



JOINT COMMITTEE ON OFFICES OF PROFIT

SEVENTEENTH LOK SABHA

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT [DEPARTMENT OF
PERSONS WITH DISABILITIES (DIVYANGJAN)]

Examination of Election of one Member of Rajya Sabha to the Central Advisory
Board on Disability constituted under the Rights of Persons with Disabilities Act,
2016

TENTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

August, 2023 / *Sravana*, 1945 (Saka)

TENTH REPORT

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(SEVENTEENTH LOK SABHA)

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PERSONS WITH DISABILITIES (DIVYANGJAN)]

Examination of Election of one Member of Rajya Sabha to the Central Advisory
Board on Disability constituted under the Rights of Persons with Disabilities Act,
2016

Presented to Lok Sabha on 10-08-2023

Laid on the Table of Rajya Sabha on 10-08-2023



LOK SABHA SECRETARIAT

NEW DELHI

August, 2023 / *Sravana*, 1945 (Saka)

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JOINT COMMITTEE ON OFFICES OF PROFIT
(SEVENTEENTH LOK SABHA)

Dr. Satya Pal Singh

Chairperson

Members

Lok Sabha

2. Shri Benny Behanan
3. Shri Vinod Chavda
4. Shri Vijay Kumar Hansdak
5. Dr. Manoj Rajoria
6. Smt. Aparajita Sarangi
7. Shri Mahendra Singh Solanky
8. Shri L.S. Tejasvi Surya
9. Shri Balashowry Vallabbhaneni
10. Shri Shyam Singh Yadav

Rajya Sabha

11. Ms. Dola Sen
12. Shri Mastan Rao Beeda*
13. Shri Mahesh Jethmalani*
14. Smt. Sulata Deo*
15. Vacant[@]

Secretariat

- | | | | |
|----|--------------------------|---|-----------------------------|
| 1. | Shri Vinay Kumar Mohan | - | Joint Secretary |
| 2. | Shri Naval Kishore Verma | - | Director |
| 3. | Shri Rahul Singh | - | Deputy Secretary |
| 4. | Smt. Seema Sharma | - | Assistant Executive Officer |

* All the three Members elected to the Committee *w.e.f.* 13 December, 2022 consequent upon retirement of Shri V. Vijayasai Reddy, MP (RS) *w.e.f.* 21st June, 2022; Dr. Sasmit Patra, MP (RS) *w.e.f.* 01st July, 2022 and Shri Mahesh Poddar, MP (RS) *w.e.f.* 07th July, 2022 *vide* CB-I note dated 03rd February, 2022.

[@] Shri Hardwar Dubey, MP (Rajya Sabha) passed away on 26th June, 2023 Rajya Sabha Secretariat Notification No.RS10/2023-T dated 30th June, 2023.

INTRODUCTION

I, the Chairperson, Joint Committee on Offices of Profit, having been authorized by the Committee to submit the Report on their behalf, present this Tenth Report regarding examination of election of one Member of Rajya Sabha to the Central Advisory Board on Disability (CABD) constituted by the Central Government under the Rights of Persons with Disabilities Act, 2016.

2. At their sitting held on Thursday, 20th July, 2023, the Committee examined the term, composition, character, functions, etc., of the CABD with a view to consider as to whether the election of one Member of Rajya Sabha to the CABD would attract disqualification from the angle of 'Office of Profit' under Article 102(1)(a) of the Constitution of India. The Report was considered and adopted by the Committee at its Sitting held on Monday, 07th August, 2023.

3. For facility of reference and convenience, the Observations / Recommendations of the Committee have been printed in bold letters.

4. The Committee wish to express their thanks to the officials of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) for appearing before the Committee and furnishing the information in connection with the examination of the CABD from the angle of Office of Profit.

5. The Committee also place on record appreciation for the assistance rendered by the officials of Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
7th August, 2023
Sravana 16, 1945 (Saka)

DR. SATYA PAL SINGH
Chairperson,
Joint Committee on Offices of Profit

Examination of election of one member of Rajya Sabha to the Central Advisory Board on Disability (CABD) under the administrative domain of the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social, Justice & Empowerment.

REPORT

The Committee Branch-I *vide* its Note dated 18th April, 2023 (**Annexure-I**) had forwarded the ID Note No.LAFEAS-CO18011/2/2021-Comm Sec(Co-Ord)-RSS dated 10th April, 2023 of the Rajya Sabha Secretariat (Committee Co-ordination Section) regarding examination of the “Election of one Member of Rajya Sabha to the Central Advisory Board on Disability (*hereinafter* referred to as the CABD) constituted by the Central Government under Section 60 of the Rights of Persons with Disabilities Act, 2016” from the angle of ‘Office of Profit’ under Article 102(1)(a) of the Constitution of India. The administration of the Act comes under the domain of the Ministry of Social Justice & Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)].

