

Amendments proposed in the Persons with Disabilities Act, 1995

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter I- Preliminary

1	2. In this Act, unless the context	2. In this Act, unless there is anything repugnant in the	
	otherwise requires,- subject or context,-		
	<table><tr><td>(i)</td></tr><tr><td></td></tr></table>		(i)
(i)			
	State Government; Executive Government; Executive Government;		

(a) "Appropriate Government" means,- (a) "Appropriate Government" means,-

In relation to the Central

or any establishment

wholly or substantially financed by that

Government, or a Cantonment Board

constituted under the Cantonment Act,

1924, the Central Government ;

Constitution, the Central Government ;

In relation to a State Government or			may be, the Government of a UT with legislatu
establishment	wholly	or	
financed	by	that	

Government, or any local authority,

other than a Cantonment Board, the

(iii) In respect of the Central Co-

ination Committee and the Central			and the Chief Commissioner , the Central Govern
Committee,	the	Central	

(iv) In respect of the State Co-

ination Committee and the State			the State Commissioner , the State Governmen
Committee,	the	State	

(iii) In respect of the **Central Board**, the **Central Committee**,

(iv) In respect of **a State Board**, the **State Committee**, and (i) In relation to **an establishment of** the Central Government, Government or **an establishment**, wholly or substantially **owned** or financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, **or a union territorywithout legislature, or the provider of a service which pertains to List I in Schedule VII of the**

(ii) **In all other cases, the State Government or, as the case**

any

substantially

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter I- Preliminary

2	New Provision	2(aa) “autism” means a condition of uneven skill
---	---------------	--

development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behaviour;

5					
		2(b) "blindness where a person suffering from any of the following conditions, namely:- (i) Total absence of sight; or (ii) Visual acuity not exceeding 6/60 (iii) Limitation of field of vision subtending an angle of 20 degrees or more; (d) "Central Co-ordination Committee" means the Central Co-ordination Committee constituted under sub-section (1) of section 3; (e) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;	(t s" refers to a condition n suffers from any of the fr itions, namely:- ence of sight; or cuity not (exceeding 6/60 0 (snellen) in the better correcting lenses; or n of the field of vision g an angle of 20 degree -ordination Committee" ral Co-ordination c stituted under sub-section ; in ecutive Committee" ral Executive Committee er sub-section (1) of (1	o be inserted after om any of the foll i) Total absence the better eye degree or worse; onstituted under s sections 3 to 8, 2 (1) of section 9. appears in sections 9	2(a) in Chapter I) owing conditions, namely of sight; or with best correcting lens re; ub-section (1) of section 3 3 and 24 of the Act.) to 12 and 24 of the Act.)
			ap		

replaced with “Central Advisory Board” wherever it appears

2(d) “**Central Committee**” means the **Central Coordination and Monitoring Committee** constituted under sub-section

(The phrase "Central Executive Committee" shall be replaced with “Central Coordination and Monitoring Committee” wherever it 3 2(b) “blindness” refer to a condition where a person suffers

(ii) Visual acuity not exceeding **3/60 or 10/200** (snellen) in

(iii) Limitation of field of vision subtending an angle of **10**

4 2(c) “**Central Board**” means the **Central Advisory Board**

(The phrase "Central Co-ordination Committee" shall be

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
6	New Provision	2(ga). “communication” includes languages, display of

text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes,

means	and	formats	of	communication,	including
--------------	------------	----------------	-----------	-----------------------	------------------

accessible information and communication technology;

(to be inserted after 2(g) in Chapter I)

7	2(i): ‘disabilit (i) blindn (ii) low vi (iii) lepros (iv) hearin (v) locom (vi) menta (vii) menta	y’ means- ess; sion; y-cured; g-impaired; otor disability; retardation; l illness; n	2(i) : ‘disability’ means- (i) autism ; (ii) blindness; (iii) low vision; (iv) leprosy-cured; (v) hearing-impaired; (vi) locomotor disability; (vii) mental retardation; (viii) mental illness; (ix) multiple disability ; discrimination, including be interpreted accordingly ; (to be inserted after 2(i) in Cha	denial ter I)			
8	New Provision						
9	New Provision	n	<table><tr><td>2(ib)</td><td>“District</td><td>Committee”</td></tr></table> of Section 19B.	2(ib)	“District	Committee”	”
2(ib)	“District	Committee”					

equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of accommodation and the term “non-discrimination” shall

Committee on Disability constituted under sub-section (1) means a

of

District-level

reasonable

2(ia) “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of

disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter I- Preliminary

10	New Provision	2 (ka) “Fund” means the National Fund for Persons with
----	---------------	---

Disabilities established under Section 68 B.

(to be inserted after 2(k) in Chapter I)

11 2(l) "~~Hearing impairment~~" means 2(l) "~~Hearing impairment~~" means **sensorineural hearing**

15

	loss of better ea of frequ	sixty decibels or r in the convers encies;	more in the ational range	ercent o basis.	r less;	ken languages;
	New Pro	vision	p	ther for	ms of non spo	General
	New Pro	vision	b	31) of	ction 3 of	Clause
	New Pro	vision	o	to be	the	() in Chapter I)
	New Pro	vision	(	inse	rted after 2	
	New Pro	vision	(	section	(n	
			s	2.		
			(	to be	rted after	in Chapter I)
				inse	2(r)	

and any other local authority established by or under an Act, and includes a "Local authority" as defined in clause

2(ra) "multiple disabilities" means a combination of two or more disabilities as listed at S. No. (i) – (viii) in clause (i) of loss of forty five decibels (dBHL) or more in the better ear in conversational range of" frequencies and the binaural loss of forty percent, or Word Recognition Score of forty

12 2(la) “inclusive environment” in relation to education of students with disabilities means a system which supports students with disabilities to study in educational institutions with their peer group without disabilities, on an equitable

13 2(lb) “language” includes spoken and sign languages and

14 2(na) “Local authority” means a panchayat, a municipality

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter I- Preliminary

16	New Provision	2(ta) “Person with severe disability” means a person with
----	---------------	---

80% or more of one or more disabilities, as certified by a medical authority, and the phrase “Child with severe disability” shall be construed accordingly,

17	2(u) "person with person with functioning ev standard refract uses or is pote vision for the pl task with approp		(to be s a ual or		ted after 2(t) in	Chapter I)
18		th low vision" mean	ho ing f a	vision (a) (b) (c)	ny one of the fo	llowing categ
19		impairment of vis			uction of field	less than 50
20	New Provision	en after treatment ive correction but w ntially capable of us anning or executor o riate assistive device;	a loca		mianopia with tudinal defect	macular invo involving low
21	New Provision	tation” refers to a proc persons with disability in their optimal physi ual, psychiatric or so	(to be owner huma ess	l auth insert ship, n righ ipatio	ority aimed at a ed after 2 (v) in C which is used by ts and fundame n in all aspects o	levation of p hapter I) the public at ntal freedoms; f life.
	aimed at enabling reach and mainta sensory, intellect functional levels.		s to cal,			
			cial partic			

2(vc) “reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all

2(w): “rehabilitation” refers to a process aimed at enabling persons with disabilities to attain and maintain maximum independence, full physical, sensory, intellectual, psychiatric, socialandvocationalability, and full inclusion and

2(u) "person with low vision" means a person with impairment of vision of less than 6/18 to 4/60 with best correction in the better eye or impairment of field of

2(va) “poverty alleviation schemes” means schemes and programmes of the Central Government, State Government or

2(vb) ‘public building’ means a building, irrespective of

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
22	2(y) "State Co-ordination Committee"	2(y) “State Board” means the State Advisory Board
	means the State Co-ordination	constituted under sub-section (1) of section 13 .

Committee constituted under sub-section (The phrase "State Co-ordination Committee" shall be replaced (1) of section 19; with “State Advisory Board” wherever it appears in sections 13 to 18, 23 and 24 of the Act.)

	2(z) "State Executive Committee" constituted under section 19	Executive Committee" constituted under sub-section (1) of	means section 19.
	New Provision		

23 2(z) **“State Committee”** means the **State Coordination and Monitoring Committee** constituted under sub-section (1) of

(The phrase "State Executive Committee" shall be replaced with “State Coordination and Monitoring Committee” wherever it appears in sections 19 to 22 and 24 of the Act.)

24 2(za) **“universal design” means the design of products, environments, programmes and services to be usable by all people, including persons with disabilities to the greatest extent possible, without the need for adaptation or specialized design.**

S. No.	Present Provision					Proposed Provision (Changes indicated in bold)
25	Chapter	II	-	Central	Co-ordination	Chapter II - Central Advisory Board
	Committee					
26	3. Central Co-ordination Committee –					3. Central Advisory Board –
	(1) The Central Government shall by					(1) The Central Government shall by notification constitute a

notification constitute a body to be known as the **Central Advisory Board** to

k	known as the Central Co-ordination
c	Committee to exercise the powers functions assigned to it, under this Act.
f	functions assigned to it, under this Act.
(	
s	
(	

(
o
(
I

(2) The Central Co-ordination Committee shall consist of-					(2) The Central Advisory Board shall consist o
(a)	The	Minister-in-charge	of	the	

Ministry of Social Welfare in the Central Government, Chairperson, ex officio; Chairperson, ex officio;

(b) The Minister of State-in-charge of the Ministry of Social Welfare in the Central

Government,	Vice	Chairperson,	ex	matters , Vice Chairperson, ex officio; (C) Members, ex officio:		
officio; (c) Secretaries to the Government of						
India	in-charge	of	the	Ministries/	Ministries/Departments	nodally
Departments of Social Justice &						
Empowerment,	Human		Resource		following subjects: -	
Development,	Woman		and	Child		
Development, Expenditure, Personnel					(i)	Disability;

I
a

raining and Public Grievances, Health				(ii)	Education;
& Family Welfare, Rural Development,					
I ndustrial Development, Urban Affairs				(iii)	Women & Child Development;
and	Employment,	Science	and	(iv)	Finance (Expenditure);
Technology,	Legal	Affairs,	Public	(v)	Personnel & Training;

(a) Secretaries to the Government of India in-charge of the

School Education & Literacy, and Higher dealing with the

exercise the powers conferred on, and to perform the

(A) The Minister-in-charge of the **Ministry** in the Central Government **which nodally deals with disability matters**,

(B) The Minister of State-in-charge in the **Ministry** in the

Central Government **which nodally deals with disability**

Enterprises, Members, ex officio;

(vi)

Health & Family Welfare

(vii)Rural Development;

(viii)Panchayati Raj;

(ix) Industrial Policy & Promotion;

(x) Urban Development;

(xi) Housing & Urban Poverty Alleviation;

(xii)Science and Technology;

(xiii)Legal Affairs;

(xiv)Public Enterprises;

(xv)Youth Affairs & Sports;

(xvi)Surface Transport and Highways.

