्यव्रत चतुर्वेदी (खजुराहो) : माननीय सभापति जी, मैं कोई भाषण देने के लिए खड़ा नहीं हुआ हूँ। मैं मात्र दो वाक्यों में अपनी बात कहना चाहता हूँ। माननीय सदस्यों ने आदि से अंत तक जो कुछ भी कहा है मैं अपनी भावनाएँ उनके साथ जोड़ता हूँ। बहुत स्वाभाविक है मेनका जी जैसा व्यक्तित्व इस बिल को लेकर आई है। जो व्यक्ति पशुओं की पीड़ा से द्रवित हुए बिना नहीं रह सकता, वह मानवीय पीड़ा से कैसे अछूता रह सकता है। इसलिए स्वाभाविक है कि आप यह बिल लेकर आई हैं। और इतनी देर की बहस में जो थकान आई है मैं उस थकान को चंद लाइने कहकर कम करने की कोशिश करूँगा -

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">हो गई है पीर पर्वत सी पिघलनी चाहिए,

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">श्रीस हिमालय से कोई गंगा निकलनी चाहिए,

">

">श्रीसर्फ हंगामा खड़ा करना मेरा मकसद नहीं,

">

">श्रीमेरी कोशिश है कि ये सूरत बदलनी चाहिए,

">

">श्रीमेरे सीने में नहीं तो तरे सीने में सही,

">

"श्री कहीं भी आग लौकन आग जलनी चाहिए।

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"धन्यवाद।

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">THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI) : I would like to thank everybody who has taken such a sensitive part in the debate. This is, in reality, not my Bill but everyone's Bill who has contributed to it.

">Before I begin, I would like to tell you a little bit about myself. When I became a Member of Parliament and Rs. 1 crore was the limit fixed for Members of Parliament - much before I became the Minister - I used to spend Rs. 10 lakh out of that on the disabled every year.

">And a significant portion of my income, every month, has always gone to not only families, but also to the disabled, widows, people who have been ignored or hurt by life. I, therefore, asked for this Ministry, when I was given the Ministry. I feel very fortunate that I have been given this opportunity to be of some help.

">Since I have entered the Ministry, I would like to tell you a little bit about how we have changed the Disability Division. We have four national institutes for the visually handicapped, the orthopaedically handicapped, the mentally handicapped, the hearing impaired, and two apex institutes, that is, IPH and NIRTHA. These are expert bodies in the field. Unfortunately, they did very little other than research or rehabilitation if you went to them. Therefore, they did not really achieve very much. I have started a special thrust towards outreach programmes, that is, to each constituency, to each District, so that the benefits and services can be reached to each District, to the doorstep of people with disability. If you would remember, I sent each one of you a letter also saying that if you are willing to take part in this, I would happily do camps for you. In fact, I have just returned from the hon. Deputy-Speaker's constituency after doing a camp.

">Aids and appliances have been reached to about two lakh beneficiaries so far, in the last one year. This is more than was done in 50 years before that. Camps are being now organised every week. This is not just for the physically handicapped, that is, for legs or appliances for chairs, this is also for the visually handicapped, the hearing impaired. So, whatever you would like, in terms of whatever your constituency needs are, if you could inform me from time to time, I would be happy to help you.

">When I entered this Ministry, ALIMCO, which is the apex company in this country for making limbs used to work at 44 per cent of its capacity, and was about fifteen crore rupees in the red and moving towards BIFR. Today, in one year, it is producing at 93 per cent of its capacity, and it has moved more than fifteen crore rupees into the black, which is a thirty per cent shift. I am happy to say that we have tied it up with American assistance, and we are in the process of modernisation of the limbs to make them cheaper and more applicable. It is one of the success stories of this Ministry. I would like to strengthen and modernise all the institutions and this process is going on. We are developing low-cost new technologies in the country with a lot of financial support from my Ministry.

