

**AMENDMENTS PROPOSED TO THE PWD ACT BY THE MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT.**

**Chapter I: Preliminary.**

Section	Existing Provision	Amendments proposed by the Ministry of SJ&E
1	2	3
2(b)	<p>"blindness refers to a condition where a person suffers from any of the following conditions, namely:-</p> <ul style="list-style-type: none"> <li>a) total absence of sight; or</li> <li>b) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or</li> <li>c) limitation of the field of vision subtending an angle of 20 degree or worse;</li> </ul>	<p>"blindness refers to a condition where a person suffers from any of the following conditions, namely:-</p> <ul style="list-style-type: none"> <li>a) total absence of sight; or</li> <li>b) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with <b>best</b> correcting lenses; or</li> <li>c) limitation of the field of vision subtending an angle of 20 degree or worse;</li> </ul>
2 (e)	<p>"cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;</p>	<p>"cerebral palsy" means a group of non-progressive but not unchanging disorders of movement or posture, or both due to an insult to or anomaly of, the developing nervous system.</p>
2 (i)	<p>"disability" means-</p> <ul style="list-style-type: none"> <li>(i) blindness;</li> <li>(ii) low vision;</li> <li>(iii) leprosy-cured;</li> <li>(iv) hearing impairment ;</li> <li>(v) locomotor disability ;</li> <li>(vi) mental retardation;</li> <li>(vii) mental illness;</li> </ul>	<p>"disability" means a physical or mental impairment, which has a substantial and long-term adverse effect on the ability of a person to carry out normal day-to-day activities and it includes –</p> <ul style="list-style-type: none"> <li>(i) blindness;</li> <li>(ii) low vision;</li> <li>(iii) leprosy-cured;</li> <li>(iv) hearing impairment ;</li> <li>(v) locomotor disability ;</li> <li>(vi) mental retardation;</li> <li>(vii) mental illness;</li> </ul>
2 (ii)	---	<p>"District Executive Committee" means the committee constituted under section 23 A.</p>
2 (h)	<p>"Competent authority" means the authority appointed under Section 50'</p>	<p>To be deleted from the parent Act</p>
2 (m)	<p>"institution for person with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;</p>	<p>"Institution for persons with disabilities" means an institution for the reception, care, protection, education, training, <b>placement</b>, rehabilitation or any other service of persons with disabilities.</p>
2(n)	<p>leprosy cured person" means any person any person who has been cured of leprosy, but is suffering from-</p> <ul style="list-style-type: none"> <li>I. loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;</li> <li>II. manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;</li> <li>III. extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation.</li> </ul> <p>and the expression "leprosy cured" shall be construed accordingly;</p>	<p>Leprosy cured person means any leprosy-cured person with Grade II and above disability according to World Health Organisation grading as <b>given in the schedule</b></p>

2 (o)	"locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;	locomotor disability is defined as a person's inability to execute distinctive activities associated with moving both himself or herself and objects, from place to place and such inability resulting from affliction of musculoskeletal and/ or nervous system.  Provided that in the case of leprosy cured persons locomotor disability means any leprosy affected person having grade II and above disability according to the World Health Organisation grading as given in the schedule.
2 (p)	"medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;	"Medical authority" means any hospital, institution or <i>medical board</i> specified for the purposes of this Act by notification by the appropriate Government;
2 (q)	"mental illness" means any mental disorder other than mental retardation;	"Mental illness" means disorder of the mind that results in partial or complete disturbance in the person's thinking, feeling and behaviour which very often results in recurrent or persistent inability or reduced ability to carry out activities of daily living, self care, education, employment and participation in social life.
2 <sup>®</sup>	"mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;	"Mental Retardation" means a condition of arrested or incomplete development of the mind, which is specially characterised by impairment of adaptive behaviour manifested during the developmental period, which contributes to the overall level of intelligence, i.e. cognitive, language, motor, and social abilities.
2 (rr)	---	"Multiple disability" means a combination of <b>two or more</b> disabilities specified in clause (i) of Section 2.
2 (t)	"person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;	To be deleted.
2(u)	"person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or it potentially capable of using vision for the planning or execution of a task with appropriate assistive device;	"person with low vision" means a person with impairment of vision between 6/ 18 to 6/60 with best correction in the better eye or impairment of field in any one of the following categories- I. Reduction of field to <b>50</b> degrees; II. Hemianopsia with macular involvement; III. Altitudinal defect involving lower fields; and IV. In the case of leprosy cured persons, any leprosy affected person having Grade II and above disability of the eye according to the grading of the World Health Organisation.
2(zz)	---	"Vocational Rehabilitation Centre for the handicapped" means any office or place established and maintained by the government to – evaluate the physical, mental, social and vocational abilities of persons with disabilities; provide vocational guidance and career planning to persons with disabilities; and assist the disabled in rehabilitation and skill training.