(xvii)Civil Aviation

(b) Secretary, Planning Commission,

(d) Chief Commissioner for Persons with Disabilities, Member, ex officio;

(c) Chief Commissioner for Persons with Disabil (d)
Chairperson, Rehabilitation Council of Ind

(e) Chairman Railway Board, Member, ex officio;

(f)	Director-General		of	Labour,	and Multiple Disabilities; (f) Chairman, Railway Board; Training;
Employment and Training, Member, ex officio;					
(g)	Director,	National	Council	for	
Educational		Research	and	Training,	
Member, ex officio;					

(h) Three Members of Parliament. of

whom two shall be elected by the House of the People and one by the Council of

(j) Chairperson, University Grants Commiss

States, Members;

(g) Director-General of Labour, Employment and Training;

- (h) Director, National Council for Educational Research and
- (i) **Chairperson, National Council of Teacher Education**
- (e) **Chairperson, National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation**

(i) Three persons to be nominated by the Central Government to represent the interests, which in the opinion of that

(k) Chairperson, Medical Council of India.
(l) Directors of the-

Government ought to be represented, Members;

(j) Directors of the-

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped,

(i) National Institute for the Visually Secundrabad;

Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Calcutta; Handicapped, Secundrabad;

(iii)	National	Institute	for	the	Hearing Handicapped, Bombay,
-------	----------	-----------	-----	-----	------------------------------

Orthopedically Handicapped, Calcutta;

(iv) Ali Yavar Jung National Institute **Persons with Multiple Disabilities, Chennai**, for the Hearing Handicapped, Bombay,

ex officio; (k) Four Members to be nominated by the Central Government by rotation to represent the States and the Union	Sciences, (NIMHANS), Bangalore, States; (E) Members to be nominated by the Central Govern
---	--

territories in such manner as may be

prescribed by the Central Government:

Provided that no appointment under this the opinion of the Government ought to be represented; clause shall be made except on the recommendation of the State Government

or, as the case may be, the Union territory;	Union territories in such manner as may be presc
--	--

(l) five persons as far as practicable,
being persons with disabilities, to

disability and rehabilitation represent interests, which in

Government by rotation to represent the States and the

(a) **Five** persons who are either experts in the field of

(b) **Five** Members to be nominated by the Central

(iii) National Institute for the Orthopedically

(iv) Ali Yavar Jung National Institute for the

(v) **National Institute for Empowerment of**

(vi) **National Institute for Mental Health and**

(D) Three Members of Parliament. of whom two shall be

elected by the House of the People and one by the Council of

represent non-governmental Provided that no nomination under this **sub**-clause

organizations or associations which are shall be made except on the recommendation of the State

concerned with disabilities, to be Government or, as the case may be, the Union Territory;

nominated by the Central Government, one from each area of disability, Members:

Provided that while nominating persons

(c) **Nine** persons as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, such that there is one person associated with each of the disabilities

under this clause, the Central specified in Clause (i) of Section 2:

Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

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

(3) The office of the Member of the Central Co-ordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

Provided that of the nine persons nominated under this

clause, at least, three shall be women and at least one person each

shall be from a Scheduled Caste and a Scheduled Tribe;

(F) Joint Secretary to the Government of India **in-charge of the subject matter relating to persons with disabilities, Member-Secretary, ex officio.**

(3) The office of the Member of the **Central Advisory**

Board shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

S. No.	Present Provision				Proposed Provision (Changes indicated in bold)
7	4. Term of office of Members – (1) Save				4. Term of office of Members – (1) Save as otherwise
	as otherwise provided by or under this Act a				provided by or under this Act a Member of Central
	Member	of	Central	Co-ordination	Board nominated under clause (a) or clause (c) of sub-

Committee nominated under clause (i) or clause (l) of sub-section (2) of section 3

section (2)(E) of section 3 shall hold office for a term of three years from the date of his nomination:

shall hold office for a term of three years

from the date of his nomination:

Provided that such a Member shall,
notwithstanding the expiration of his term,

continue to hold office until his successor enters upon his office.

successor enters upon his office.

(2) The term of office of an ex officio
Member shall come to an end as soon as he
ceases to hold the office by virtue of which
he was so nominated.

opportunity of showing cause against the same.

(3) The Central Government may if it thinks
fit remove any Member nominated under
clause (i) or clause (1) of sub-section (2) of
the section 3, before the expiry of his term

of office after giving him a reasonable opportunity of showing cause
against the

opportunity of showing cause against
the sam

same.

(4) A Member nominated under clause (i)

or clause (1) of sub-section (2) of section 3
may at any time resign his office by writing
under his hand addressed to the Central

Government and the seat of the said Member shall thereupon become vacant.

thereupon become vacant.

his term of office after giving him a reasonable

(4) A Member nominated under **clause (a) or clause (c) of sub-section (2)(E)** of section 3 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall
Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his

(2) The Central Government may if it thinks fit remove any Member nominated under **clause (a) or clause (c) of sub-section (2)(E)** of the section 3, before the expiry of his term of office after giving him a reasonable

(3) The Central Government may if it thinks fit remove any Member nominated under **clause (a) or clause (c) of sub-section (2)(E)** of the section 3, before the expiry of

(5) A casual vacancy in the Central Co-ordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for

(5) A casual vacancy in the **Central Board** shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so
the remainder of the term for which the nominated.
Member in whose place he was so
nominated.

(6) A Member nominated under clause (i)

or clause (l) of sub-section (2) of section 3 shall be eligible for renomination.

(7) Members nominated under clause (i) and clause (1) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

(6) A Member nominated under **clause (a) or clause (c) of sub-section (2)(E)** of section 3 shall be eligible for renomination.

(7) Members nominated under **clause (a) and clause (c) of sub-section (2)(E)** of section 3 shall receive such allowances as may be prescribed by the Central Government.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
28	8. Functions of the Central Co-	8. Functions of the Central Board. –

ordination Committee –

(1) Subject to the provisions of this Act, (1) Subject to the provision of this Act, **the Central**
the function of the Central Coordination **Board shall be the national-level consultative and**
Committee shall be to serve as the **advisory body on disability matters, and shall** facilitate

national focal point on disability matters

and facilitate the continuous evolution of a comprehensive policy towards solving

solving the problems faced by persons with disabil

the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following

(2)
following functions,
namely:

functions, namely:-

(a) review and coordinate the activities of all the Departments of Government and other

Governmental	and	Non-Governmental	disability;
Organizations which are dealing with matters			

relating to persons with disabilities;

(b) develop a national policy to address				persons with disabilities;				the
issues faced by, persons with disabilities;								
(c) advise the Central Government on the				(c)	review	and	coordinate	
formulation	of	policies,	programmes,					

legislation and projects with respect to

disability; **with matters relating to persons with disabilities.**

(d) take up the cause of persons with

disabilities	with	the	concerned
authorities	and	the	international

(b) **evolve** a national policy to address issues faced by

Departments of Government and other Governmental

and non-Governmental Organizations which are dealing

(d) take up the cause of persons with disabilities with

concerned authorities and international organizations with a
activities of all
the continuous evolution of a comprehensive policy towards

In particular and without prejudice to the generality
of the foregoing, the **Central Board** shall perform the

(a) **advise Central and State Governments on policies,**
programmes, legislation and projects with respect to

organizations with a view, to provide for schemes and projects for the disabled in the national plans and other
programmes and policies evolved by the international agencies;

view to provide for schemes and projects for the disabled in the national plans and other programmes and policies
evolved by the international agencies;

(e) review in consultation with the donor (e) review in consultation with the donor agencies, their
agencies their funding policies from the funding policies from the perspective of their impact on
perspective of their impact on persons persons with disabilities.

with disabilities;

(f) take such other steps to ensure

barrier-free	environment	in	public	institutions;
places, work-places, public utilities, schools and other institutions;				

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of
persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

(f) **recommend** steps to ensure barrier-free environment in
public places, work-places, public utilities, schools and other

(g) monitor and evaluate the impact of policies and
programmes designed for achieving equality and full
participation of persons with disabilities; and

(h) to perform such other functions as may be **prescribed**.

S. No.	Present Provision	shall	Proposed Provision (Changes indicated in bold)
29	9. Central Executive Committee. –		9. Central Coordination and Monitoring Committee. –

(c) Chairperson, National Trust for welfare of

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

(f) Representatives not below the rank of a Joint Secretary, to represent the Ministries or Departments nodally dealing with **School Education & Literacy, Higher Education, Personnel & Training, Urban Development;**

(g) Advisor (Tariff) Railway Board, Member, (g) The Financial Advisor, Ministry of **Social Justice**

ex officio;

(h) four members to be nominated by the Central Government, by rotation, to represent

& Empowerment in the Central Governm (h) Advisor (Tariff) Railway Board;

the State Governments and the Union territories in such manner as may be prescribed by the Central Government.

(i) one person to be nominated by the Central

Government to represent the interest, which in the opinion of the Central Government ought

Government.

to be represented, Member;

(j) five persons, as far as practicable, being persons with disabilities, to represent non-

represented;

governmental organizations or associations

which are concerned with disabilities, to he

with

disabilities,

to

represent

nominated by the Central Government, one

from each area of disability, Members:

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled **two tenures of the Committee;**

Tribes;

Castes or Scheduled Tribes;

organizations or associations which are concerned with disabilities, one from each area of disability **by rotation:**

Provided that the Central Government shall ensure that all types of disabilities are represented over the

Provided **further** that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled (C) Members to be nominated by the Central Government:

- (a) **Five** members, by rotation, to represent the State Governments and the Union territories in such manner as may be prescribed by the Central
- (b) One person to represent interests, which in the opinion of the Central Government ought to be
- (c) Five persons, as far as practicable, being persons non-governmental

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

(3) Members nominated under clause (i) and clause (j) of sub-section (2) shall

receive such allowances as may be prescribed by the Central Government.

(4) A Member nominated under clause (i) or clause (J) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(d) Joint Secretary to the Government of India **in-charge of the subject matter relating to persons with disabilities, Member-Secretary, ex officio.**

(3) Members nominated under clause (b) and clause (c) of sub-section (2)(B) of this section shall receive such allowances as may be prescribed by the Central Government.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
30	New Provision	9A. Term of office of Members. –

(1) Save as otherwise provided by or under this Act a Member of the Central Committee nominated under clause (a) and clause (c) of sub-section (2)(C) of section 9

shall hold office for a term of three years from the date of

nomination.
successor enters upon his office.
opportunity of showing cause against the same.
thereupon become vacant.
in whose place he was so nominated.

(4) A casual vacancy in the Central Co-ordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his

(2) The Central Government may if it thinks fit remove any Member nominated under clause (a) or clause (c) of sub-section (2)(C) of the section 3, before the expiry of his term of office after giving him a reasonable

(3) A Member nominated under clause (a) or clause (c) of sub-section (2)(C) of section 3 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall

(5) A Member nominated under clause (a) or clause (c) of sub-section (2)(C) of section 3 shall be eligible for renomination.

(6) Members nominated under clause (a) and clause (c) of sub-section (2)(C) of section 3 shall receive such allowances as may be prescribed by the Central Government.

31 10. Function Committee – (1) The C shall be t Central C shall be res decisions o Committee. (2) Withou of sub-secti Committee functions a the Central	ns of the Central Executive 10. – entral Executive Committee <table border="1" data-bbox="518 1314 1449 1438"> <tr> <td>he executive body of the oordination Committee and possible for carrying out the</td><td>namely:- i)</td></tr> </table> f the Central Coordination <table border="1" data-bbox="518 1525 1449 1664"> <tr> <td>t prejudice to the provisions on (1), the Central Executive</td><td>ii) iii)</td></tr> </table> shall also perform such other s may be delegated to it by Coordination Committee.	he executive body of the oordination Committee and possible for carrying out the	namely:- i)	t prejudice to the provisions on (1), the Central Executive	ii) iii)
he executive body of the oordination Committee and possible for carrying out the	namely:- i)				
t prejudice to the provisions on (1), the Central Executive	ii) iii)				

Functions of theCentral Committee

The Central Committeeshall perform the following functions,

monitor action taken on the advice and

recommendations of the Central Board;

coordinate between various Ministries and other

concerned agencies in matters relating to disability; and
perform such other functions as may be prescribed or
as may be delegated to it by the Central Board.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
32	Chapter III - The State Coordination	Chapter III - The State Advisory Board & District Level
	Committee	Committee
33	13. State Co-ordination Committee. –	13. State Advisory Board –

(1) notif as t exer perf this	(1) Every State Government shall, by notif ication, constitute a body to be known as t he State Co-ordination Committee to exer cise the powers conferred on, and to Act. perf orm the function assigned to it, under Act.				
(2) cons	(2) the State Coordination Committee shall (2) the State Advisory Board shall consist of- ist of-				
(a) Dep Gov	<table><tr><td>The</td><td>Minister-in-charge</td><td>of</td><td>the</td></tr></table> Dep artment of Social Welfare in the State	The	Minister-in-charge	of	the
The	Minister-in-charge	of	the		
(b) Dep Cha	Government, Chairperson, ex officio; Chairperson, ex officio; (b) the Minister of State in charge of the Dep artment of Social Welfare, if any, Vice-				
(c) char Edu Exp Grie Indu Em	Chairperson, ex officio; Vice-Chairperson, ex officio; (c) Secretaries to the State Government in (C) Members, ex officio: char ge of the Departments of Welfare, Edu cation, Woman and Child Development, Exp enditure, Personnel Training and Public Grie vances, Health, Rural Development, subjects : Indu strial Development, Urban Affairs and loyment, Science and Technology, (i)Disability;				
Publ Mem	Publ ic Enterprises, by whatever name called, Members, ex officio; (iii)Women and Child Development; (iv)Finance(Expenditure); (v)Personnel & Training;				
(d)	(d) Secretary of any other Department, (vi)Health and Family Welfare;				