">Regarding the employment arena, this is as much a disappointment to me as it is to you, specially since being the Minister temporarily. I am at the receiving end of so many people who have no confidence and no hope in India, who come to me everyday and need jobs. Unfortunately, the mental and social barriers seem to me to be insurmountable.

">I do not know whether I should say this or not, but the PWD Act is a very limited Act. It provides only for three per cent of reservation of jobs in Government. Even that, as you rightly pointed out, does not take place. Now, for the last one year, I have been trying to struggle with this Act. I will bring it in the next Session hopefully to make it stronger and to make it compulsory. I also have been going from department to department saying, "

"श्री लो। १०० ले लो, ५० ले लो या १० ले लो।"

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">so that we can put ten new lives into the main stream of hope in this country. The PWD Act is being reviewed. It is just being readied to come before Parliament.

">I have also started something new. One is the Special Exchanges. As you said, we have got a lot of people. We also have started rewarding those officers who have got the maximum number of jobs for the disabled. This year also, we rewarded several officers -- one each from Orissa, Andhra Pradesh, Gujarat. They managed to get more than 50 per cent of them jobs, the people who were disabled and who applied to them for jobs, and, therefore, we have rewarded them.

">I have also started a new thing and that is, I am giving money to the NGOs to start private Employment Exchanges. I would like to explain this to the hon. Members.

">These would not be just Employment Exchanges. Suppose, I am a disabled person, I come to you and I say that I am a disabled person and I need a job. The normal Employment Exchanges just write down your name and say -

"श्रीबेगे.

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">But what these Employment Exchanges would do is that they would ask them as to what do they want to do? What are they capable of doing and what do they feel they could do? Then, they would refer them to an NGO so that they could be trained. After they are trained for what they would like to do or what they feel they could do, the Employment Exchange, which is an NGO, would write to each company that they have got so and so in their rolls and they are trained to do this -- so that you are not doing them any favour -- and they are as good as anybody else. Please take them. We are in the process of setting up as many Employment Exchanges as we can to specially target placement of disabled people in the private sector. This is a new initiative.

">Sir, the other Act which is under review is the RCI -- the Rehabilitation Council of India Act. When I took over this Ministry, the Rehabilitation Council of India was a body that met once a year and was something like a chat shop. People came and went away and lived happily. It was because the meeting was held in the India International Centre -

">खा-पीकर निकल गए।

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">What we have done is -- in spite of references being made about people who want their photographs to be taken, this point was made by the hon. Members -- that for the first time we have taken up the training of doctors and paramedics so that they are specialised in the art of treating or has the ability to treat the disabled. We have trained over 25,000 people in the last one year. We have brought in a number of courses and we have started recognising institutions really fast. Institutions used to wait for five to six years for recognition and nobody had the time to inspect the institutions for giving recognition to them. Now, there is an order to the effect that they would have to be inspected and if they are found capable, then within two weeks or maximum a month of applying, they have either to be recognised or rejected. But a decision has to be taken. We have registered hundreds of institutions and have been able to give them support for the training of the disabled.

">Sir, the National Trust Bill is a pioneering step in providing social security and support to certain categories which need special support. Smt. Renuka Chowdhary had brought up the fact that a very few people understand these four categories. Many of the hon. Members have said that they should have vocational training and should have educational schools. These are four categories we have chosen where the persons have no ability to go to schools. They cannot have vocational training and that is why, we need special support structure. It is because they would never be able to earn and they would never be able to be educated. It is a different matter that I sit and read out to them or we put a special system like the one we have for Christopher Reeve, who broke his leg and is paraplegic. He can walk. But that kind of a chair from abroad would cost Rs. 1 crore or maybe, Rs. 50 lakh or Rs. 30 lakh. These are four categories of people we have chosen who have very little options in life. So, the vocational and educational business does not apply at all. For them it is merely support services. Most families who have disabled persons of this category are completely crippled. As Shri Somnath Chatterjee said, they cannot go out; they cannot see films; they cannot leave their child alone, especially a girl child; and they cannot have any life of their own. Therefore, this is not meant so much for the child as it is meant to bring relief to everybody around the child who will love the child and love the adult. It is because they themselves do not feel stressed. It is designed to bring relief to the social system around the disabled persons. We have not included any physical disability within the ambit of this Bill because this is the worst sector.