<p>3 (2)</p>	<p>The Central Coordination Committee shall consist of-</p> <ul style="list-style-type: none"> <li>(a) the Minister in charge of the Department of Welfare in the Central Government, Chairperson, ex officio;</li> <li>(b) the Minister of State in-charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex officio;</li> <li>© Secretaries to the Government of India in-charge of the <u>Departments</u> of Welfare, Education, Woman and Child Development, Expenditure, personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, ex officio;</li> <li>(d) Chief Commissioner, Member, ex officio;</li> <li>(e) Chairman Railway Board, Member, ex-officio;</li> <li>(f) Director-General of Labour, Employment and Training, Member, ex officio;</li> <li>(g) Director, National Council for Educational Research and Training, Member, ex officio;</li> <li>(h) Three Members of Parliament of whom two shall be elected by the House of the people and one by the Council of States, Members;</li> <li>(i) Three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;</li> <li>(j) Directors of the-             <ul style="list-style-type: none"> <li>(i) National Institute for the Visually Handicapped, Dehradun;</li> <li>(ii) National Institute for the Mentally Handicapped, Secundrabad;</li> <li>(iii) National Institute for the Orthopaedically Handicapped, Calcutta;</li> <li>(iv) All Yavar Jung National Institute for the Hearing Handicapped, Bombay;</li> </ul> </li> <li>(k) four Members to be nominated by the Central Government by rotation to represent the State and the Union territories in such manner as may be prescribed by the Central Government;</li> </ul> <p>Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union territory;</p> <ul style="list-style-type: none"> <li>(l) five persons as far as practicable, being persons with disabilities, to represent non-government organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members;</li> </ul> <p>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 Tribes;</p> <ul style="list-style-type: none"> <li>(m) Joint Secretary to the Member of the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex-officio;</li> </ul>	<p>3(2) to be deleted. The composition and the terms of office of the non-officials of the Committee will be brought under the Rules.</p>
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**Term of office of Members.**

4 (1)	<p>Save as otherwise provided by or under this Act, a Member of Central Coordination Committee nominated under clause (i) or clause (l) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination;</p> <p>Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.</p>	<p><b>Proposed to be deleted and brought under the Rules.</b></p>
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Functions of Central Coordination Committee

8(2)	<p>In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely:-</p> <ul style="list-style-type: none"><li>(a) review and coordinate the activities of all the Departments of Government and other Government and non-government Organisations which are dealing with matters relating to persons with disabilities;</li><li>(b) develop a national policy to address issues faced by persons with disabilities;</li><li>(c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;</li><li>(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations 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;</li><li>(e) review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;</li><li>(f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;</li><li>(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;</li><li>(h) to perform such other functions as may be prescribed by the Central Government.</li></ul>	<p>In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely:-</p> <ul style="list-style-type: none"><li>a) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;</li><li>b) review the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities; and</li><li>c) to perform such other functions as may be prescribed by the Central Government.</li></ul>
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**Central Executive Committee.**

9(2)	<p>The Central Executive Committee shall consist of-</p> <ul style="list-style-type: none"> <li>a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson, ex officio;</li> <li>b) the Chief Commissioner, Member, ex officio;</li> <li>c) the Director- General for Health Services, Member, ex officio,</li> <li>d) the Director- General, employment and Training, Member, ex officio;</li> <li>e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Department of Rural Development, Education, Welfare, Personnel Public Grievances and Pension and Urban Affairs and Employment, Science and Technology, Members, ex officio,</li> <li>f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, ex officio;</li> <li>g) Advisor (Tariff) Railway Board, Member ex officio;</li> <li>h) Four members to be nominated by the Central Government, by rotation, to represent the State Government and the Union territories in such manner as may be prescribed by the Central Government;</li> <li>i) One persons to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;</li> <li>j) Five persons, as far as practicable, being persons with disabilities, to represent non-government organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members;</li> <li>k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio;</li> </ul>	<p>9 (2) to be deleted. The composition and the terms of office of the non-officials of the Committee will be brought under the Rules.</p>
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*Term of office of Members.*