(a)Secretaries to the State Government in-charge of the

(ii)School Education & Literacy, and Higher Education; Departments **nodally dealing with the following** (1) Every
State Government shall, by notification, constitute a body to be known as the **State Advisory Board** to exercise the powers
conferred on, and to perform the function assigned to it, under this

- (A) The Minister-in-charge of the Department **in the State Government which nodally deals with disability matters**,
 (B) the **Deputy Minister-in-charge** of the Department **in the State Government which nodally deals with disability matters**, if any,

which the State Government considers (vii)Rural Development;

necessary, (viii)**Panchayati Raj**;

Member, ex officio; (ix) Industrial Policy and Promotion; (x)**Labour**

(e) Chairman Bureau of Public Enterprises

(xi)Urban Development; (by whatever name called) Member, ex (xii)Housing and Urban Poverty Alleviation: officio; (xiii)Science and Technology;

(xiv)Public Enterprises

(f) five persons, as far as practicable, being (xv)**Youth Affairs and Sports**

persons with disabilities, to represent non- (xvi)**Surface Transport**

governmental organizations or associations

which are concerned with disabilities, to be (b)Secretary of any other Department, which the State nominated by the State Government, one Government considers necessary;

from each area of disability, Members:

Provided that while nominating persons

(c)Commissioner for Persons with Disabili

under this clause, the State Government

shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) three Members of State Legislature, of

elected by the Legislative Assembly and one by the Leg Council, if any;

(E) Members to be nominated by the State Government

whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) three persons to be nominated by that State Government to represent agriculture,

industry or trade or any other interest, which in the opinion of State Government ought to

manner as may be prescribed:

be represented, Members, ex officio;

(i) The Commissioner, Member, ex officio;

Administration concerned;

(j) Secretary to the State Government dealing with the welfare of the handicapped,

Member-Secretary, ex officio.
(3) Notwithstanding anything contained in

(c) **Nine** persons as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, such that

(b) **Five** Members to be nominated by the State Government by rotation to represent the Districts in such

Provided that no nomination under this **sub**-clause shall

(D) Three Members of the State Legislature of whom two shall be

(a) **Five** persons who are either experts in the field of disability and rehabilitation represent interests, which in the opinion of the Government ought to be represented;

this	section,	no	State	Co-ordination
------	----------	----	-------	---------------

Committee shall be constituted for a Union territory and in relation to a Union territory, the Central Coordination Committee shall exercise the functions and perform the functions of a State Coordination Committee

there is one person associated with each of the disabilities specified in Clause (i) of Section 2:

Provided that of the nine persons nominated under this clause, at least, three shall be women and at least one person each shall be from a Scheduled Caste and a Scheduled Tribe;

for the Union territory:	(F) Principal Secretary/Secretary level officer in the
--------------------------	---

Provided that in relation to a Union territory. Department in charge of the subject matter relating to the	
---	--

<table><tr><td>The Central Coordination Committee may delegate all or any of its powers and</td><td>persons w</td></tr></table>		The Central Coordination Committee may delegate all or any of its powers and	persons w	ith disabilities, Member-Secretar ember of the Legislature of the Board for the Union Territory: ral Government may specify. and Conditions of Service of Memb his nomination:
The Central Coordination Committee may delegate all or any of its powers and	persons w			
functions under this sub-section to such person or body of persons as the Central Government may specify. being a M				
Advisory as the Cent				

34	14. Terms and Conditions of Service of	14. Terms
	Members –	

(1) Save as otherwise provided by or under this Act, a Member of a State Co-ordination Committee nominated under clause (f) or clause (h) of subsection (2) of section 13 the date of shall hold office for a term of three years from the date of his nomination:	
Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor his office. enters upon his office.	

(1) Save as otherwise provided by or under this Act, a Member of a **State Board** nominated under clause (a) or clause (c) of subsection (2)(E) of section 13 shall hold office for a term of three years from

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon

(3) The office of the Member of the State Advisory Board shall not disqualify its holder for being chosen as or for

(4) Notwithstanding anything contained in this section, no **State Advisory Board** shall be constituted for a Union Territory and in relation to a Union territory, the **Central Advisory Board** shall exercise the functions and perform the functions of a **State**

Provided that in relation to a Union Territory, the **Central Advisory Board** may delegate all or any of its powers and functions under this sub-section to such person or body of persons

(2) The term of office of an ex officio Member shall come to an end as soon as he

(2) The term of office of an ex officio Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so

ceases to hold the office by virtue of which nominated.

he was so nominated.

(3) The State Government may, if it thinks fit, remove any Member nominated under clause (f) or clause (h) of subsection (2) of

(3) The State Government may, if it thinks fit, remove any Member nominated under clause (a) or clause (c) of subsection (2)(E) of section 13, before the expiry of his term of office after giving him a

section 13, before the expiry of his term of reasonable opportunity of showing cause against the same.

office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (f) or clause (h) of sub-section (2) of section 13

clause (h) of sub-section (2) of section13
shall receive such allowances as may be prescribed by the State Government. prescribed by the State Government.

(5) A casual vacancy in the **State Board** shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in

35	18. Functions of the State Co-ordination				18. Functions of the State Board –
Committee –					
(1) Subject to the provisions of this Act, the					(1) Subject to the provision of this Act, the State Board
function	of	the	State	Co-ordination	shall be the State-level consultative and advisory body on
Committee shall be to serve as the state disability matters, and shall facilitate the continuous focal point on disability matters and evolution of a comprehensive policy towards solving the					

facilitate the continuous evolution of a comprehensive policy towards solving the

problems faced by persons with disabilities

problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Co-ordination Committee may, within the State perform all or any of the following

(2)
functions,
namely:

functions, namely:-

(a) review and coordinate the activities of all

the Departments of Government and other

Governmental

and

Non-Governmental

legislation and projects with respect to disabili

Organizations which are dealing with matters relating to persons with disabilities.,

(b) develop a State policy to address issues faced by persons with disabilities; with disabilities;

(c) advise the State Government on the

formulation

of

policies,

Programmes,

legislation and projects with respect to disability; **dealing with matters relating to persons with disabilities.**

(d) review, in consultation with the donor

agencies, their funding from the perspective of their impact on persons with disabilities;

in the State plans;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organizations in the State which are

(d) take up the cause of persons with disabilities with concerned authorities and international organizations with a view to provide for schemes and projects for the disabled In particular and without prejudice to the generality of the foregoing, the **State Board** shall perform **the following**

(a) advise State Government on policies, programmes,

(b) evolve a State policy to address issues faced by persons

(e) take such other steps to ensure barrier-free environment in public places, work places, public utilities, schools and other institutions;

(e) review in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities.

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one

person belonging to Scheduled Castes or Scheduled Tribes;						
(f) monitor and evaluate the impact of policies and programmes designed for						
achieving equality and full participation of persons with disabilities;	in					
(g) to perform such other functions as may be prescribed by the State Government.						
p						
(h						
36	19. State Executive Committee. –		1			
(1) The State Government shall constitute a committee to be known as the State						
Executive	Committee		to	perform	the	A (2
functions assigned to it under this Act.						
(2) The State Executive Committee shall consist of-						
(a) the Secretary, Department of Social Welfare, Chairperson, ex officio;						
(b) the Commissioner, Member, ex officio; (c) nine persons not below the rank of a					C (	
Joint Secretary to the State Government, to						

Committee to perform the functions assigned to it under this

(A) The Chief Secretary or an officer not below the rank of Chief Secretary to be nominated by the State Government,

(f) recommend steps to ensure barrier-free environment in public places, work-places, public utilities, schools and other

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full

(1) The State Government shall constitute a committee to be known as the **State Coordination and Monitoring**

represent

the

Departments

of

Health,

Finance, Rural Development, Education,

Welfare,

Personnel

Public

Grievances,

Urban Affairs Labor and Employment, Science and Technology, Members, ex

(b) **six** persons not below the rank of a **Secretary** to the State Government, to represent the Departments of Health, Finance, Education, Welfare, Personnel, Labour and Employment;

officio;

(c) Members to be nominated by the State Government:

(d) one person to be nominated by the State **(a) Five members, by rotation, to represent the** Government to represent the interest, which **District Committees in such manner as may be**

in the opinion of the State Government ought to be represented. Member; **prescribed by the State Government.**

(e) five persons, as far as practicable being

persons with disabilities to represent non-governmental organizations or associations

represented;

which are concerned with disabilities, to be

nominated by the State Government, one

with

disabilities,

to

represent

from each area of disability, Members:

Provided that while nominating persons

under this clause, the State Government shall nominate at least one woman and one

rotation:

person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability **of the Committee;**

division in the Department of Welfare,

Member-Secretary, ex officio.

(3) Members nominated under clause (d) and clause (e) of sub-section (2) shall

Scheduled Tribes;

receive	such	allowances	as	may	be	
prescribed by the State Government.						
(4) A Member nominated under clause (d) or						
clause (e) may at any time resign his office						
by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.				section (2) (C) shall receive such allowances as m prescribed by the State Government.		

(3) Members nominated under **clauses (a), (b) and (c) of sub-**

(d) Secretary in charge of matters concerning disabilities of the State Government, Member-Secretary, ex officio.

Provided **further** that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or

(b) One person to represent interests, which in the opinion of the State Government ought to be

(c) Five persons, as far as practicable, being persons non-governmental organizations or associations which are concerned with disabilities, one from each area of disability **by**

Provided that the State Government shall ensure that all types of disabilities are represented over the two tenures

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
37	New Provision.	19 A. Term of office of Members.-

(1) Save as otherwise provided by or under this Act, a Member of the State Committee nominated under clause (b) and (c) of sub-section (2) (C) of section 19 shall hold office for a term of

	three years from the date of nomination. enters upon his office. cause against the same. the Member in whose place he was so nominated. (2) (C) of section 19 shall be eligible for renomination.
	prescribed by the Central Government.

fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which

(5) A Member nominated under clause (b) and (c) of sub-section

(6) Members nominated under clause (b) and (c) of sub-section (2) (C) of section 19 shall receive such allowances as may be Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor

(2) The State Government may if it thinks fit remove any Member nominated under under clause (b) and (c) of sub-section (2) (C) of the section 19, before the expiry of his term of office after giving him a reasonable opportunity of showing

(3) A Member nominated under clause (b) and (c) of sub-section (2) (C) of section 19 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Committee shall be filled by a

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)																												
38	20. Functions of the State Executive	20.	Functions of the State Coordination and Monitoring																											
Committee –		Committee.-																												
(1) The State Executive Committee shall be		The State Committee shall perform the following functions,																												
the executive body of the State Co-		namely:-																												
ordination Committee and shall be																														
responsible for carrying out the decisions of the State Co-ordination Committee. (2) Without prejudice to the provisions of <table><tr><td>sub-section</td><td>(1),</td><td>the</td><td>State</td></tr></table> Committee shall also perform such other functions as may be delegated to it by the State Co-ordination Committee. New Provision		sub-section	(1),	the	State	<table><tr><td>cisions of</td><td>i)</td><td>monitor</td><td>action</td><td>taken</td><td>on</td></tr><tr><td>.</td><td rowspan="2">ii)</td><td colspan="4" rowspan="2">recommendations of the State Board;</td></tr><tr><td>visions of</td></tr></table> Executive <table><tr><td>uch other</td><td rowspan="2">iii)</td><td colspan="4" rowspan="2">may be delegated to it by the State Boar</td></tr><tr><td>it by the</td></tr></table> 22A. District-level Committee on Disability section (6) below.					cisions of	i)	monitor	action	taken	on	.	ii)	recommendations of the State Board;				visions of	uch other	iii)	may be delegated to it by the State Boar				it by the
sub-section	(1),	the	State																											
cisions of	i)	monitor	action	taken	on																									
.	ii)	recommendations of the State Board;																												
visions of																														
uch other	iii)	may be delegated to it by the State Boar																												
it by the																														

		following as its members: nominated by the Chairperson			
		<table border="1"> <tr> <td>b)the</td><td>Deputy</td><td>Commissioner/</td></tr> </table>	b)the	Deputy	Commissioner/
b)the	Deputy	Commissioner/			
		Magistrate, district headquarters,			

a)Chairperson of the District Panchayat or a member

c)the Chief Executive Officer of the District Panchayat

d)the Chief Executive Officer of the Municipality of the Disability shall be such as may be prescribed, subject to the condition that it shall necessarily have the

Collector / District
the advice and

coordinate between various Departments and other concerned agencies in matters relating to disability; and perform such other functions as may be prescribed or as

39

(1)The State Government shall constitute a committee in each district to be known as the District-level Committee to perform the functions spelt out in sub-

(2)The composition of the District-level Committee on

e)District level officers of Departments of the State Government concerned with disability,

f)Up to nine persons, as far as practicable being persons with disabilities, or representatives of Non-Government

Organizations,	or	Associations	concerned	with
----------------	----	--------------	-----------	------

disabilities to be nominated by the Chairperson of the District Committee, such that there is one member associated with each of the disabilities specified in

Clause (i) of Section 2, and there are at least three
g)District Welfare Officer, Government. following function, namely: (i)

persons with disabilities;

(ii)

with disabilities;

(iii) Perform such other functions as may be prescribed, or review and coordinate the activities of all Governmental and non-Governmental Organizations at the District-level which are dealing with matters relating to persons

as the State Government may, from time to time, direct. women and one person each belonging to SC and ST.