2. Article 102(1)(a) of the Constitution of India reads as under:

"A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament -

If he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder"

3. The Joint Committee on Offices of Profit have been following the undernoted criteria to test the Committees, Commissions, Boards, etc., for deciding the questions as to which of the offices should disqualify and which should not disqualify a person for being chosen as, and for being a member of Parliament:-

- (i) whether Government exercise control over the appointment to and removal from the office and over the performance and functions of the office;
- (ii) Whether the holder draws any remuneration, like sitting fee, honorarium, salary, etc. *i.e.* any remuneration other than the “compensatory allowance” as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959;

(The principle thus is that if a member draws not more than what is required to cover the actual out of Pocket expenses and does not give him pecuniary benefit, it will not act as a disqualification).

- (iii) Whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc., or gives powers of appointment, grant of scholarship, etc.; and
- (iv) Whether the body in which an office is held wields influence or power by way of patronage.

If reply to any of the above criteria is in affirmative then the office in question will entail disqualification.

4. As per information furnished by the administrative Ministry *i.e.* the Ministry of Social, Justice & Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)], the CABD is a statutory body constituted under Section 60(1) of the Rights of Persons with Disabilities Act, 2016 (**Annexure-II**). Section 60(2)(c) provides for the election of three Members of Parliament to the CABD of whom two shall be elected by the Lok Sabha and one by the Rajya Sabha, *ex officio*. The Board shall be a national-level consultative and advisory body on disability for the empowerment of persons with disabilities and for full enjoyment of rights. Though the term of the MPs elected to the Central Advisory Board on Disability is not clearly spelt out in the Act or the Rules made thereunder, the Ministry have stated that their membership in the CABD is co-terminus with their membership in the respective Houses of Parliament.

5. Section 65(2) of the Rights of Persons with Disabilities Act, 2016 provides for the functions of the CABD as under :-

- (a) *advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;*
- (b) *develop a national policy to address issues concerning persons with disabilities;*
- (c) *review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;*
- (d) *take up the cause of persons with disabilities with the concerned authorities and the international organizations with a view to provide for schemes and projects for the persons with disabilities in the national plans;*

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities vis-à-vis information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

6. As per the point-wise replies furnished by the Ministry of Social, Justice & Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)], the functions of the CABD are purely advisory in nature. Moreover, the CABD does not have any judicial / quasi judicial power, power of appointment and is not involved in the disbursement of funds.

7. The Ministry, in their point-wise clarifications have stated that as per Rule 21 of the Rights of Persons with Disabilities Rules, 2017 (**Annexure-III**), no remuneration other than daily allowance, travelling allowance and allowance for attending meeting for each day of actual meeting is payable.

Rule 21 of the Rules, 2017 provides as under :-

"21. Allowances for the members of the Central Advisory Board-(1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source."

8. The matter was discussed at the sitting of the Joint Committee on Offices of Profit held on Thursday, 20th July, 2023. During the course of oral evidence, the representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) submitted that as per Rule 21(2) of the Rules, 2017, no remuneration other than daily allowance and allowance for attending meeting for each day of actual meeting is payable to Members of

Parliament at the rate admissible to him / her as Members of Parliament (not exceeding Rs.2000/- per day) when the Parliament is not in Session and on production of a certificate by the Member that she / he has not drawn any such allowance for the same journey and halts from any other Government source. Moreover, the CABD does not have any judicial / quasi-judicial power, power of appointment and is not involved in the disbursement of funds. The Ministry opined that since as per Section 65(2) of the Rights of Persons with Disabilities Act, 2016, Central Advisory Board on Disability is a national level consultative and advisory body, the membership of the same would not entail disqualification.