10A	---	<p><i>Term of office of Members.</i></p> <p>Save as otherwise provided by or under this Act, a Member of Central Executive Committee nominated under section 9(1) shall hold office for a term of three years from the date of his nomination;</p> <p>Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.</p>
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Chapter III: The State Co-ordination Committee:

<p>13(2)</p>	<p>The State Coordination Committees shall consist of –</p> <ul style="list-style-type: none"> <li>a) The Minister in-charge of the Department of Social Welfare, in the State Government, Chairperson, ex officio;</li> <li>b) The Minister of State Government in-charge of the Departments of Social Welfare, if any, Vice-Chairperson, ex officio;</li> <li>c) Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called, members, ex-officio.</li> <li>d) Secretary of any other Department which the State Government considers necessary, Member, ex officio;</li> <li>e) Chairman Bureau of Public Enterprises (by whatever name called) Member, Ex-officio;</li> <li>f) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;</li> </ul> <p>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;</p> <ul style="list-style-type: none"> <li>g) three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;</li> <li>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 be represented, Members, ex officio;</li> <li>i) the Commissioner, Member, ex-officio;</li> <li>j) Secretary to the State Government dealing with the welfare of the handicapped, Member-Secretary, ex officio.</li> </ul>	<p><b>13 (2) to be deleted.</b> The composition and the terms of office of the non-officials of the Committee will be brought under the Rules.</p>
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**Term of office of Members.**

<p>14 (1)</p>	<p>Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause (f) or clause (h) of sub-section (2) of section 13 shall hold office for a term of three years from the date of his nomination:</p> <p>Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold the office his successor enters upon his office.</p>	<p><b>Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under section 13 (2) shall hold office for a term of three years from the date of his nomination:</b></p> <p><b>Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold the office his successor enters upon his office.</b></p> <p>(To be brought under the Rules)</p>
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Functions of the State Coordination Committee.

18(2)	<p>In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely:</p> <ul style="list-style-type: none"> <li>a) review and co-ordinate the activities of all the Departments of Government and other Government and non-governmental Organisations which are dealing with matters relating to persons with Disabilities.</li> <li>b) Develop a State policy to address issues faced by persons with disabilities.</li> <li>c) advise the State government on the formulation of policies, programmes, legislation and projects with respect to disability;</li> <li>d) review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;</li> <li>e) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;</li> <li>f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;</li> <li>g) to perform such other functions as may be prescribed by the State Government.</li> </ul>	<p>In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely:</p> <ul style="list-style-type: none"> <li>a) advise the State government on the formulation of policies, programmes, legislation and projects with respect to disability;</li> <li>b) review the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;</li> <li>c) to perform such other functions as may be prescribed by the State Government.</li> </ul>
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State Executive Committee

19(2)	<p>The State Executive Committee shall consist of-</p> <ul style="list-style-type: none"> <li>(a) the Secretary, Department of Social Welfare, Chairperson, ex-officio;</li> <li>(b) the Commissioner, member, ex-officio;</li> <li>(c) nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel, Public Grievances, Urban Affairs Labour and Employment, Science and Technology, members, ex-officio;</li> <li>(d) one persons to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;</li> <li>(e) five persons, as far as practicable being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;</li> </ul> <p>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;</p> <ul style="list-style-type: none"> <li>(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member-Secretary, ex-officio.</li> </ul>	<p>19 (2) to be deleted. The composition and the terms of office of the non-officials of the Committee will be brought under the Rules.</p>
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23A	---	<p>District Executive Committee</p> <p>(1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the District Executive Committee consisting of such number of persons as may be prescribed.</p> <p>(2) The terms of office of the Members of the District Executive Committee shall be such as may be prescribed.</p> <p>(3) The District Executive Committee shall exercise such powers and perform such functions and do such other acts as may be prescribed by the appropriate Government.</p>
24	No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees.	No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee or <b>District Executive Committee</b> shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees.