Sir, one suggestion has been proposed about including Alzheimer. Alzheimer is a progressive disease, literally a person is born with it. We have not included Alzheimer. But we have an open mind. It would be a wonderful thing for me to say that I would never have to include anything else but there would be a time when there would be other diseases and other debilities. Once the Trust starts functioning and we realise our mistakes, our inexperience and learn about what we need, perhaps we could improve as we go along.

I talked about the MPLADS funds. I have written to the hon. Speaker and other Departments asking if the MPLADS funds could be utilised for disability related activities. If that is done, it would be wonderful. Somebody raised objection as to why the National Trust should be run by the Board. It has been said repeatedly that it is over-bureaucratized. I come from NGO background and I am much more scared of bureaucrats than all Members of Parliament, as my own bureaucrats do testify repeatedly. This Board has adequate representation from parents associations, experts and non-governmental groups. There is no bureaucratic emphasis, even though it seems like that, because all the officials are ex-officio. Whether they come or not it does not make any difference. However, you have to have them on the Board under the law because I cannot take a hundred crore rupees and give it to an association much as I would like to. They are representing certain Departments which are relevant to the subject. As regards the details of payment, appointments, etc., they will be covered in the rules which would be notified under the Trust Act. We will try to make them as foolproof as possible.

We are also going to give training to substitute care-givers. There is an apprehension that nobody can love them more than their parents. It is quite true. But the point is, if my parents die today, who will look after me? Will I be put into an orphanage? Will I just be abandoned? Will I be thrown out? To avoid this, we need to train substitute care-givers. They are required not just when the parents die but when the parents are alive too. I need those parents to lead a normal life so that they will love the child more. Therefore, we are starting training courses right now to train substitute care-givers. For instance, when I brought out the Old Age Policy, which again was the first for this country, at the beginning of this year we followed it up by training care-givers for the old who will go to houses and look after old people. You have nurses to look after you when you are sick. But I do not have anybody to look after you, if you are just old and if you need a hot meal once a day. In the same way, we will be training substitute care-givers. We are already developing a training programme. The Rehabilitation Council, as I told you, has been geared up and will have its own training building within another six months hopefully and the training will take place there. I also believe, as all of you have said, that hundred crores should be enlarged. If I can have my way it would have been a lot more. But I am grateful to the Government and to the Cabinet which proposed this suo motu. In fact, I went very tentatively expecting a crore or two crore rupees. But they were gracious enough to give me hundred crore rupees. I am very happy that they have shown that largeness of heart. If this Trust does not work, then hundred cores is gone waste, not more. And if it works, I am sure the rest of India will put a lot of money into it including the private sector, the Members of Parliament who will see it working in their areas, and people who are benefited from it. They will put money into it then. A time may come when we could request the Government to enlarge it.

Other points are, what will happen if you misuse the funds? Well, there will be penal provisions as are there in any other law. Why should the Board run it? It is because you cannot have a Trust which does not have a Board. What kind of person will head it? Well, as long as I am there, it will be the best possible person that I can find for this. I already have somebody in mind but I have to persuade him to leave his current dispensation to take

this up. It will have to be somebody who has been connected with disability in his whole life and who has the largeness of heart and compassion not to misuse the position.

Some Members have said that we should enlarge the Board. Some Members have said that we should make it even more leaner and meaner. I think, what we have is a okay mix. We have already had, while preparing this Bill, long consultations with NGOs, parents associations and voluntary organisations, and what we have here is something that everybody had agreed to.