Observations / Recommendations

9. The Committee note that the Central Advisory Board on Disability (CABD), a statutory body constituted under Section 60(1) of the Rights of Persons with Disabilities Act, 2016, is a national-level consultative and advisory body on disability for the empowerment of persons with disabilities and full enjoyment of rights.
10. The Committee find that the functions enumerated in Section 65(2) of the Act, 2016 are purely advisory in nature and no judicial / quasi judicial, executive power or power of appointment are delegated to the members of the CABD. The Committee further note that proviso to Rule 21 of the Rights of Persons with Disabilities Rules, 2017 state that in case a Member of Parliament who is a Member of the CABD, the daily allowance and travelling allowance shall be paid at the rate admissible to him / her as Member of Parliament when the Parliament is not in Session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.
11. During the course of oral evidence, the representatives of both the Departments of the Ministry of Law and Justice also endorsed that the CABD has no judicial / quasi judicial powers, executive powers or power of appointment / disbursement of funds delegated to the members of the body. Moreover, no remuneration is being given to the MPs as members of the CABD as per Rule 21 of the Rights of Persons with Disabilities Rules, 2017.
12. In view of the above, since a Member of Parliament as a member of the CABD is not entitled to any allowance other than what is admissible under Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959, the election of one Member of Rajya

Sabha to the CABD constituted under the Rights of Persons with Disabilities Act, 2016 may not attract disqualification under Article 102(1) (a) of the Constitution of India.

NEW DELHI;
7th August, 2023
Sravana 16, 1945 (Saka)

DR. SATYA PAL SINGH
Chairperson,
Joint Committee on Offices of Profit

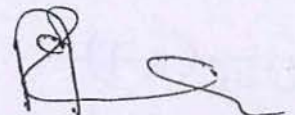
**RAJYA SABHA SECRETARIAT
(COMMITTEE CO-ORDINATION SECTION)**

Sub: Election of one Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of persons with Disabilities Act, 2016- reg.

The Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities(Divyangjan)] had *vide* a Notice of Motion dated 17.02.2021, requested for election of a Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of persons with Disabilities (RPWD) Act, 2016.

2. The relevant Act and Rules pertaining to the Board do not contain any statutory provision for exemption of membership of MPs in the aforesaid Board from being an office of profit. The Ministry, however, in its communications dated 06.09.2017, 01.04.2021 and 23.03.2023, has inter alia opined that- '*Section 65(2) of the RPwD Act enumerates the functions of the CABD. From these functions, it could be clearly seen that the role of the Central Advisory Board on Disability (CABD) is purely advisory in nature. Moreover, CABD does not have any judicial/quasi-judicial power, power of appointment and is not involved in the disbursement of funds... The department is of the view that membership of MPs in the Board cannot be treated as an office of profit.*' A copy of the said Motion, along with other relevant communications received from the Ministry, is enclosed.

3. Lok Sabha Secretariat is, therefore, requested to place the matter before the Joint Committee on Offices of Profit, for its consideration and recommendation on whether the membership by MPs in the said Board would be considered as an 'office of profit'.



(D.S. PRASANNA KUMAR)
DIRECTOR
PHONE: 23034142

Enclosures: As above.

Lok Sabha Secretariat (Shri Lalkithang, Director)

R.S.S ID No. LAFEAS-CO18011/2/2021-Comm Sec(Co-Ord)-RSS, dated 10.04.2023

Add. Dyu(CB-I) & (M)
for reg. 10.4.23

25(CB-I)
10/4/23

COMMITTEE BRANCH-I

Subject: Election of 01 Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of Persons with Disabilities Act, 2016.

Ref: ID Note No. LEAFEAS-CO18011/2/2021-Comm Sec (Co-ord)-Rajya Sabha Secretariat dated 10.4.2023 (attached in original).

The Rajya Sabha Secretariat vide their above mentioned ID note have inter-alia stated that the Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities (Divyaangjan) vide Notice of Motion dated 17.02.2021 had requested for election of 01 Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of Persons with Disabilities (RPWD) Act, 2016. They have also mentioned that the relevant Act and Rules pertaining to the Board do not contain any statutory provision for exemption of membership of MPs in the aforesaid Board from being an Office of Profit. Therefore, Rajya Sabha Secretariat have requested this Secretariat to place the matter before the Joint Committee on Offices of Profit, for consideration and recommendations on whether the membership by MPs in the said Board would be considered as an "Office of Profit".

2. Accordingly, Committee Branch-II may kindly receive the ID note of Rajya Sabha Secretariat alongwith relevant papers for further necessary action. Committee Branch-II is also requested to furnish the reply directly to Committee Coordination Branch, Rajya Sabha Secretariat.

3. This has the approval of JS(SN).

JS(SN)
18/4/23
JS(SN)
18/4/2023

US/CB-I

CB-II

डॉ. थावरचन्द गेहलोत
DR. THAAWARCHAND GEHLOT
सामाजिक न्याय और अधिकारिता मंत्री
भारत सरकार
MINISTER OF
SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA



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दूरभाष: 011-23381001, 23381390, फॅक्स: 011-23381902
ई-मेल: min-sje@nic.in

Dated 27 July, 2016

Committee Organization Section
File No. C-36
27/07/2017

To,

The Secretary General
Rajya Sabha,
Rajya Sabha Secretariat,
Parliament House,
New Delhi.