#### Chapter IV: Prevention and Early Detection of Disabilities

25 (aa)	----	<p>The following revised amendment may be inserted as 48A.</p> <p>The appropriate Governments shall undertake or cause to be undertaken surveys at regular intervals for collection of detailed information on the number of persons with disabilities, the type of disability they suffer from and disseminate the data and results emerging from such surveys as under the policy of the Government.</p>
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#### Chapter V: Education.

26A	---	<p>Reservation in admission in Educational Institutions for Persons with Disabilities.</p> <p><b>All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for admission for persons with disabilities.</b></p>
27	<p>Appropriate governments and local authorities to make schemes and programmes for non-formal education etc.</p> <p>The appropriate Governments and the local authorities shall by notification make schemes for-</p> <p>a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis;</p> <p>b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;</p> <p>c) imparting non-formal education by utilizing the available manpower in rural areas after</p>	<p><b>Comprehensive and Inclusive Educational Scheme.</b></p> <p><b>Without prejudice to the generality of foregoing provision, the appropriate government and local authorities shall prepare a comprehensive and inclusive education scheme compatible with the special needs of students with disabilities by providing additional support and provisions in regular schools and institutions of higher and technical education, and also projects in the fields of education and training in formal, non-formal, vocational, open learning system and other such sectors.</b></p>

	<p>giving them appropriate orientation;</p> <p>d) imparting education through open schools or open universities;</p> <p>e) conducting class and discussion through interactive electronic or other media</p> <p>f) providing every child with disability free of cost special books and equipments needed for his education.</p>	
28	The appropriate Government shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.	This is proposed to be incorporated in the chapter on Research & Manpower Development. Hence, it may be deleted from this chapter.
29	<p>Appropriate Governments to set up teachers training institutions to develop trained manpower for schools for children with disabilities.</p> <p>The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special and integrated schools for children with disabilities.</p>	<p>Appropriate Governments to set up teachers training institutions to develop trained manpower for schools for children with disabilities.</p> <p>The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national, <b>state and district</b> level institutions and other voluntary organizations to develop teachers' training <b>modules and programmes for general teachers for meeting the educational needs of children with disabilities</b> so that requisite trained manpower is available for special schools and inclusive schools for children with disabilities.</p>
30	<p>Without prejudice to the foregoing provisions the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for-</p> <p>(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 schools;</p> <p>(b) the removal of architectural barriers from schools, colleges or other institution imparting vocational and professional training.</p> <p>(c) the supply of books, uniforms and other materials to children with disabilities attending school;</p> <p>(d) the grant of scholarships to students with disabilities</p> <p>(e) setting up of appropriate for a for the redressal of grievances of parents regarding the placement of their children with disabilities;</p> <p>(f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;</p> <p>(g) restructuring of curriculum for the benefit of children with disabilities;</p> <p>(h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.</p>	This has been incorporated in the proposed amended Section 27. Hence, may be deleted from here.
31	All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.	All educational institutions shall provide or cause to be provided amanuensis or any other alternative systems of taking examinations by persons with disabilities who are unable to write the examination by themselves.