(3) Nominated Members of the District-level Committee may receive such honorarium as may be prescribed by the State

(4) A member nominated may resign at any time from his office by writing under his hand addressed to the Chairperson and the seat of the said member thereafter will become vacant.

(5) The District-level Committee on Disability will meet at least once in three months and shall transact its business in accordance with such procedure as may be prescribed.

(6) The District-level Committee on Disability shall perform the Monitor and ensure effective implementation of the provisions of the Act and policies and programmes for

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
40	23. Power to give directions	23. Power to give directions.-

In the performance of its functions under this Act -

(a) the Central Coordination Committee

In the performance of its functions under this Act, -

(a) the Central **Board** shall be bound by such directions, in

shall be bound by such directions in	writing, as the Central Government may give to it;
--------------------------------------	--

writing, as the Central Government may give to it; and (b) the State Coordination Committee shall be bound by such directions in writing, as writing as the Central Coordination Committee or the State Government may give to it: Governm Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Governme Government for its decision. 24. Vacancies not to invalidate 24. Vacan proceedings No act or proceeding of the Central Coordination Committee, the Central <table><tr><td>Executive</td><td>Committee,</td><td>a</td><td>State</td></tr></table> Coordination Committee or a State Executive Committee shall be called in constitutio question on the ground merely on the	Executive	Committee,	a	State	the State Government may giv ent may give to it: nt for decision. cies not to invalidate proceedi n of such Committees.
Executive	Committee,	a	State		
existence of any vacancy in or any defect in the constitution of such Committees.					

No act or proceeding of the Central **Board**, the Central Committee, a State **Board**, a State Committee **ora District Committee** shall be called in question on the ground merely **of** the existence of any vacancy in or any defect in the (b) the State **Board** shall be bound by such directions, in

(c) the District Committee shall be bound by such directions, in writing, as the State Board or the State

Provided that where a direction given by the State Government **or a State Board** is inconsistent with any direction given by the Central **Board**, the matter shall be referred to the Central

41

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
42	New Provision	Chapter III-A - Guiding Principles for Appropriate

Governments and Local Authorities

43	New Provision	24-A. Guiding Principles for Appropriate Governments
----	---------------	---

and Local Authorities in Empowerment of Persons with

Disabilities.-		
		with disabilities the following –

		independence of persons; (b) Non-discrimination; (e) Equality of opportunity; (f) Accessibility; (g) Equality between men and women;
		disabilities to preserve their identities.

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with Appropriate governments and local authorities shall, subject to the provisions of this Act and any other laws for the time being in force, take all necessary steps within their economic capacity and development, to secure for persons

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
44	Chapter-IV - Prevention and early	Chapter-IV - Prevention of Disabilities

detection of disabilities

45	25. Appropriate Governments and local	25.Prevention of disabilities -
----	---------------------------------------	---------------------------------

authorities to take certain steps for the prevention of occurrence of disabilities -

Within the limits of their economic		The appropriate Governments and the local authorities, with a			
view to preventing the occurrence of disabilities, shall -					
capacity		and	development,		the
appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall-					
(a)	Undertake	or	cause	to	be
undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;					

(b)	Promote	various	methods	of	(b) Promote various methods of preventing disabil
-----	---------	---------	---------	----	---

preventing disabilities;

(c) Screen all the children at least once

in a year for the purpose of identifying of identifying "at-risk" cases; "at-risk" cases;

(d) Provide facilities for training to the

staff at the primary health centers; health centers;

(e) Sponsor or cause to be sponsored

awareness	campaigns		and	is	general hygiene, health and sanitation;
disseminated	or	cause	to	be	

disseminated information for general

hygiene, health and sanitation;

(f) Take measures for pre-natal,

parental and post-natal care of mother

mother and child; and child;

(g) Educate the public through the pre-

schools, schools, primary health

Centers, village level workers and workers;

anganwadi workers;

is disseminated or cause to be disseminated information for

(f) Take measures for pre-natal, parental and post-natal care of

(g) Educate the public through the pre-schools, schools,

Primary Health Centers, village level workers and anganwadi

(a) Undertake or cause to be undertaken surveys, investigations

and research concerning the cause of occurrence of disabilities;

(c) Screen all the children at least once in a year for the purpose

(d) Provide facilities for training to the staff at the primary

(e) Sponsor or cause to be sponsored awareness campaigns and

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

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

S. No.	Present Provision				Proposed Provision (Changes indicated in bold)
46	New Chapter				Chapter-IVA : Rehabilitation
47	66. Appropriate Governments and				25-A : Rehabilitation.-
	local	authorities	to	undertake	

rehabilitation.

(t l d u (a a a o (l r n	(1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons disabilities. with disabilities. (2) For purposes of sub-section (1), the (2) The above services and programmes shall be:- a appropriate Governments and local				
	authorities	shall	grant	financial	needs and strengths;
	assistance	to	non-governmental		
	organizations.				
	be provided. (3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organizations				
d	working for the cause of persons with disabilities.			governmental organizations.	

(3) For purposes of sub-section (1), **read with sub-section (2),** the appropriate Governments and local authorities shall, subject to fulfillment of financial and other norms, and availability of budgetary allocation, grant financial assistance to non- **with disabilities, for which adequate training shall** (1) The appropriate Governments and local authorities shall **undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with**

(i) so designed as to begin at the earliest possible stage; (ii) based on a comprehensive assessment of individual

(iii) delivered as close to the residence of persons with disabilities as possible including in rural areas; and (iv) involve family care givers and guardians of persons

Aids & Appliances to Persons with (4) The appropriate Governments and local authorities, while Disabilities formulating rehabilitation policies, shall consult the non-governmental organizations working for the cause of persons **42.** The appropriate Governments shall with disabilities.

by notification make schemes to

provide aids and appliances to persons with disabilities. 	(5) Without prejudice to the generality of sub-section (1), the appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities, specially those belonging to economically weaker sections.
--	--

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
48	Chapter V: Education	Chapter V: Education
	26. Appropriate Governments and	26 : Education of Children with Disabilities at the School
	local authorities to provide children	level -

with disabilities free education etc.

(1) The appropriate Government and local authorities shall

ensure that every child with disabilities has access to free	
	The appropriate Governments and the local authorities shall- (a) Ensure that every child with a for doing otherwise, and disability has access to free education in an appropriate environment till he attains the age of eighteen years; (b) Endeavor to promote the integration shall ensure that: of students with disabilities in the normal schools; (c) Promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any with disabilities to facilitate learning. part of the country have access to such schools;

		(d) Endeavor to equip the special schools for children with disabilities with vocational training facilities.
		equivalent of at least eight years of school education.
(3) In case of children with severe disability who cannot be educated in an inclusive environment, appropriate Governments and local authorities shall ensure alternative arrangements, such as special schools, home-based education, distance education etc. so that they receive free education upto the age of eighteen years, and complete the education till he attains the age of eighteen years in an inclusive environment, unless there are compelling reasons provide reasonable accommodation of the individual student's requirements. (2) With a view to giving effect to the provisions of sub-section (1), appropriate Governments and local authorities (a) educational institutions run or aided by them have necessary physical facilities and teaching staff to cater to the needs of students with disabilities, and (b) institutions provide for individual and appropriate communication and mobility needs for children		

Explanation: 'Free education' for the purposes of this section shall, in the case of children with disabilities from economically weaker sections, include cost of corrective surgeries, assistive devices, special books and equipments as appropriate.

49	New Provision	Section 26A.	Distance Education of Persons with
----	---------------	--------------	------------------------------------

Disabilities above 18 years of age to be free upto the senior

secondary stage.	
	Explanation:-
means of communication, such as broadcast, telecast, electronic transmission of text and audio-visual material, internet / intranet, contact programmes, etc. or the combination of any two or more such means. Whenever a person with disability who is above the age of 18 years, but has not completed education upto the senior secondary stage, enrolls himself for distance education in an institution imparting such education, no fee of any kind shall be charged from such person, till he completes the senior secondary stage of education. "Distance Education" for the purposes of this Section means a system of imparting education other than through	

the conventional mode and includes open and non-formal system of education and training wherein teachers and learners need not be present at the same time or place and where the method of imparting education is through any

50	New Provision	Section 26B. Higher and Professional education
----	---------------	--

To enable students with disabilities to pursue higher and professional education, the appropriate Governments shall-

(i)	take	necessary	steps	to	ensure	appropriate
-----	------	-----------	-------	----	--------	-------------

environment and facilities, including resource

51 27. Appropriate gov local authorities to ma programmes for education, etc. The appropriate Gover local authorities shall make schemes for- (a) Conducting part-t respect of children with having completed educ fifth and could not studies on a whole-time basis; (b) Conducting special pa providing functional litera the age group of sixteen a	<table><tr><td>(ii)</td><td>develop</td><td>separate</td><td>guidance,</td></tr></table>				(ii)	develop	separate	guidance,
	(ii)	develop	separate	guidance,				
needs of persons with disabilities. ernments and 27. Education of children with learning disabilities ke schemes and non-formal ensure that : nments and the by notification earliest; ime classes in disabilities who ation up to class earliest, and is able to fully develop its potential. continue their basis; Explanation: For the purpose of this section, rt-time classes for cy for children in nd above;								
(c) Imparting non-form utilizing the available rural areas after giving t orientation;	al education by manpower in hem appropriate dyscalculia and dyspraxia.							

“learning disability” means a disorder which affects the child’s ability to either interpret what he sees and hears, or to link information from different parts of the brain. Learning disability includes children with conditions known as attention deficit disorder, dyslexia, dysgraphia, rooms in the campus of colleges and universities; counseling and placement services in each district suitable to the

Appropriate Government shall take necessary steps to

(i) Learning disabilities in children are detected at the

(ii) Suitable pedagogical and other measures are taken so that the child is enabled to overcome such disabilities at the

(d) Imparting education through open schools or open universities;

(e) Conducting class and discussions through interactive electronic or other media;

(f) Providing every <table><tr><td>free</td><td>of</td><td>cost</td><td>s</td></tr></table> equipments needed 52 New Provision	free	of	cost	s	child with disability
	free	of	cost	s	
	<table><tr><td>special</td><td>books</td><td>and</td></tr></table>	special	books	and	
	special	books	and		
for his education. ensure that : earliest, and is able to fully develop its potential. and means of communication. Explanation: For the purpose of this section,					
blindness.					