Now, at the district level, the DM, a disabled person and a local NGO have been included. I am not so sure that I agree with the disabled person's business, for the simple reason, as one hon. Member pointed out that he is disabled, is another disability. He may not be able to understand. But on the other hand, a disabled person has an interest in this as well, far more than somebody else. So, he will also be able to bring some modicum of honesty to his job, which is why he is there. I am not so sure that a blind person will be able to do it on Cerebral Palsy but I know that a blind person will feel much more for a person with Autism, and perhaps you and me.

Sir, some Member brought about the issue of soldiers who were disabled in the war. Even though it has nothing to do with this Trust, I would like to tell them that as soon as the Kargil war was seeming to be over and we knew how many disabled people were there, we had offered free rehabilitation services to all the soldiers in an institution of excellence, the Spine Injury Centre which is funded by us. The Artificial Limbs Manufacturing Corporation which is a public sector company, which is fully funded by us, has offered aids and appliances, and we are paying for whatever the Army wants us to pay for in terms for the disabled. This happened long before it was over.

Sir, Shri Somnath Chatterjee also said that I hope, you are going to pay the care-givers adequately. Absolutely. If we can make money doing bad things, why can't we make money doing good things? No care-giver is a rich person that he can afford to do it -

**बिना खेलने के बीच में या कपड़े खरीदने के बीच में.**

I want serious and responsible professionals. Therefore, I have to pay them seriously and responsibly. When I became Minister, I found that we could not get care-givers for blind institutions, for other institutions and for NGOs because we were paying them some ridiculous amount. So, the NGOs were always leaving and going towards industry. Now, we have raised everybody's salary so that professional people can come in -

**बिना अपना पेट काटें या बिना अपने परिवार को सताए।**

And, these care-givers will be paid the same way so that we keep them as care-givers. Otherwise, the whole Trust is useless, if the people are not motivated to look after it.

Dr. V. Saroja had mentioned that there is no representation of medical professionals. There is representation. Actually, clause 3(5) provides association of such persons whose assistance, advice may be necessary for carrying out the objectives in which case the medical people will be.

Shri Vinod Khanna had said about the training of guardians, and some funds for research. Research component does not come under me. It comes under the Ministry of Health. A very good speech was made talking about the preventions before they were born because a lot of disabilities came from malnutrition, from accidents and from bad health, which is quite true. Unfortunately, I do not have the medical part of it. I just have the rehabilitation part. I have to take care of them after the damage has been done.

Shri Vilas Muttemwar has proposed amendments, and he wants to raise it to 27 in place of 22. But you know, the more members we have, the more unwieldy it becomes. Left to me, I would not have 22. I would have three. The point is that I have to have 22. This is a very important and basic issue. I do not want to make it any more because it just becomes too unwieldy.

Then, he further suggested that in clause 4(1), the term of Office of the Chairperson or a Member should be five years instead of three years, and the age limit should be 60 years instead of 65 years. Now, for one reason, I wanted it three years because if the Chairman turns out to be horrible, then he can be changed. With the term of five years, if he can ask me to go out, he can also ask everybody to go out.

Sir, if he is good, he can always be given extension. But if he is bad, then at least, during living memory he can be removed.

Secondly, I would like it to be 65 years because there are a lot of real good people who retire at 60 years. And, then I would like to use, their goodness, their responsibilities, and their experiences to be availed of in this Trust. Therefore, I would like to leave it as 65 years.

Now, in clause 10, he has proposed two more objectives, namely, (i) 'to conduct survey in all parts of the country to find the disabled and mentally retarded persons and to keep a register of such persons' and (ii) 'to set up Centres in each State where they can register themselves.'

Now, this is already covered under 'People with Disabilities' Act. They already have to have a survey, and they already have to have a register. So, I do not want to duplicate it in this Trust. This Trust is only for care-giving. It is not for registration. It is not for surveys or anything.

The moment we dilute, this mandate is not in the Act. This is a fund. The moment I dilute, there will be 50 other things to do and then the real work will never get done. It will just be surveys, talk shops, seminars and discussions. I do not want it. I want the actual thing done.