Subject:- Motion for election of one Member to the Central
Advisory Board constituted under the Rights of Persons
with Disabilities Act, 2016

Sir,

I hereby give notice of my intention to move the following
Motion in the Rajya Sabha on a convenient date:

"That in pursuance of clause (c) of sub-section (2) of Section 60
of the Rights of Persons with Disabilities Act, 2016, the Members of this
House do proceed to elect, in such manner, as the Chairman may direct, one
member from amongst themselves to serve as Member of the Central
Advisory Board for the period till he or she cease to be the Member of the
House, subject to other provisions of the said Act and Rules made
thereunder."

With regards,

Yours faithfully,

(Thaawarchand Gehlot)

File No. 16-17/2017-DD-III

716A
11/08/17

Government of India

Ministry of Social Justice & Empowerment

Department of Empowerment of Persons with Disabilities (Divyangjan)

Antyodaya Bhawan, CGO Complex, New Delhi

Dated 7th August, 2017

OFFICE MEMORANDUM

Subject: Election of a Member of Rajya Sabha to the Central Advisory Board on Disability constituted under Rights of Persons with Disabilities Act, 2016

The undersigned is directed to refer to Rajya Sabha Secretariat's OM No. RS 5(11)/2017-Coord dated 03.08.2017 on the above noted subject and to say that the members of the Houses to be elected to the Central Advisory Board on Disability would serve as ex-Officio members and no remuneration would be paid for being the member of this Board. Thus office of the member of the Central Advisory Board on Disability cannot be construed as office of profit. It is further stated that their membership in the Central Advisory Board on Disability is co-terminus with their membership in the respective Houses of the Parliament. A copy each of the RPwD Act, 2016 and RPwD Rules, 2017 are enclosed as desired.

Encl. As Above

(K.V.S. Rao)

Director

Tel: 24369054

Rajya Sabha Secretariat
(Shri T.N.Pandey, Director)
Room No. 141,
Parliament House Annexe, New Delhi

Handwritten notes:
Nandan
7/8/2017
CC-AD - Kooral

थावरचन्द गेहलोत

THAAWARCHAND GEHLOT

सामाजिक न्याय और अधिकारिता मंत्री
भारत सरकार

MINISTER OF
SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA



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ई-मेल: min-sje@nic.in

17 February, 2021

To,

The Secretary General
Rajya Sabha
Rajya Sabha Secretariat
Parliament House
New Delhi

Subject: - Motion for election of one Member to the Central Advisory Board constituted under the Rights of Persons with Disabilities Act, 2016

Sir,

I hereby give notice of my intention to move the following Motion in the Rajya Sabha on a convenient date:

“That in pursuance of clause (c) of sub-section (2) of Section 60 of the Rights of Persons with Disabilities Act, 2016, the Members of this House do proceed to elect, in such manner, as the Chairman may direct, one Member from amongst themselves to serve as Member of the Central Advisory Board for the period till he or she cease to be the Member of the House, subject to other provisions of the said Act and Rules made thereunder.”

With regards,

Yours faithfully,

17.2.21

(Thaawarchand Gehlot)



File No. 16 11/2017 DD-III
Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)
Anandbhawan Bhawan, CGO Complex, New Delhi
Dated 09 September, 2023

OFFICE MEMORANDUM

Subject: Election of a member of Rajya Sabha to the Central Advisory Board on Disability constituted under Rights of Persons with Disabilities Act, 2016.

The undersigned is directed to refer to Rajya Sabha Secretariat's LOM to the Ministry of Empowerment of Persons with Disabilities on the above noted subject and to furnish the following information in return:

- 1) Section 60(1) of the Rights of Persons with Disabilities Act, 2016 (RPWD Act) provides the composition of the Central Advisory Board on Disability. Many of its members are drawn from various Governmental organisations who are not connected to the Board (e.g. Secretary, NIP, Aayog, Uthapersonal, etc.).
 - 2) Section 60(2) of the RPWD Act provides the functions of the CABD. From these functions, it would be clearly seen that the role of the Central Advisory Board on Disability (CABD) is purely advisory in nature. Moreover, CABD does not have any individual/institutional power of appointment and is not involved in the disbursement of funds. It may be
- Section 60(1) of the RPWD Act, 2016 provides the composition of the Central Advisory Board on Disability. Many of its members are drawn from various Governmental organisations who are not connected to the Board (e.g. Secretary, NIP, Aayog, Uthapersonal, etc.).
- Section 60(2) of the RPWD Act provides the functions of the CABD. From these functions, it would be clearly seen that the role of the Central Advisory Board on Disability (CABD) is purely advisory in nature. Moreover, CABD does not have any individual/institutional power of appointment and is not involved in the disbursement of funds. It may be
- Section 60(2) of the RPWD Act provides the functions of the CABD. From these functions, it would be clearly seen that the role of the Central Advisory Board on Disability (CABD) is purely advisory in nature. Moreover, CABD does not have any individual/institutional power of appointment and is not involved in the disbursement of funds. It may be