“deaf-blindness” is combination of hearing and visual impairments, that creates such severe communication, and other developmental and educational needs that can not be accommodated in special education programmes meant solely for children with deafness or children with

27A. Education of children with cerebral palsy and children with multiple disabilities, especially deaf-blind children

Appropriate Government shall take necessary steps to

(i) Suitable pedagogical and other measures are taken so that the child is enabled to overcome such disabilities at the

(ii) Children with severe disabilities and children with multiple disabilities, in particular deaf-blind children, are educated through the most appropriate language, modes

53	29. Appropriate Governments to set	29. Appropriate Governments to set up teacher's training
	up teacher's training institutions to	institutions to develop trained manpower for students with

	develop	trained	manpower	for	disabilities
--	---------	---------	----------	-----	--------------

schools for children with disabilities

The appropriate Governments shall set

up	adequate	number	of
training institutions and assist the national institutes and other voluntary			
organizations	to	develop	
training programmes specializing in disabilities so that requisite trained human resource is available for special schools and integrated schools for children with disabilities.			

teachers'

teachers'

The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes, universities and other voluntary organizations to develop teachers' training programmes **so that requisite trained manpower is available for teaching students with disabilities.**

S. No.	Present Provision				Proposed Provision (Changes indicated in bold)
54	30. Appropriate Governments to				30. Appropriate Governments to prepare a comprehensive
	prepare a comprehensive education				education scheme providing for transport facilities, supply
	scheme	providing	for	transport	of books etc.

facilities, supply of books etc.

Without prejudice to the foregoing Without prejudice to the foregoing provisions, the appropriate					
provisions, the appropriate Governments					
shall	by	notification	prepare	a	education scheme which shall make provision f
comprehensive education scheme which					
shall make Provision for-					
(a) Transport facilities to the children with disabilities or in the alternative financial					

incentives to parents or guardians to enable their children with disabilities to attend	enable their children with disabilities to attend sch
---	---

schools.

(b) The removal of architectural barriers from schools, colleges or other institution,

imparting	vocational	and	professional	professional training; children with disabilities attending school.
training; (c) The supply of books, uniforms and other materials to children with disabilities				

attending school.

(d) The grant of scholarship to students (d) The grant of scholarship to students with disabilities.
with disabilities.

(e) Setting up of appropriate fora for the redressal of grievances of parent, regarding

the placement of their children with disabilities;	children with disabilities;
--	-----------------------------

(e) Setting up of appropriate fora for the redressal of grievances of parents, regarding the placement of their Governments shall by notification prepare a comprehensive

(a) Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to
(b) The removal of architectural barriers from schools, colleges or other institutions, imparting vocational and
(c) The supply of books, uniforms and other materials to

(f)	Suitable	modification	in	the	(f) Suitable modification in the evaluation system for the
-----	----------	--------------	----	-----	---

examination system to eliminate purely mathematical questions for the benefit of blind students and students with low

benefit of blind students and students with low vision and such other disabilities as the appropriate governments may notify in this behalf so that students are enabled to attempt

vision;	questions of mathematical nature;
---------	-----------------------------------

(g) Restructuring of curriculum for the	(g) Restructuring of curriculum for the benefit of children with
benefit of children with disabilities;	disabilities;

(h) Restructuring the curriculum for <table><tr><td>benefit</td><td>of</td><td>students</td><td>with</td></tr></table> impairment to facilitate them to take only one language as part of their curriculum. 55 Section 31. Educational institutions to provide amanuensis to students with visual handicap <table><tr><td>All</td><td>educational</td><td>institutions</td></tr></table> provide or cause to be provided amanuensis to blind students and students with or low vision. 56 39. All educational institutions to reserve seats for persons disabilities All Government educational institutions	benefit	of	students	with	All	educational	institutions	um for hearing to take f their study only one lan ions to ts with students with disab shall rovided s and ons to <table><tr><td></td><td>with</td><td>persons with disab</td></tr></table> itutions		with	persons with disab	guage. ilities- ilities —
benefit	of	students	with									
All	educational	institutions										
	with	persons with disab										
<table><tr><td>and</td><td>other</td><td>educational</td><td>inst</td></tr></table> receiving aid from the Government shall reserve not less than three per cent seat for persons with disabilities.	and	other	educational	inst	itutions <table><tr><td>rnment er cent</td><td>disabilities.</td></tr></table>	rnment er cent	disabilities.					
and	other	educational	inst									
rnment er cent	disabilities.											

31 A: All educational institutions to reserve seats for

a) All Government educational institutions and educational

(1) Notwithstanding anything contained in any other law for the time being in force, every educational institutions

institutions receiving aid from the Government shall

reserve not less than three percent seats for persons with

(h) Restructuring the curriculum and scheme of evaluation for the benefit of students with hearing impairment and such other disabilities as the appropriate government may notify in this behalf so that such students have an option to

31. Educational institutions to provide amanuensis to

All educational institutions shall provide or cause to be

provided amanuensis to blind students, students with low

vision **and to students suffering from such other disabilities**

as the appropriate Government may notify in this behalf.

recognized by a government, a statutory institution, or any other authority duly empowered in this behalf, shall reserve not less than 3% seats for persons with disabilities.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
57	New Chapter	Chapter-VA : Healthcare
58	New Provision	Section 31 B : Healthcare

Appropriate Governments and local authorities shall take

necessary measures to provide to persons with disabilities:

(i)health care within a reasonable distance from their location, specially in rural areas; which shall be free in case of persons with disability, whose family income is below such limit as the appropriate government may notify;

(ii)barrier-free access in all parts of the hospitals and other healthcare institutions and centres run or aided by them; and

(iii) priority in attendance and treatment.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
59	Chapter VI: Employment	Chapter VI: Employment
	Section 32. Identification of posts	Section 32. Identification of posts which can be reserved

which can be reserved for persons with disabilities-

Appropriate Governments shall-

for persons with disabilities-

(1) Appropriate Governments shall-

(a) identify posts in the establishments, which can be reserved			
	(a) identify posts, in which can be reserv	the establishments,	
	disability;	ed for persons with	for persons with ~~different~~
	Section 33. Reserva	tion of posts	types of disability;

		Every appropriate appoint in every e percentage of vacan three per cent for p persons with disabi percent each shall persons suffering from-	Government shall stablishment such cies not less than ersons or class of lity of which one be reserved for m-	is as follows: (i) (ii) (iii) (iv)
		(i)Blindness or (ii)Hearing impa (iii)Loco mot cerebral pal identified for	low vision; irment;	
			r disability or	
			sy, in the posts each disability;	m otor
				disability 1% 1% Section 33. Reservation of posts Every appropriate Government shall
			including Cerebral Palsy:	
			establishment from the provisions of this section.	

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any 0.5%

fill in every establishment, including in organized services, such percentage of vacancies in identified posts meant to be filled by direct recruitment, with persons or class of persons with disability, so that not less than 3% of all posts to be filled by direct recruitment are filled through such persons, and representation of persons with various types of disabilities

0.5%

Provided	that	the	appropriate	(2) For the purposes of sub-section (1) the calculation of
----------	------	-----	-------------	--

Government may, having regard to the type of work carried on in any

vacancies will be based on all the entry level posts in various categories including in organized services, but the

department	or	establishment,	by	appointment of persons with disabilities will be in posts or
------------	----	----------------	----	--

notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

services identified as suitable for each type of disability in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), appropriate government may also notify percentage of reservation for each type of disability not mentioned in sub-section (1), and shall fill by appointment posts identified for those disabilities under Section 32, to the extent of such reservation.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
61	36. Vacancies not filled up to be	36.Vacancies not filled to be carried forward-

carried forward-

Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person

filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that Year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability: Provided that if the nature of vacancies in an establishment is such that a given <table><tr><td>category</td><td>of</td><td>person</td><td>can</td><td>not</td><td>be</td></tr></table> employed, the vacancies may be <table><tr><td>interchanged</td><td>among</td><td>the</td><td>three</td></tr></table> categories with the prior approval of the appropriate Government.	category	of	person	can	not	be	interchanged	among	the	three
category	of	person	can	not	be					
interchanged	among	the	three							

such that a given category of person can not be employed, the vacancies may be interchanged among the **four** categories with the prior approval of the appropriate Government.

with disability or, for any other sufficient reason, such vacancy shall be carried forward in **three** succeeding recruitment years and if in the succeeding recruitment **years** also suitable person with disability is not available, **in the fourth year**, it

may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
62	Chapter VII: Affirmative Action	Chapter VII: Affirmative Action
	40. Vacancies to be reserved in	40. At least three percent of beneficiaries under Poverty

poverty alleviation schemes

The appropriate Governments and local

Alleviation Schemes to be persons with disabilities-

Appropriate Governments and local authorities shall

ensure that at least three percent of the beneficiaries of

64

	authorities shall reserve three per cent in all schemes for the beneficiaries with disabilities. 41. Incentives to employ five percent of the workforce composed of persons with disabilities - The appropriate Governments and local authorities shall <table border="1"> <tr> <td>of</td><td>their</td><td>economic</td></tr> </table> development, provide employment opportunities to persons with disabilities in both the public and private sectors to ensure that at least three per cent of their workforce is composed of persons with disabilities. 42. Aids and Appliances for persons with disabilities – The appropriate Government shall notify the aids and appliances	of	their	economic	reserve not less than three per cent in all schemes for the beneficiaries with disabilities. 41. Incentives to employ five percent of the workforce composed of persons with disabilities - Employers to ensure that at least three per cent of the workforce in the private sector is composed of persons with disabilities. The appropriate Governments and local authorities shall, within the limits of their financial resources, provide <table border="1"> <tr> <td>the</td><td>capacity</td><td>and</td></tr> </table> adequate incentives to public and private employers to ensure that at least five per cent of their workforce is composed of persons with disabilities. 42. Aids and Appliances for persons with disabilities – The appropriate Government shall notify the aids and appliances	the	capacity	and
of	their	economic						
the	capacity	and						
	disabilities.							

42. Reservation in allotment of dwelling units and shops

Whenever an appropriate Government or local authority builds dwelling units or shops for allotment by lots, it shall reserve not less than three percent of such dwelling units and shops for persons with disabilities in each round of allotment, in such manner as may be prescribed.

poverty alleviation schemes in each district are persons

63 41.Incentives for employing persons with disabilities in the

The **Central Government or appropriate Government may provide incentives to employers in the private sector so that** at least five per cent of their work force is composed of persons with disabilities.

S. No.	Present Provision						Proposed Provision (Changes indicated in bold)
65	Chapter VIII-Non-Discrimination						Chapter VIII-Non-Discrimination
	44. Non-discrimination in transport						44. Non-discrimination in transport
	Establishments in the transport sector						(1) Every appropriate government shall, by notification to
	shall,	within	the	limits	of	their	be issued within one year of enactment of this law, specify a

economic capacity and development for the benefit of persons with disabilities,

time-limit in respect of transport services coming within its purview, within which all establishments providing such

take special measures to- **transport services, shall –**

66	(a) Adapt rail compartments, buses. Vessels and aircrafts in such a way as to a way as to per permit easy access to such persons;						mit easy access to such pers nveniently; its for different categories not be later than 31.12.201 ation on the road under its control, shall prov it of persons with visual han						
	(b) Adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in					to use them co							
	such a way as to permit the wheel chair users to use them conveniently. different time lim notification shall notification.												
	45. Non-discrimination on the road					45. Non-discrimin							
The appropriate Governments and the local authorities shall, within the limits													
<table><tr><td>of</td><td>their</td><td>economic</td><td>capacity</td><td>and</td><td colspan="2">all local authorities</td></tr></table>							of	their	economic	capacity	and	all local authorities	
of	their	economic	capacity	and	all local authorities								
development. Provide for-													
(a) Installation of auditory signals at red													

lights in the public roads for the benefit of persons with visually handicap;	roads for the benef
---	---------------------

Every appropriate Government shall, by notification to be issued within one year of the enactment of this law, specify a time limit within which the appropriate Government itself and

- (a) Installation of auditory signals at red lights in the public
- (a) adapt rail compartments, buses, vessels and aircraft in such
- (b) adapt toilets in rail compartments, vessels, aircraft and waiting rooms in such a way as to permit wheel chair users

Provided that the appropriate Government may specify

Provided further that the time limit specified in the

- (2) Upon issue of a notification in pursuance of sub-section**
- (1), it shall be the duty of every establishment to which it applies, to comply with the requirements of such**

- (b) Causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;
- (c) Engraving on the surface of the zebra crossing for the blind or for persons with low vision;
- (d) Engraving on the edges of railway
- (b) Causing curb cuts and slopes to be made in pavements for easy access of wheel chair users;
- (c) Engraving on the surface of the zebra crossing for the blind or for persons with low vision;
- (d) Devising appropriate symbols of disability;

platforms for the blind or for persons

with low vision;
 (e) Devising appropriate symbols of disability;
 (f) Warning signals at appropriate places.