Shri Anadi Sahu has moved an amendment to Clause 3 for suggesting that the number of members representing organisations, associations of parents etc., be reduced to 6 instead of 9. He said that on the Board three members should be nominated from UGC, from the teaching profession. If I reduce the number of members from the parent organisation, this will actually defeat anything because then it will lead to bureaucratisation. The more we have people who are really involved because they are parents of such children, the more we will be able to get honesty and perhaps full focus.

As regards nomination by the UGC, the Department of Education is already represented on the Board. So, we do not have to have more teachers.

Shri Trilochan Kanungo has proposed that the Central Government be substituted by President of India in consultation with the Chief Justice of India and the Leader of Opposition in the Lok Sabha and the Leader of Opposition in the Rajya Sabha. The appointments of Chairperson and other members of the Board by the Central Government are on the lines as prevalent in practically every other such legislation.

SHRI TRILOCHAN KANUNGO : It is all right with you. But in the following years if some better man comes in, it is also all right. But if some worse man replaces, the purposes will be defeated. Therefore, I have suggested an impartial and perfect institution. My amendment is for that.

SHRIMATI MANEKA GANDHI: No. I have not included that in the one that you have substituted. You suggested four other people. I think this is not normal in most legislations. But I can promise you that while I am there, we will have set a high standard even if somebody comes, who no doubt will be better than me. But if he is not interested, he will not be able to do such work. I think with such a standard, people will have to use it as a bench- mark.

You also proposed amendment to Clause 8 that the power of appointment of the CEO and other employees should be vested in the Board instead of the Central Government. The problem is the Trust has a corpus of Rs.100 crore. It is difficult for me to take it outside the financial norms and discipline of the Government because Finance Ministry just will not allow it to be done. SHRI TRILOCHAN KANUNGO : You have trust in the compassion, love, ability and commitment of the Board and the Chairperson. But you say you have no trust on the Board so far as appointment of Chief Executive Officer of the Board is concerned. This is not fair. This is not in tune with such an enactment.

SHRIMATI MANEKA GANDHI: The only problem is, for a Rs.100 crore Trust, I have to follow the rules laid down by the Finance Ministry.

SHRI TRILOCHAN KANUNGO : This is not related to rules, but relates to tradition and wrong traditions.

SHRIMATI MANEKA GANDHI: What I am trying to do is, we will try something in the rules which will make sure that everybody is in agreement with whoever is put up.

SHRI TRILOCHAN KANUNGO : It is all right so long as you are there in the office.

SHRIMATI MANEKA GANDHI: I am saying that we will put something in the rules which will make sure that every member is in agreement or something like that. But it is just that I cannot break what is the law which the Finance Ministry has laid down. They will not allow me to do it. We would not get the Trust and that would be the end of it.

You also said, to extend support to promote his or her recommendations for recognition to reward persons of outstanding merit from different walks of life. As I have told you, we already have a reward scheme. Last year and this year, we have given out a lot of meritorious awards to truly very fine people. There is no need to put up into this Trust Act.

To do any other act which the Board may deem proper for care and welfare of persons with disability, I do not want to leave it openhanded. You can then subvert the whole Trust and anything else might be done like the seminars - you know all of which would be held in Goa - and you can blow up the Rs.100 crore and that would be the end of it. be held in Goa. I do not want to make it openhanded.

Lastly, you have proposed that the Board shall receive from the Central Government such sums for providing financial assistance to registered organisations for carrying out approved programme and this should be substituted by the words "furtherance of any of the objectives of the Trust." This amendment is not acceptable because the purpose of including this provision is to enable the Trust to benefit some other existing schemes being implemented by my Ministry. This would not allow them to take other money. If the Trust starts working, I want them to avail of other schemes as well.

I would, therefore, request the hon. Members who have applied their minds very sensibly to withdraw the proposed amendments and extend their support to the Bill.

I would like to thank all of you for listening to me patiently, for sitting the whole day and for giving many constructive suggestions.