would be paid to them. It is
admitted that appointment
is not the sole criterion for
determining exemption in
this regard. In fact, there are
several other factors which
need to be considered, like
whether the body is purely
advisory in nature, whether
it wields influence or power
in way of patronage, whether
it carries out quasi-
legislative or judicial powers,
powers of appointment,
disbursements of funds, etc.
Thus, unless there is a clear
and provision either in the
relevant Act/Rules, or the
CAAD is included in the
exempted list under the
Parliament (Prevention of
Disqualification) Act, 1951,
no statutory protection could
be given to the Members
from disqualification on the
ground of holding an Office
of Profit.

It is noted that the duties and functions of
the Board are stipulated in the
Coordination Committee constituted by
the repealed PWD Act, 1909. Further
Kapur Sahib used to elect one member
to the Central Coordination Committee
in terms of the repealed PWD Act,
1909. The last election of one member
of Board is held for CAC was
conducted by the Board. Member
of Board for CAC dated 29.11.2018. Board
is not a body of profit.

In view of the above, the Department is
of the view that the office of CAC
cannot be treated as office of profit.

It may further be noted that the
Board has already elected its
Members to the CAC during the last
financial year.

This has the approval of the Board.

(K.V.S. Rao)
Director
Tel: 24369054

Copy: Sabha Secretariat
(Shri Sameer Suryapani, Additional Director,
Department of Anna - Annex
Chennai)

SECRET

SECRET

No. RS/S(2)/2010-Comm Sec

Dated the 28th July, 2016

OFFICE MEMORANDUM

Subj: Election of a Member of Rajya Sabha to the Central Coordination Committee.


The Government has directed the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities, to issue a Notification for the election of a Member of Rajya Sabha to the Central Coordination Committee. The Ministry has directed the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities, to issue a Notification for the election of a Member of Rajya Sabha to the Central Coordination Committee. The Ministry has directed the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities, to issue a Notification for the election of a Member of Rajya Sabha to the Central Coordination Committee.

The details of the candidate are given below:

Permanent Address
107, Connaught Place, New Delhi, 110028.
Kin. No. 011-2610015.

The term of Mr. Manoj Kumar in the Rajya Sabha is upto 31st July, 2022.

A copy of the Notification issued in this regard may be endorsed to the concerned Ministry and Ministry.


J.N. PANDEY
JOINT DIR. (C)
PHONE: 23038129

To
The Ministry of Social Justice and Empowerment,
(Department of Empowerment of Persons with Disabilities),
Shri Awasthi K., Awasthi, Joint Secretary & C.O.,
Parvavaran Bhawan,
New Delhi - 110003.

LA/5/2021

Dated: 11 August 2017

OFFICE MEMORANDUM

Subject Election of two members of Lok Sabha to the Central Advisory Board on Disability.

The undersigned is directed to refer to the O.O. No. 16/11/2017 dated 11 July 2017 from the Hon'ble Minister of Social Justice and Empowerment on the above subject and to state that the following two candidates having the requisite qualifications are recommended for election to the Central Advisory Board on Disability and the names of the candidates are enclosed for the information of the Government of India.

1. Dr. Anil Kumar
2. Dr. Anil Kumar

For the Government of India
Secretary

HEMA JOSHI
Secretary
Tel No. 23036271

The Ministry of Social Justice and Empowerment
Shri G. Latha Krishna Rao, Secretary
Government of India
C wing, Shastri Bhawan
New Delhi-110115

सं./ No. 38-02/2021-DD-III (Part -I)

भारत सरकार / Government of India

सामाजिक न्याय और अधिकारिता मंत्रालय

Ministry of Social Justice & Empowerment

दिव्यांगजन सशक्तिकरण विभाग

Department of Empowerment of Persons with Disabilities (Divyangjan)