67	46.	Non-discrimination	in	built
	environment.			

The appropriate Governments and the local authorities shall, within the limits of their

economic	capacity	and	development,
----------	----------	-----	--------------

provide for-

(a) ramps in public buildings;
 (b) adaptation of toilets for wheel chair users;
 (c) braille symbols and auditory signals in elevators or lifts;
 (d) ramps in hospitals, primary health centers and other medical care and

rehabilitation institutions.

f (e) Warning signals at appropriate places;
categories of roads, cities, towns etc.

notification shall not be later than 31.12.2017.

t 46. Non-discrimination in built environment:

l
r
,
r
n

h d	and for different locations within its jurisdiction
--------	--

notification shall not be later than 31.12.2017;

Government itself and all local authorities under its control shall provide barrier-free access to persons with disabilities in all public buildings under their ownership or possession;

Provided that the appropriate Government may specify different time limits for different kinds of public buildings

Provided further that the time limit specified in the
Provided that the appropriate Government may specify different time limit for different States and for different

Provided further that the time limit specified in the

(1) Every appropriate Government shall, by notification to be issued within one year of the enactment of this law, specify a time limit within which the appropriate

Provided also that the highest priority shall be accorded to creating barrier-free access in public buildings of the following kinds, namely:-

- (a) educational institutions**
- (b) hospitals, primary health centres and other medical care and rehabilitation institutions**

(c) railway stations, bus stands, ports and airports, and

Districts offices, Courts etc.

museum, libraries, etc.

shall include:-

(a) ramps **with railings,**

(b) **signage including those in Braille,**

(d)

(c) Braille symbols and auditory signals in elevators and lifts,

(e) **Tactile flooring for the benefit of the visually impaired.**

Toilets suitable for wheel-chair users, and

(d) **offices of Governments, local bodies and public utilities receiving large number of public visitors e.g. Police Station, Panchayats, Municipalities, Blocks, Tehsil,**

(e) **Places offering sports and recreational facilities like stadia, swimming pools, auditoria, cultural complexes,**

(2) **Appropriate Government and local bodies shall also frame rules and regulations under relevant laws to ensure that public buildings other than those under their ownership or possession also provide barrier free access to persons with disabilities within a reasonable time.**

(3) Barrier-free access referred to in sub-sections (1) and (2)

68	New Provision	46A. Delivery of Public Services-	
		(1)	Appropriate Governments and local authorities shall

take necessary measures to ensure that there is no discrimination against persons with disabilities in delivery of public services; and that such persons get

69	
priority i (2) Notwiths access to (i) E (ii) H (iii)E (iv)D (v)	n being attended to. tanding anything persons with disabilities: E ducation H ealth lectricity rinking water P ension scheme ublic housing

P (vi)P (vii)In (viii)B New Provision persons with d	surance anking services isabilities -
different types disabilities.	of disabilities.

46B. Accessibility of Information in public domain to

(1) Appropriate Governments and local bodies shall ensure availability of all information in public domain in accessible format suitable to the needs of persons with

(2) In regard to sub clause (1) above, the Central Government through notification lay down standards for making such information available to persons with continuance in jobs, career advancement etc.

contained in sub-

section(1) above, appropriate Governments shall take steps to frame policies and take up programmes pertaining to the following services to provide equal

(ix)Employment including recruitment, hiring,

(3)	Central	Government	will	prescribe,	through
-----	---------	------------	------	------------	---------

notification, standards for the accessibility of websites developed and maintained in the country and also ensure the enforcement of these standards so that these remain accessible to the persons with all types of disabilities

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter IX- Research and Manpower Development

Chapter IX- Research and Manpower Development

70	48. Research and Development -	48. Research and Development -
The appropriate Governments and local (1) The appropriate Governments and local authorities shall authorities shall promote and sponsor research, inter alia,, in the following areas- promote and sponsor research, inter-alia in the following areas:		
	(a) Prevention of disability; (b) Rehabilitation including community based rehabilitation;	

		(c) Development of assistive devices including their psychosocial aspects;
		(d) Job identification;
		(e) On site modifications in offices and factories.

		(a) prevention of disability;
		(b) rehabilitation including community based rehabilitation;
		(c) development of more user-friendly, effective and economical assistive devices using new technologies including information communication technologies;
		(d) identification of employment opportunities and jobs for persons with disabilities;
		(e) onsite modification in offices and factories.
		(2) Appropriate Governments shall promote development of universally designed goods, services and facilities which require the minimum possible adaptation and the least cost to meet the needs of persons with disabilities.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
	Chapter X- Recognition of	Chapter X- Recognition of Institutions for Persons with
	Institutions for Persons with	Disabilities
	Disabilities	
71	51. Registration of Institutions	51. Registration of Institutions for Persons with Disabilities

Save as otherwise provided under this Act, Save as otherwise provided under this Act, no person shall establish															
n in ex ce be Pr in im th in su ap se m ap	no person shall establish or maintain any institution for persons with disabilities except under in accordance with a certificate of registration issued in this behalf by the competent authority; Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for such certificate under this section within the said period of six <table><tr><td>m onths,</td><td>till</td><td>the</td><td>disposal</td><td>of</td><td>such</td><td>under this Act.</td></tr><tr><td colspan="2">application.</td><td></td><td></td><td></td><td></td><td></td></tr></table>	m onths,	till	the	disposal	of	such	under this Act.	application.						
m onths,	till	the	disposal	of	such	under this Act.									
application.															

or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority ;

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for such certificate under this section within the said period of six months, till the disposal of such application;

Provided further that an institution for care of mentally ill persons, which holds a valid licence under Section 8 of the Mental Health Act, 1987, shall not be required to be registered

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
72	52.Certificate of Registration	52.Certificate of Registration

(1) Every application for a certificate of registration shall be made to the competent authority in such form and in

(1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

such manner as may be prescribed by

the State Government.

(2) On receipt of an application under sub-section (1), the competent authority

(2)

shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the

requirements of this Act and the rules made thereunder it shall grant a

certificate applied for:

certificate

of

registration

to

the

applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate the competent authority shall give to the

applicant a reasonable opportunity of being heard and every order of refusal

may be prescribed by the State Government.

to

grant

a

certificate

shall

be

	communicated to the applicant in such
	manner as may be prescribed by the State Government.

the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as Provided that before making any order refusing to grant a certificate On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities **and meet such minimum standards and norms for registration as may be prescribed.**

(4) A certificate of registration granted under this section,- (4) A certificate of registration granted under this sec		
(a) Shall, unless revoked under section 53, remain in force for such period as may, be prescribed by, the State period as may be prescribed by the State Govern Government.		
(b) May be renewed from time to time for a like period; and (b)may be renewed from time to time for a like peri		
(c) Shall be in such form and shall be subject to such conditions as may be may be prescribed by the State Government. Prescribed by the State Government (5) An application for renewal of a certificate of registration shall be made made not less than sixty days before the period of validity. not less than sixty days before the period of validity. (6) The certificate of registration shall be displayed by the institution in a institution in a conspicuous place. conspicuous place. Authority within such period, as may b		
(6) The certificate of registration shall be displayed by the (7) Every application made under sub-section (1) or (5) of this Section shall be disposed of by the Competent (a)shall, unless revoked under section 53, remain in force for such (c) shall be in such form and shall be subject to such conditions as (5) An application for renewal of a certificate of registration shall be		
73	New Provision	53A. Punishment for contravention of Sections 44, 45, 46,

51 and 53 -

Any establishment, which contravenes the provisions of Sections 44, 45, 46, 51 and sub-section (4) of section 53,

☐	shall be punishable with fine which may extend to Rs.20,000/- and with additional sum of upto Rs. 1,000/- per day for each day of continued contravention after the date of the original order imposing punishment of fine.
--------------------------	---

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)	
74	Chapter XI - Institution for Persons	Chapter XI - Care and Protection of Persons with	
	with severe disabilities	Disabilities, specially severe disabilities	
75	56. Institutions for persons with	56. Persons with disabilities in need of	Care and

severe disabilities Protection -

The and seve thin (2) of o insti (1), pers Gov insti seve Act: Prov reco insti requ mad (3) secti man be Gov (4)	e appropriate Government may establish d maintain institutions for persons with ve re disabilities at such places as it ks fit.) Where, the appropriate Government is o pinion that any institution other than an				(1) Appropriate Governments shall (i) in community environment; and	
	insti tution. Established under sub-section (1), is fit for the rehabilitation of the					
	ons	with	severe	disabilities,	the	disabilities;
	ernment		may	recognize	such	
	insti tution as an institution for persons with seve re disabilities for the purposes of this					
	Prov ided that no institution shall be reco gnized under this section unless such					
	tution	has	complied	with	the	prescribed by the appropriate Governme
	qu irements of this Act and the rules					
	mad e there under.					
	(3) Every institution established under sub-secti on (1) shall be maintained in such man ner and satisfy such conditions as may					
prescribed			b),	the	appropriate	
ernment.						
(4) For the purposes of this section "person						

ernment.

(4) For the purposes of this section "person

	with eigh disa	with severe disability" means a person with eigh ty per cent or more of one or more bilities.
--	----------------------	---

promote care and protection of persons with disabilities in the family including extended family and

(ii)establish and/or maintain at least one home in each district for persons with disabilities, who do not have family or community support, especially a person with severe disabilities and women and children with

(2) Every home established and/or maintained under sub-section (1) shall satisfy such conditions as may be

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter XII – The Chief Commissioner for Persons with Disabilities

76	57.	Appointment	of	Chief	57. Appointment of Chief Commissioner for persons with
	Commissioner	for	persons	with	disabilities

disabilities

(1)The Central Government may, by					
notification	appoint	a	Chief	time basis , for the purposes of this Act;	
Commissioner	for	persons	with		
disabilities for the purposes of this Act.					
(2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or					
practical experience in respect of matters relating to rehabilitation.					earlier;
having attained the age of sixty five years.					
(3) The salary and allowances payable to					
and other terms and conditions of service (including pension, gratuity and other				Commissioner for more than two terms;	
retirement	benefits	of	the		

Commissioner shall be such as may be prescribed by the Central Government.

(4) The Central Government shall determine the nature and categories of officers and other employees required to

assist the Chief Commissioner in the discharge of his functions and provide

prescribed by the Central Government.

(3) A person shall not be appointed as Chief

(4) Subject to the provisions of sub-section (5) below, qualification and experience for appointment as Chief Commissioner for Persons with Disabilities shall be as (1) The Central Government may, by notification appoint a Chief Commissioner for persons with disabilities, on full-

(2) The Chief Commissioner shall be appointed for a term of three years from the date on which he assumes office or till he attains the age of sixty five years, whichever is

Provided that, notwithstanding the completion of the term of three years, a Chief Commissioner shall continue till his successor enters upon his office, subject to the former not

the Chief Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided

to	the	Chief	Commissioner	shall
----	-----	-------	--------------	-------

discharge their functions under the

(5) A person shall not be appointed as Chief Commissioner unless he satisfies the following conditions:

general superintendence of the Chief

Commissioner. (a)

disabilities; **and**

(b)

the post.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief

Commissioner shall be such as may be as may be prescribed by the Central Government: prescribed by the Central Government.

resign his post.

office of the Chief Commissioner, if that p

(a) becomes an un-discharged insolvent;

(7) The Chief Commissioner may, by notice in writing under his hand, addressed to the Central Government,

(8) Central Government may remove a person from the

(b) engages during his term of office in any paid employment or activity outside the duties of his office;

He has special knowledge or practical experience in

respect of matters relating to rehabilitation of persons with

On his selection for appointment as the Chief

Commissioner, if he is in service under the Central

Government or a State Government, he shall seek

retirement from such service before his appointment to

(6) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits of the Chief Commissioner shall be such

(c) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(d) has in the opinion of the Central Government, been rendered unfit to perform his functions as laid down in the Act, or has been guilty of serious default in the

performance of such functions;

interest of persons with disability.

may be prescribed.

whichever is earlier.

employees as it thinks fit.