... (व्यवधान)

**श्री रामदास आठवले (पंढरपुर) :** महोदय, चेररमैन के लिए आपके अमेन्डमेंट में जो ६५ की एंज है, उसके बारे में थोड़ा सोचा जाए।

**सभापति महोदय :** ठीक है।

... (व्यवधान)

MR. CHAIRMAN : The question is:

"That the Bill to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

MR. CHAIRMAN: Shri Vilas Muttemwar is not here. Shri Anadi Sahu, are you moving your amendments?

SHRI ANADI SAHU (BERHAMPUR, ORISSA): I withdraw my amendments.

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendments?

SHRI TRILOCHAN KANUNGO : I fully support the Bill, but I want that the amendments should be there on record so that they can serve as future guidance though they might be negatived.

I beg to move:

Page 2, line 47,--

for "Central Government"

substitute "President of India in consultation with (i)

the Prime Minister (ii) the Chief Justice of India and (iii) Leaders of Opposition in Lok Sabha and Rajya Sabha" (12)

Page 3, lines 3 and 4,--

for "Central Government"

substitute "President of India" (13)

MR. CHAIRMAN: I shall put amendments No.12 and 13 moved by Shri Trilochan Kanungo to clause 3 to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendment?

SHRI TRILOCHAN KANUNGO : Though I support the Bill wholeheartedly, I am moving my amendment because that will be a guideline for the future.

I beg to move:

Page 3, lines 34 and 35,--

for "Central Government"

substitute "President of India" (14)

MR. CHAIRMAN: I shall put amendment No.14 moved by Shri Trilochan Kanungo to clause 4, to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendments?

SHRI TRILOCHAN KANUNGO : Mr. Chairman, Sir, these amendments should be there. I am not withdrawing them.

I beg to move:

Page 3, line 50,--

for "Central Government"

substitute "President of India" (15)

Page 4, line 2,--

for "Central Government"

substitute "President of India" (16)

MR. CHAIRMAN: I shall put amendments No.15 and 16 moved by Shri Trilochan Kanungo to clause 5 to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 8

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendments?

SHRI TRILOCHAN KANUNGO : Yes, I am moving them.

I beg to move:

Page 4, line 16,--

for "Central Government"

substitute "Board" (17)

Page 4, line 19,--

omit "with the previous approval of the Central  
Government" (18)

MR. CHAIRMAN: I shall put amendments No.17 and 18 moved by Shri Trilochan Kanungo to clause 8, to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

MR. CHAIRMAN (SHRI RAGHUVANSH PRASAD SINGH): The question is:

"That clause 9 stand part of the Bill".



The motion was adopted.

Clause 9 was added to the Bill.

Clause 10

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendments?

SHRI TRILOCHAN KANUNGO : Yes, I am moving the amendments.

I beg to move:

Page 4,

after line 43 insert,-

"(h) to extend support to promote and/or to recommend for recognition and reward Persons of outstanding merit in different walks of life from among persons with disability".(19)

Page 4,

for line 44,

Substitute "(i) to do any other act which the Board may deem proper for care and welfare of persons with disability" (20)

MR. CHAIRMAN: I shall now put amendments Nos. 19 and 20 moved by Shri Trilochan Kanungo to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

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Clause 11

MR. CHAIRMAN: Shri Trilochan Kanungo, are you moving your amendments?

SHRI TRILOCHAN KANUNGO : Yes, I am moving my amendments.

I beg to move:

Page 5, lines 18 and 19,-

for "providing financial assistance to registered organisations for carrying out any approved programme"  
substitute "furtherance of any of the objects of the Trust" (21)

MR. CHAIRMAN: I shall now put amendment No. 21 moved by Shri Trilochan Kanungo to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 to 36 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI MENAKA GANDHI: Sir, I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

१९.३८ म.प.

तत्पश्चात् लोक सभा गुरुवार १६ दिसम्बर १९९९/२५ अग्रहायण १९२१

के ११.०० म.पू. तक के लिए स्थगित हुई।