पाँचवा तल, पंडित दीनदयाल अंत्योदय भवन

5th Floor, Pt. Deendayal Antyodaya Bhawan,

सी जी ओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली - 110003

CGO Complex, Lodhi Road, New Delhi-110003

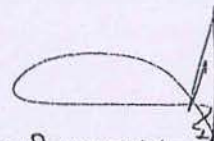
दिनांक / Dated: 31.01.2023

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Subject: Election of one Member of Rajya sabha to the Central Advisory Board on Disability constituted under Rights of Persons with Disabilities Act, 2016 - reg

The undersigned is directed to refer to notice of motion bearing No. 38-02/2021-DD-III dated 17.02.2021 (copy enclosed) and to say that certain clarifications were sought by Rajya Sabha Secretariat in this regard which were replied by this Department on 01.04.2021 (copy enclosed). However, one Member from Rajya Sabha is yet to be elected to the Board.

2. In view of this, Rajya Sabha Secretariat is requested to take appropriate steps for election of a member to the Central Advisory Board on Disability.



(अमित श्रीवास्तव/ Amit Srivastava)

अवर सचिव, भारत सरकार/ Under Secretary to the Govt of India

दूरभाष/ Tel: 24369054

Rajya Sabha Secretariat

[Shri R.K. Mecolt Singh, Deputy Secretary (Coord)]

Parliament House Annexe, New Delhi

Email: rkm.singh@sansad.nic.in

Department of Revenue
1000 Bankers Building
New York, New York 10038
Tel: (212) 312-1000
Fax: (212) 312-1001

Subject: Election of one member of the Board of Directors of the
Advisory Board on Disability Employment Status (ADES) to be held on
November 15, 2023.

The election is to be held at the office of the Board on
November 15, 2023, from 10:00 a.m. to 12:00 p.m. and to be held in
person. The election is to be held in person at the office of the
Board on November 15, 2023, from 10:00 a.m. to 12:00 p.m. and to be
held in person at the office of the Board on November 15, 2023, from
10:00 a.m. to 12:00 p.m.

In view of the fact that the election is to be held in person,
the Board on Disability Employment Status (ADES) is hereby notified
that the election is to be held in person at the office of the Board
on November 15, 2023, from 10:00 a.m. to 12:00 p.m.



Very truly yours,
[Signature]
[Title]



e File No. 38-02/2021-DD-III-Pt(1)

भारत सरकार / Government of India

दिङ्गाङ्जन सशक्तिकरण विभाग

Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice & Empowerment

पाँचवा तल, बी विंग, पंडित दीनदयाल अंत्योदय भवन, सी जी ओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली - 110003
5th Floor, B Wing, Pt. Deendayal Antyodaya Bhawan, CGO Complex, New Delhi-110003

Dated: 01.04. 20 21

OFFICE MEMORANDUM

Subject: Election of one Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of persons with Disabilities Act, 2016 - reg.

The undersigned is directed to refer to Rajya Sabha Secretariat's OM No. RS 5(11)/2017-Coord. dated 01.03.2021 and to say that clarifications sought by RS Secretariat earlier through their reference dated 25.08. 2017 was replied by this Department vide OM No. 16-11/2017-DD-III dated 06.09.2017 (copy enclosed).

2. Rajya Sabha Sectt is requested to take appropriate steps for election of a Member to the Central Advisory Board.

(K.V.S. Rao)

Director

Tel: 24369054

Enclosed: As Above

Rajya Sabha Secretariat
[Shri Satis Mesra, Under Secretary]
Parliament House/Annexe
New Delhi - 110001
Email : rscordcom@sansad.nic.in

File No. 16/11/2017-DT-31

Government of India

Ministry of Social Justice & Empowerment

Department of Empowerment of Persons with Disabilities (Divyangjan)

Atal Bihari Vajpayee, C-100 Complex, New Delhi

Dated: 08 September, 2017

OFFICE MEMORANDUM

Re: Election of a member of Rajya Sabha to the Central Advisory Board on Disability constituted under Rights of Persons with Disabilities Act, 2016.