31A	---	<p>Non-discrimination in Employment.</p> <p>No persons with disability shall be discriminated against only on the ground of disability.</p>
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34	<p>Special Employment Exchange</p> <p>(1) The appropriate Government may, by notification require that from such date as may be specified by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment, to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.</p> <p>(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.</p>	<p>Special Employment Exchange</p> <ol style="list-style-type: none"> <li>1) Notwithstanding anything contained in any statute, rules or administrative instructions to the contrary, every employment exchange or Special Employment Exchange or Vocational Rehabilitation Centre shall register the persons with disabilities specified in section 33 of the Act.</li> <li>2) Every establishment of the appropriate government shall notify the vacancies sought to be filled up by it to the Employment Exchange, Special Employment Exchange and Vocational Rehabilitation Centre concerned, with clear mention of the vacancy reserved for persons with disabilities, specifying the category of disability.</li> <li>3) Every Employment Exchange, special employment exchange and Vocational Rehabilitation Centre, on receipt of requisition from establishment, shall sponsor the names of eligible person with specified disability for which the vacancy/ vacancies has been shown as reserved in the requisition.</li> <li>4) The appropriate Government may by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for person with disability that have occurred or are about to occur in that establishment to such <b>Employment Exchange</b>, Special Employment Exchange and <b>Vocational Rehabilitation Centre</b> as may be prescribed and the establishment shall thereupon comply with such requisition.</li> <li>5) The form in which and the intervals of time for which information or returns shall be furnished and the particulars they shall contain, shall be such as may be prescribed.</li> </ol>
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35	<p>Power to inspect record or document in possession of any establishment.</p> <p>Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.</p>	<p>Power to inspect record or document in possession of any establishment.</p> <p>Any person authorised by the Special Employment Exchange <b>and Vocational Rehabilitation Centre</b>, in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.</p>
36	<p>Vacancies not filled up to be carried forward.</p> <p>Where in any recruitment year any vacancy under section 33, cannot be 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 no 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;</p> <p>Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.</p>	<p><b>Where in any recruitment year, any vacancy reserved for the aforesaid classes of persons with disabilities could not be filled up due to non availability of a suitable person with disability in spite of the selection process having been under taken, such vacancy shall be carried forward to five years.</b></p> <p><b>Provided that whereof suitable person belonging to the said class of disability is not available, it may be filled by inter change among the classes of persons with disabilities who are entitled for reservation.</b></p>
39	<p>All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three percent seats for persons with disabilities.</p>	<p>This provision is now proposed to be incorporated in the Chapter V: Education, as Section 26A, including all educational institutions. <b>Hence, it may be deleted from here.</b></p>
40	<p>Vacancies to be reserved in poverty alleviation schemes.</p> <p>The appropriate Governments and local authorities shall reserve not less than three per cent in all poverty alleviation schemes for the benefit of persons with disabilities.</p>	<p><b>Safeguards for persons with disability in poverty alleviation schemes.</b></p> <p>The appropriate Governments and local authorities shall-</p> <p>(a) reserve not less than three per cent in poverty alleviation schemes or <b>beneficiary-oriented development schemes</b> for the benefit of persons with disabilities;</p> <p>(b) <b>include barrier-free facilities in all infrastructure development schemes</b></p>

**Chapter VII: Affirmative Action.**

43	<p>Schemes for preferential allotment of land for certain purposes.</p> <p>The appropriate Governments and local authorities shall, by notification, frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for- house;</p> <ul style="list-style-type: none"> <li>a) setting up business;</li> <li>b) setting up of special recreation centers;</li> <li>c) establishment of special schools;</li> <li>d) establishment of research centres;</li> <li>e) establishment of factories by entrepreneurs with disabilities.</li> </ul>	<p>Schemes for preferential allotment of land for certain purposes.</p> <p>The appropriate Governments and local authorities shall, by notification, frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for- house;</p> <ul style="list-style-type: none"> <li>a) setting up business/ <b>industry</b>;</li> <li>b) setting up of special recreation centers;</li> <li>c) establishment of special schools/ <b>rehabilitation centers</b>;</li> <li>d) establishment of research centres;</li> <li>e) <b>any other activity for the benefit of persons with disabilities.</b></li> </ul>
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**Chapter IX: Research and Manpower Development.**

48	<p>Research</p> <p>The appropriate Government and local authorities shall promote and sponsor research, inter alia, in the following areas:</p> <ul style="list-style-type: none"> <li>a) prevention of disability;</li> <li>b) rehabilitation including community based rehabilitation;</li> <li>c) development of assistive devices including their psycho-social aspects;</li> <li>d) job identification;</li> <li>e) on site modifications in offices and factories.</li> </ul>	<p>Research</p> <p>The appropriate Government and local authorities shall promote and sponsor research, inter alia, in the following areas:</p> <ul style="list-style-type: none"> <li>a) prevention of disability;</li> <li>b) rehabilitation including community based rehabilitation;</li> <li>c) development of assistive devices including their psycho-social aspects;</li> <li>d) job identification;</li> <li>e) on site modifications in offices and factories.</li> <li>f) <b>development of new teaching aids, special teaching material;</b></li> </ul>
48A	---	<p>The appropriate Governments shall undertake or cause to be undertaken surveys at regular intervals for collection of detailed information on the number of persons with disabilities, the type of disability they suffer from and disseminate the data and results emerging from such surveys as under the policy of the Government.</p>
49 A	---	<p>Standards for assistive devices.</p> <p>The appropriate governments may, by notification, prescribe standards for different assistive devices where <b>standards have not been prescribed by the Bureau of Indian Standards.</b></p> <p>Explanation.- For the purposes of this section the expression</p>