Chief Commissioner for a period not exceeding 6 months with effect from the date of occurrence of the vacancy, or until a regular Chief Commissioner is duly appointed,

(10) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other

(e) has in the opinion of the Central Government, so

abused the position of the Chief Commissioner as to render his continuance in office detrimental to the

Provided that no person shall be removed under this sub-section except after following such procedure, as

(9) In the event of the post of Chief Commissioner falling vacant due to death, resignation or any other unforeseen circumstances, the Central Government may appoint an officer not below the rank of an Additional Secretary to the Government of India to perform the functions of the

(11) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.

(12) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the

Central Government.

77 58. Fu	ctions of the Chief 58. Functions of the Chief Commissioner
Commissi The Chief (a) coor Commissi (b) monit disbursed (c) take st facilities disabilities; (d) Subm Governme the Act Governme	oner – commissioner shall – of the (1)The Chief Commissioner shall – dinate the work (a) coordinate the work of the Commissioner oners; (b) monit or the utilization of funds by the Central Government; Government; (c) take st eps to safeguard the rights and facilities made available to persons with s; working of such safeguards; (d) Subm it reports to the Central rnme nt on the implementation of Act at such intervals as the disabilities; nt may prescribe.
	Central Government;

(d) inquire into specific complaints with respect to the deprivation of rights and safeguards of persons with

- (e) participate in and advise on the planning process for all-round development of persons with disabilities and to evaluate the progress of their development under the
- (b) monitor the utilization of funds disbursed by the Central
- (c) investigate and monitor all matters relating to the safeguards provided for persons with disabilities under this Act or under any other law for the time being in force or under any order of the Government and to evaluate the

(f) present to the Central Government annually and at such other times as the Chief Commissioner may deem fit, reports upon the working of those safeguards;

(g) make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and all-round

development of persons with disabilities; and

by notification specify.
such recommendations.

recommendations.

concerned, a copy of such report shall be forwarded to the Government of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such

(h) discharge such other functions in relation to the protection, welfare and development and advancement of persons with disabilities as the Central Government may, subject to the provisions of any law made by Parliament,

(2) The Central Government shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of

(3) Where any such report, or any part thereof, relates to any matter with which any State Government is

78	59. Chief Commissioner to look into	59. Chief Commissioner to look into complaints -
----	-------------------------------------	--

Without prejudice to the provisions of (1) Without prejudice to the provisions of section 58 of the Chief
section 58 of the Chief Commissioner may Commissioner may of his own motion or on the application of any
of his own motion or on the application of aggrieved person or otherwise look into complaints with respect to
any aggrieved person or otherwise look into matters relating to –

79	60. Appointment of Commissioners for	60.	Appointment of Commissioners for Persons with	
persons with disabilities:		Disabilities:		

(1) Every State Government may, by notification appoint a Commissioner for persons with disabilities, **on full-time basis**, for the purposes of this Act;

of this Act.

(2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

having attained the age of sixty five years.

(3) The salary and allowances payable to

and other terms and conditions of service (including pension gratuity and other

more than two terms;

retirement benefits) of the Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the

nature and categories of officers and other								
---	--	--	--	--	--	--	--	--

employees

required

to

assist

the

qualification

and

experience

for

Commissioner in the discharge of his functions and provide the Commissioner with
--

prescribed by the State Government.
--

such officers and other employees as it thinks fit.

(4) Subject to the provisions of sub-section (5) below,

Commissioner for Persons with Disabilities shall be as appointment as (2) The Commissioner shall be appointed for a term of three years from the date on which he assumes office or till he attains the age of sixty five years, whichever is earlier;

Provided that, notwithstanding the completion of the term of three years, a Commissioner shall continue till his successor enters upon his office, subject to the former not

(3) A person shall not be appointed as Commissioner for

(5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.

(5) A person shall not be appointed as Commissioner unless he satisfies the following conditions:

(a) He has special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities; **and**

(b) On his selection for appointment as the Commissioner,

if he is in service under the Central Government or a

service before his appointment to the post.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner

shall be such as may be prescribed by the State Government.

be prescribed by the State Government.

office of the Commissioner, if that person:-

(a) becomes an un-discharged insolvent;

(b)

(c)

involves moral turpitude;

default in the performance of such

(e)

persons with disability:

(d)has in the opinion of the Central Government, been gets convicted and sentenced to imprisonment for an offence which in the opinion of the State Government

rendered unfit to perform his functions as laid down in the Act, or has been guilty of serious

has in the opinion of the State Government, so abused the position of the Commissioner as to render his continuance in office detrimental to the interest of State Government, he shall seek retirement from such

(6) The salary and allowances payable to and other terms and conditions of service (including pension gratuity and other retirement benefits) of the Commissioner shall be such as may

(7) The Commissioner may, by notice in writing under his hand, addressed to the State Government, resign his post.

(8) State Government may remove a person from the

engages during his term of office in any paid employment or activity outside the duties of his office;

Provided that no person shall be removed under this sub-section except after following such procedure as may be prescribed.

(9) In the event of the post of Commissioner falling vacant due to death, resignation or any other unforeseen circumstances, the State Government may appoint an officer not below the

rank of a Secretary to the State Government to perform the

whichever is earlier.

fit.

the Commissioner.

80 61. Powers of the Commissioner –

The Commissioner within the State shall –

(a) co-ordinate with the departments of the

State Government for the programmes and schemes, for the benefit of persons with disabilities; disabilities;

(a) coordinate with the departments of the State Government for the programmes and schemes, for the benefit of persons with as may be prescribed by the State Government.

61. Powers of the Commissioner:

(1)The Commissioner shall –

functions of the Commissioner for a period not exceeding 6 months with effect from the date of occurrence of the vacancy, or until his successor shall have been duly appointed,

(10) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks

(11) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of

(12) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such

(b) monitor the utilization of funds disbursed (b) monitor the utilization of funds disbursed by the State by the State Government; Government;

(c) take steps to safeguard the rights and facilities made available to persons with

(c) investigate and monitor all matters relating to the safeguards provided for persons with disabilities under this Act

disabilities; or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(d) submit reports to the State Government	
on the implementation of the Act at such intervals as that Government may prescribe	disabilities;
and forward a copy thereof to the Chief Commissioner.	
Commissioner;	
disabilities; and	
specify.	
non-acceptance, if any, of any of such recommendations.	
(h) discharge such other functions in relation to the protection, welfare and development and advancement of persons with disabilities as the State Government may, subject to the provisions of any law made by Parliament, by notification	
(2) The State Government shall cause all such reports to be laid before Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the	
(d) inquire into specific complaints with respect to the deprivation of rights and safeguards of persons with	
(e) participate in and advise on the planning process for all-round development of persons with disabilities and to evaluate the progress of their development under the State Government;	
(f) present to the State Government annually and at such other times as the Commissioner may deem fit, reports upon the working of those safeguards and forward a copy thereof to the Chief	
(g) make in such reports recommendations as to the measures that should be taken by the State for the effective implementation of those safeguards and other measures for the protection, welfare and all-round development of persons with	

81.	62. Commissioner to look into	62. Commissioner to look into complaints with respect to
	complaints with respect to matters	matters relating to deprivation of rights of persons with
	relating to deprivation of rights of	disabilities –

persons with disabilities -

Without prejudice to the provisions of (1) Without prejudice to the provisions of section 61 the section 61 the Commissioner may of his Commissioner may of his own motion or on the application of own motion or on the application of any any aggrieved person or otherwise look into complaints with

aggrieved person or otherwise look into complaints with respect to matters	respect to matters relating to –
relating to –	
(a) deprivation of rights of persons with disabilities;	
(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities.	

authority shall take necessary action on it, and inform the Commissioner of the action taken within three months from the date of receipt of the recommendation;

recommendation, he shall convey reasons for non-acceptance to the Commissioner within the above period of three months, and shall also similarly inform the aggrieved person referred to in sub-section (1).

Provided that where an authority does not accept a

- (a) deprivation of rights of persons with disabilities;
- (b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities.

(2) Whenever the Commissioner makes a recommendation to an authority in pursuance of sub-section (1) above, that

82	63. Authorities and officers to have					63. Chief Commissioner and Commissioners in States to
	certain powers of civil court –					have certain powers of Civil Court -
	The	Chief	Commissioner	and	the	The Chief Commissioner and the Commissioners shall, for

Commissioners shall, for the purpose of discharging their functions under this

Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in

respect	of	the	following
---------	----	-----	-----------

namely:-

(a) Summoning and enforcing the attendance of witnesses; ...

matters,

the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of witnesses **and examining them on oath;**

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
--------	-------------------	--

Chapter XIII- Social Security

83	66. Appropriate Governments and				66. Disability Pension -
	local	authorities	to	undertake	

rehabilitation-

(1) The appropriate Governments and the ~~(1) Appropriate Governments shall, within the limits of~~

84	local authorities shall within the limits of their economic capacity and developments undertake or cause to be undertaken rehabilitation of all persons with disabilities.			
	(2) For purposes of sub-section (1), the			
	appropriate	Governments	and	local
	authorities shall grant financial assistance to non-governmental organizations.			
	(3) The appropriate Governments and			
	local	authorities	while	formulating
	rehabilitation policies shall consult the non-governmental organizations working for the cause of persons with disabilities.			
	67. Insurance scheme for employees 67.			
	with disabilities disabilities -			
	(1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.			

		Insurance
--	--	------------------

Appropriate Government shall, within the limit of their economic capacity and development, by notification frame a comprehensive insurance scheme for persons with disabilities, not covered under the Employees State

government-sponsored insurance schemes, to provide to them the following benefits namely:-

Comprehensive

Schemes,

Insurance

or any other

for persons

statutory

with

or their economic capacity and development, implement schemes for grant of disability pension to persons suffering from severe or multiple disabilities.

(2) Appropriate Governments and local authorities shall, within the limits of their economic capacity and development, implement schemes for grant of pension to women with disability.

(3) The Scheme referred to in sub-section (1) shall inter-alia lay down the income and other criteria for eligibility, rates of disability pension, and mode of payment.

(2) Notwithstanding anything contained					(i)	in the case of persons with disability suffering from
in	this	section,	the	appropriate		such serious ailments as may be specified in the

Government may instead of framing an insurance scheme frame an alternative

scheme, payment of cost of medical treatment to such extent and in such manner as the scheme may

security scheme for its employees with provide,

disabilities

(ii) accident insurance, if accident results in additional disablement, to be compensated through monthly

85 68. Unemployment allowance - The appropriate Govern within the limits of th capacity and developme notification frame a schem of an unemployment a persons with disabilities re the Special Employment more than two years and w be placed in any gainful occupation.	(iii) ance - ments shall eir economic nt shall by e for payment llowance to gistered with Exchange for ho could not cupation.
---	---

additional payment till the person recovers to resume economic activity, and

life insurance of such reasonable sum, as the scheme may provide.

68.Unemployment allowance -

The appropriate Governments shall **by notification** frame or **implement** a scheme **within a period not exceeding two years from the commencement of the Amendment Act of 2009**, for payment of unemployment allowance to persons with disabilities registered with **an Employment Exchange** for more than two years who **have not been placed in any gainful occupation, and who satisfy such other conditions in regard to family income etc. as the scheme may specify.**

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
86	New Provision	Chapter XIII A: National Fund for Persons with Disabilities
87	New Provision	68A. Definitions –

In this Chapter, unless the context otherwise requires:-

		New Provision	Act, 1890. no 30-03/2004-DDII 68B. Disabilities

a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(a) "Erstwhile Fund" means the National Fund for People with Disabilities, constituted vide notification no. SO 573 (E) dated 11.08.1983 under the Charitable Endowments

(b) "Trust Fund" means the Trust Fund for Empowerment of Persons with Disabilities, constituted vide notification dated 21.11.2006, under the Charitable Endowment Act, 1890.

88 Establishment of a National Fund for Persons with

(1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the National Fund for Persons with Disabilities.

(2) The National Fund for Persons with Disabilities shall be

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
89	New Provision	68C. Dissolution of Erstwhile Fund and Trust Fund and

transfer of their rights, assets and liabilities to the National Fund for Persons with Disabilities.