The undersigned is directed to refer to Rajya Sabha Secretariat's O.M. No. RS/11/2017-Coord dated 15.08.2017 on the above noted subject and to furnish point wise clarification as under:

- (i) Section 4(2)(c) of the Rights of Persons with Disabilities Act, 2016 makes MPs *ex-officio* members of the CABD. In other Statutory bodies/committees/panels etc. MPs are *ex-officio/non-official* as honorary members, and not as *ex-officio* members. *Ex-officio* membership, as the term suggests, is generally given to those officials by virtue of some other position they hold in the Organisation/Body connected to the Board. Hence, this Secretariat feels that making MPs *ex-officio* members of the CABD is inappropriate and inconsistent with the power vested in the Members of Houses for election to the said Board, from amongst themselves.
- (ii) No specific provision is found in the Act/Rules regarding exemption of members of MPs in the Board from the Office of Profit, while although the Ministry had advised that their membership therein cannot be construed as an Office of Profit as no remuneration
- Section 4(2) of the RPwD Act, 2016 provides for constitution of the Central Advisory Board on Disability. Its *ex-officio* members are drawn from various Government organisations which are not connected to the Board. Secretary, NIPUN Bharat, etc. (B.10).
- Section 6(2) of the RPwD Act enumerates the functions of the CABD. From these functions, it would be clear that the role of the Central Advisory Board on Disability (CABD) is purely advisory in nature. Moreover CABD does not have any public administrative powers, nor its appointment and removal is the administrative act of the Government of India. Hence, the

File No. LAFEAS-CO18011/2/2021-Comm Sec(Co-Ord)

Dated the 28th June, 2023

OFFICE MEMORANDUM

Sub: Election of a Member of Rajya Sabha to the Central Coordination Committee.

The undersigned is directed to refer to the letter No. LAFEAS-CO18011/2/2021-Comm Sec(Co-Ord) dated 28th June, 2023 addressed by the Ministry of Social Justice and Empowerment to the Central Coordination Committee, New Management, Kirti Nagar, New Delhi, for the election of one Member of the Rajya Sabha to the Central Coordination Committee and to inform that a copy of the letter is being referred to the undersigned for the purpose of the election of one Member of the Rajya Sabha to the Central Coordination Committee of the RSS.

The Permanent Address of Dr. Mahant is as follows:

Permanent Address
16/1, Anna Park, Gurgaon,
Raj. Road, Gurgaon - 122002.

1. The term of Dr. Mahant in the Rajya Sabha is upto 04.07.2027.

2. A copy of the letter is being placed at this office and may be endorsed to Secretary, Department of Social Justice and Empowerment.

(S. P. SINGH)
JOINT DIRECTOR
PHONE: 23035429

To

The Ministry of Social Justice and Empowerment,
(Department of Empowerment of Persons with Disabilities),
Shri Awasthi K. Awasthi, Joint Secretary & C.O.,
Darvadaran Bhawan,
New Delhi - 110005.

11/04/2023

Dated: 11 August 2023

OFFICE MEMORANDUM

Subject: Election of two members of Lok Sabha to the Central Advisory Board on Disability.

The undersigned is directed to refer to the O.O. No. L-11/2017-01 dated 27.04.2017 from the Hon'ble Minister of Social Justice and Empowerment and to state that the following two Members of Lok Sabha have been directed to serve as members of the Central Advisory Board on Disability for the period commencing from 1st March 2023 to 31st August 2023.

- a. Mr. Latha Krishna Rao
- b. Mr. Shashi Bhawan

Yours faithfully,
[Signature]

Under Secretary

HE (S) JOSI
Under Secretary
Tel. No. 23034271

The Ministry of Social Justice and Empowerment
(Shri Latha Krishna Rao -Secretary)
Government of India,
C- wing, Shastri Bhawan,
New Delhi-110115.

थावरचन्द गेहलोत
THAAWARCHAND GEHLOT
सांघाजिक न्याय और अधिकारिता मंत्री
भारत सरकार
MINISTER OF
SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA



कार्यालय: 202, सी विंग, शास्त्री भवन,
नई दिल्ली-110115
Office : 202, 'C' Wing, Shastri Bhawan,
New Delhi-110115
Tel. : 011-23381001, 23381390, Fax : 011-23381902
E-mail : mln-sje@nic.in
दूरभाष: 011-23381001, 23381390, फॅक्स: 0 11-23381902
ई-मेल: mln-sje@nic.in

17 February, 2021

To,

The Secretary General
Rajya Sabha
Rajya Sabha Secretariat
Parliament House
New Delhi

Subject: - Motion for election of one Member to the Central Advisory Board constituted under the Rights of Persons with Disabilities Act, 2016

Sir,

I hereby give notice of my intention to move the following Motion in the Rajya Sabha on a convenient date:

“That in pursuance of clause (c) of sub-section (2) of Section 60 of the Rights of Persons with Disabilities Act, 2016, the Members of this House do proceed to elect, in such manner, as the Chairman may direct, one Member from amongst themselves to serve as Member of the Central Advisory Board for the period till he or she cease to be the Member of the House, subject to other provisions of the said Act and Rules made thereunder.”