		"Bureau of Indian Standards" means the Bureau established under section 3 of the Bureau of Indian Standards Act, 1986."
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**Chapter X. Recognition of Institutions for Persons with Disabilities.**

50	The State Government shall appoint any authority as it deems fit to be a competent authority for the purposes of this Act.	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.
51	<p>Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority:</p> <p>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.</p>	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.
52	<p>(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.</p> <p>(2) On receipt of an application under sub-section (1), the competent authority shall make such inquiries 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, be order refuse to grant the certificate applied for:</p> <p>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 to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.</p> <p>(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.</p> <p>(4) A certificate of registration granted under this section.—</p> <p>a) shall, unless revoked under section 53, remain in force for such period as may be prescribed by the State Government.</p> <p>b) may be renewed from time to time for a like period; and</p> <p>c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.</p> <p>(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.</p> <p>(6) The certificate of registration shall be displayed by the institution in a conspicuous place.</p>	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.

53	<p>(1) the competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section (2) of section 52 has –</p> <p>a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars, or</p> <p>b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,</p> <p>it may after making such inquiry, as it deems fit by order, revoke the certificate;</p> <p>Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.</p> <p>(2) Where a certificate in respect of an institution has been revoked under sub-section (1) such institution shall cease to function from the date of such revocation;</p> <p>Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function-</p> <p>a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or</p> <p>b) where such appeal has been preferred, but the order of revocation has been upheld from the date of the order of appeal.</p> <p>(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be-</p> <p>a) restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or</p> <p>b) transferred to any other institution specified by the competent authority.</p> <p>(4) Every institution which holds a certificate of registration, which is revoked, under this section shall, immediately after such revocation, surrender such certificate to the competent authority.</p>	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.
54	<p>Any person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation. The order of the State Government on such appeal shall be final.</p>	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.
55	<p>Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.</p>	The Chapter X is proposed to be deleted altogether. Hence, this section may be deleted.

Chapter XII: The Chief Commissioner, and Commissioners for Persons with Disability.

57 (2)	A person shall not be qualified for appointment as the Chief Commissioner unless he had special knowledge or practical experience in respect of matters relating to rehabilitation.	A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge <b>and administrative experience</b> in respect of matters relating to <b>persons with disabilities</b> .
58	The Chief Commissioner shall –  a) coordinate the work of the commissioners; b) monitor the utilisation of funds disbursed by the Central Government; c) take steps to safeguard the rights and facilities made available to person with disabilities. d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.	To be inserted after 58 (a):  aa) Coordinate the work of Central Government Departments and agencies responsible for the implementation of the Act and receive reports from each of them at such intervals and in such form as may be prescribed.  ab) Coordinate with the States/ Union Territories/ Central Ministries regarding the National Policy for Persons with Disabilities.
60 (2)	A person shall not be qualifies for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.	A person shall not be qualified for appointment as a Commissioner unless he has special knowledge <b>and administrative experience</b> in respect of matters relating to persons with disabilities.
61	The Commissioner within the State shall – a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities; b) monitor the utilisation of funds disbursed by the State government; c) take steps to safeguard the rights and facilities made available to persons with disabilities; d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy there of to the Chief Commissioner.	To be replaced as (a)  <i>a) Co-ordinate the work with the Departments of State Government and agencies responsible for the implementation of the Act.</i>  aa) Coordinate with the States/ Union Territories/ Central Ministries regarding the National Policy for Persons with Disabilities.

Chapter XIV: Social Security.

67	<p>Insurance scheme for employees with disabilities.</p> <p>(1) The appropriate Government shall, by notification, frame an insurance scheme for the benefit of its employees with disabilities.</p> <p>(2) Notwithstanding anything contained in this section, the appropriate Government may, instead of framing an insurance scheme, frame an alternative security scheme for its employees with disabilities.</p>	<p>Insurance scheme for persons with disabilities.</p> <p>The appropriate Government may, by notification, frame or cause to be framed insurance schemes for the benefit of persons with disabilities.</p>
68	<p>The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the special employment Exchange for more than two years and who could not be placed in any gainful occupation</p>	<p>Unemployment allowance</p> <p>The appropriate Governments shall within the limits of their economic capacity and development by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with "<i>Employment Exchanges</i>" and Special Employment Exchanges and <b>Vocational Rehabilitation Centres</b> for more than two years and who could not be placed in any gainful occupation.</p>