On and from the date of the constitution of the	
	shall stand dissolved, and on such dissolution – (a) the National Fund for Persons with Disabilities. Disabilities, (c) Fund for Persons with Disabilities; Disabilities;
(d)all sums of money due to the two dissolved Funds (e) all suits and other legal proceedings instituted or engaged to be done by, with or for, the National immediately before their dissolution shall be deemed to be due to National Fund for Persons with which could have been instituted by or against the two dissolved Funds immediately before their dissolution may be continued or may be instituted by or against the National Fund for Persons with National Fund for Persons with Disabilities in accordance with Section 68B, the Erstwhile Fund and the Trust Fund all properties and assets, movable and immovable, of, or belonging to the two dissolved funds shall vest in (b)all rights and liabilities of the two dissolved funds shall be transferred to, and be the rights and liabilities of the National Fund for Persons with without prejudice to the provisions of clause (b) all liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the two dissolved Funds, shall be deemed, as the case may be, to have been incurred, entered into, or	

Disabilities.

90	New Provision	68D. Governing Body of the Fund	
		(1)	The National Fund for Persons with Disabilities

shall be governed by a Governing Body consisting of:-

(i)	The Finance Secretary to the				Chairperson, ex-officio Vice-Chairperson s, ex-officio Member, ex-officio Member, ex-officio Member, ex-officio Members, ex-officio
Government of India (ii) Secretary, Ministry of Social Justice & Empowerment, in the Central Government (iii) Secretary, Department of Financial Services / Banking, in the Central Government (iv) Chairperson, Rehabilitation Council of India (v) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (vi) Financial Advisor, Ministry of Social Justice & Empowerment, in the Central Government (vii) Representatives of the following Ministries of the Central Government, not below the rank of a Joint Secretary: (a) Health & Family Welfare (b) Human Resource Development (Deptt. of School Education & Literacy, and Deptt. of Higher Education) (c) Labour & Employment					
(viii)	Five	Members	representing	Members	

different types of disabilities, to
be nominated by the Central
Government, by rotation

(ix)	A Chief Executive Officer to be			Member-
appointed	by	the	Central	Secretary,
Government, who shall not be				ex-officio

below in rank to a Joint

Secretary to the Government of
India

(2)
necessary, but at least once in every financial year.
desire for carrying out any of the objects of the Trust.
three years.
Trust during the period such Member holds office.
competent court; or

turpitude; or

(6) No person shall be nominated as a member if he/ she -

a.is, or become, of unsound mind or is so declared by a

b.is, or has been, convicted of an offence, which in the

c.is, or at any time has been, adjudicated as an insolvent
opinion of the Central Government, involves moral

The Governing Body shall meet as often as

(3) The Governing Body may associate with itself, in such
manner and for such purpose as may be determined by
regulations, any person whose assistance or advice it may

(4) Nominated members shall hold office for not more than

(5) No Member of the Board shall be a beneficiary of the

91	New Provision	68E. Sources of Income for the National Fund for Persons
----	---------------	--

with Disabilities

As from the date of constitution of the National
Fund for Persons with Disabilities u/s 68B, (hereinafter

referred to as "the Fund"), under Section 68 B, the following shall be credited into it, viz.:

92 New Provision	2000; and or from any other source. 68F. Management and Utilization of the Fund amount to be known as the corpus of the Fund; Government. guidelines of the Central Governmen
	persons with disabilities:

(3)All moneys belonging to the Fund shall be deposited

(4)Amounts in excess of the corpus, including the such manner as may be prescribed and shall not be spent, except with the prior approval of the Central

in such banks or invested in such manner as the Governing body, may, subject to the general

interest accruing on the corpus, may be spent for one or more of the following purposes in relation to

(a) all moneys payable by banks, corporations, etc., in pursuance of judgment dated 16.04.2004 of the Supreme Court in Civil Appeal No.4655 and 5218 of

(b)all moneys received from the Central Government;

(c)all moneys received by the Fund by way of grant, gifts, donations, beneficiations, bequests or transfers;

(d)all moneys received by the fund in any other manner

(1)Central Government may from time to time fix an

(2)An amount equal to the corpus shall be invested in

(i) education, health and rehabilitation

(ii) vocational training and employment

(iii) generation of awareness

(iv) administrative and other expenses of the

Fund, as may be required to be incurred by

or under this Act, and

(v)	such other purposes as may be prescribed.
-----	---

93 New Prov	ision 68G. Chief E delegate the objec	xecutive Officer and Staff d to him by the Chairperso tives of the Fund.\
94 New Prov	be such a ision 68H. Budget: Central Gove	s may be determined by r : rnment,

The Board shall prepare, in such form and at such time in each financial year as may be prescribed, the budget for the next financial year showing the estimated receipt and expenditure of the Fund, and shall forward the same to the

(1) The Central Government shall appoint a Chief Executive Officer of the Fund to exercise such powers and perform such duties under the direction of the Governing Body as may be prescribed or as may be

(2) The Governing Body shall, with the previous approval of the Central Government, appoint such other officers and employees as it considers necessary to carry out

(3) The salary and allowances payable to, and the other terms and conditions of service of, the Chief Executive Officer, other officers and employees of the Fund shall

95	New Provision	68 I. Accounts & Audit:
----	---------------	------------------------------------

(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Trust including the income and expenditure accounts in such form as the Central Government may prescribe and in accordance with such general direction as

may be issued by that Government in consultation with the

Comptroller and Auditor-General of India.

India.

offices of the Trust.

before each House of Parliament.

production of books of accounts, connected vouchers and other documents and papers and to inspect any of the

(4) The accounts of the Trust as certified by the Comptroller, and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government, which shall cause the same to be laid

(2) The accounts of the Trust shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable by the Trust to the Comptroller and Auditor-General of

(3) The Comptroller and Auditor-General of India and other person appointed by him in connection with the audit of the accounts of the Trust shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand

96	New Provision	68 J. Annual Report:
----	---------------	----------------------

The Governing Body shall prepare every year, in such form and within such time as may be prescribed, an annual report giving a true and full accounts of its activities during the previous financial year and copies thereof shall be forward to the Central Government, which shall cause the

same to be laid before each House of Parliament.

97 New Provision	on	
98 New Provision	on	
99 New Provision	on	

(1) Without prejudice to the foregoing provisions of this Act, the Board shall, in exercise of its power or the performance of its duties under this Act, be bound by such directions on questions of policy as the Central Government may give to it in writing from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government on whether a question is one of policy or not shall be final.

68 K. Authentication of Orders :

All orders and decisions of the Board and instrument issued in the name of the Fund shall be authenticated by the signature of the Chairperson, the Chief Executive Officer or any other officer authorized by the Chairperson, in this behalf.

68L. Returns & Information :

The Board shall furnish to the Central Government such reports, returns and other information as that Government may require time to time.

68M. Powers of Central Government:

100	New Provision	68N. Exemption from Tax on Income-
-----	---------------	---

Notwithstanding anything contained in the Income-tax Act, 1961, or any other law for the time being in force relating to tax on income, profits or gains, the Trust shall not be liable to pay income-tax or any other tax in respect of its income, and profits or gains derived therefrom.

101 New Prov	ision
102 New Prov	1860)
	ision

The Board may, by general or special order in writing, delegate to the Chairperson or any member or any officer of the Fund, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers under this Act (except the power to make regulations under section 68(Q) as it may deem necessary.

68O. Protection of action taken in Good Faith

No suit, prosecution or other legal proceeding shall lie against the Central Government or the Trust or any member of the Board or Chief Executive Officer or any officer or other employee of the Trust or any other person authorized by the Board to perform duties under this Act for any loss or damage caused or likely to be caused by anything which is done in good faith.

Explanation -For the purposes of this section, the expression "good faith" shall have the same meaning as assigned to it in Section 52 of the Indian Penal Code (45 of

68P. Delegation

103	New Provision	68Q. Power to make Regulation
-----	---------------	--------------------------------------

(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and rules generally to carry out the, purposes of this Act.

--

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the manner and purpose for which persons may be associated under sub-section(3) of section 68D.

(b) the time and place at which the Board shall meet under clause(2) of section 68D;

(c) the terms and conditions of service of the Chief

Executive Officer, other officers and employees of the Fund under section 68G.

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
104	Chapter XIV: Miscellaneous	Chapter XIV: Miscellaneous
	New Provision	70A. Creation of Awareness on disability related issues

The appropriate Government and local authorities shall

		endeavour to – rights; persons with disabilities, in all areas of life; persons with disabilities, the work place; (e)
		disabilities;
(d) promote positive perceptions, greater social awareness and recognition of the skills, merits and abilities of persons with disabilities and of their contributions to disabilities on equal basis with persons without encourage the media to portray persons with (a) ensure that effective and appropriate measures are taken to raise awareness in society, including at the family level, regarding persons with disabilities, and to foster respect and dignity of their person and (b) combat prejudices and harmful practices relating to (c) promote awareness about the capabilities and contributions of persons with disabilities by adopting measures such as initiating and maintaining public awareness campaigns which should be designed to nurture receptiveness to and attitude of respect for		

105	New Provision	70B. Recreation Facilities
-----	---------------	-----------------------------------

(1) The appropriate Government and local authorities shall, within the limits of their economic capacity and development, promote development and utilization of creative, artistic and intellectual potential of persons with disabilities, not only for their own benefit, but also for the

enrichment of society.
take necessary measures to:

disability-specific sporting activities training and resources;
including activities in schools.

(d) ensure that persons with disabilities have access to (e) ensure that children with disabilities have equal sporting, recreational and tourism venues; access with other children to participation in play, recreation and leisure and sporting activities, (2) Without prejudice to the generality of sub-section(1), the appropriate government and local authorities shall (a) encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels; (b) ensure that persons with disabilities have an opportunity to organize, develop and participate in and recreational (c) encourage the provision of appropriate instruction,

S. No.	Present Provision	Proposed Provision (Changes indicated in bold)
106	New Provision	70C. Replacement of “Central Coordination Committee”,

“Central Executive Committee”, “State Coordination Committee” and “State Executive Committee” with their new nomenclature in certain sections

In the sections shown in col. 1 of the table below, the phrases appearing in col. 2, wherever it occurs, shall be

replaced by those appearing in col. 3 of the table;

	<table><tr><td>107</td><td colspan="4">73. Government to make rules – Power</td></tr><tr><td>108</td><td></td><td>o</td><td>f</td><td>appr</td></tr><tr><td></td><td></td><td></td><td></td><td>opri</td></tr><tr><td></td><td colspan="4">New Provision</td></tr></table>	107	73. Government to make rules – Power				108		o	f	appr					opri		New Provision				<table><tr><td colspan="3">Section Present Phrase</td></tr><tr><td>5,6,7</td><td>Central</td><td>Coord</td></tr><tr><td colspan="3">Committee</td></tr><tr><td>11,12</td><td>Central</td><td>Ex</td></tr><tr><td colspan="3">Committee</td></tr><tr><td>15,16,17</td><td>State</td><td>Coord</td></tr></table>	Section Present Phrase			5,6,7	Central	Coord	Committee			11,12	Central	Ex	Committee			15,16,17	State	Coord	<table><tr><td>Phrase ination Executive ination Executive ies. purpose of this A</td></tr></table>	Phrase ination Executive ination Executive ies. purpose of this A
107	73. Government to make rules – Power																																									
108		o	f	appr																																						
				opri																																						
	New Provision																																									
Section Present Phrase																																										
5,6,7	Central	Coord																																								
Committee																																										
11,12	Central	Ex																																								
Committee																																										
15,16,17	State	Coord																																								
Phrase ination Executive ination Executive ies. purpose of this A																																										

		Committee <table><tr><td>21,22</td><td>State</td><td>Ex</td></tr></table> Committee for assessment of disabilities. severe disability” for the prescribed. 73. Power of appropriate	21,22	State	Ex	Government to
21,22	State	Ex				
	(1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.	rules for carrying out the pr	ovisions of this A			

person is a “person with disability” or a “person with

(2) Central Government will notify guidelines under sub-section (1) after following such procedure as may be

(1) The appropriate Government may, by notification, make

To be replaced by the

Central Advisory Board

Central Coordination and

Monitoring Committee

State Advisory Board

State Coordination and

Monitoring Committee

72-A. Power of Central Government to notify guidelines

(1) Central Government may, from time to time, notify guidelines to be followed by medical authorities in assessing the extent of disability, and for determining whether a

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a).....

(s).....

(t)

(zh)

(3)

(4)

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a).....

(s).....

73.(2)(sa) the period within which an application made under sub-sections (1) and (5) of Section 52 shall be disposed off by the Competent Authority.

(t)

(zh)

(3)

(4)