With regards,

Yours faithfully,

(Thaawarchand Gehlot)



No. RS 5(11)/2017- Coord.

Dated the 1st March, 2021

OFFICE MEMORANDUM

Sub: Election of one Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of persons with Disabilities Act, 2016.

The undersigned is directed to refer to a Notice of Motion bearing No. 38-02/2021-DD-III dated 17.02.2021, received from the Minister of Social Justice and Empowerment (Shri Thaawarchand Gehlot) on the above-mentioned subject.

2. Kind attention is drawn to this Secretariat's O.M. of even number dated 25.08.2017 (copy enclosed) which was sent in response to another Notice of Motion on the above subject then received from the Minister. In the said O.M., certain clarifications were sought from the Ministry regarding the nature and status of membership of MPs in the Board. However, reply from the Ministry in this regard is still awaited.

3. The Ministry is, therefore, requested to expeditiously clarify the positions on the said issues mentioned in that O.M. so as to facilitate further processing of the Motion by this Secretariat at the earliest.

Satis Mesra
(SATIS MESRA)
UNDER SECRETARY
PHONE: 23034208

M. K. Pandey
13.03.21
Shri D.K. Panda
To

The Ministry of Social Justice and Empowerment,
{Department of Empowerment of Persons with Disabilities (Divyangjan)}
Shri D.K.Panda, US,
519 (B-II), Antyodaya Bhawan
New Delhi-110 003.

112980/2023/Comm Sec(Co-Ord)

REPLY TO MEMORANDUM

The Director of the Department of Health Services, the Central Advisory Board
and the Director of the Department of Health Services, the Central Advisory Board

The Director of the Department of Health Services, the Central Advisory Board
and the Director of the Department of Health Services, the Central Advisory Board

The Director of the Department of Health Services, the Central Advisory Board
and the Director of the Department of Health Services, the Central Advisory Board

The Director of the Department of Health Services, the Central Advisory Board
and the Director of the Department of Health Services, the Central Advisory Board

112980/2023/Comm Sec(Co-Ord)

Department of Health Services and Administration
112980/2023/Comm Sec(Co-Ord)

भारतीय संसद
PARLIAMENT OF INDIA
राज्य सभा सचिवालय
RAJYA SABHA SECRETARIAT

पता: भवन/संसदीय सचिवालय,
नई दिल्ली-110001
वेबसाइट : <http://rajyasabha hindi.nic.in>

Parliament House/Annexe,
New Delhi-110001
Website : <http://rajyasabha.nic.in>

No. RS. 5(11)/2017-Coord.

Dated the 25th August, 2017

OFFICE MEMORANDUM

Sub: Election of a Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of Persons with Disabilities Act, 2016-reg.

The undersigned is directed to refer to the Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)]'s O.M F.No.16-17/2017-DD-III dated 07.08.2017 on the above-mentioned subject and to state that the following issues regarding the nature and status of membership of Members of Parliament in the Central Advisory Board on Disability (CABD) still need to be resolved:-

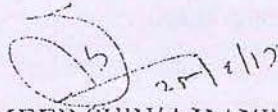
- (i) Section 60(2)(c) of the Rights of Persons with Disabilities Act, 2016 makes MPs *ex officio* members of the CABD. In other Statutory Bodies/Committees, however, MPs are elected/nominated as ordinary members, and not as *ex officio* members. *Ex officio* membership, as the term suggests, is generally given to those officials by virtue of some other position they hold in the Organisation/Body connected to the Board. Hence, this Secretariat feels that making MPs *ex officio* members of the CABD is inappropriate and inconsistent with the power vested in the Members of House(s) for election to the said Board, from amongst themselves.
- (ii) No specific provision is found in the Act/Rules regarding exemption of membership of MPs in the Board from the 'Office of Profit' angle. Although the Ministry had opined that their membership therein cannot be construed as an 'Office of Profit' as no remuneration would be paid to them, it is informed that remuneration is not the sole criterion for determining exemption in this regard. In fact, there are several other factors which need to be considered, like whether the body is purely advisory in nature, whether it wields influence or power by way of patronage, whether it carries executive, legislative or judicial powers, powers of appointment, disbursements of funds, etc. Thus, unless there is a clear-cut provision either in the relevant Act/Rules, or the CABD is included in the exempted list under the Parliament (Prevention of Disqualification) Act, 1959, no statutory protection could be given to the Members from disqualification on the ground of holding an 'Office of Profit'.

...2/-

15/11

2. The Ministry of Social Justice and Empowerment is, therefore, requested to look into the above issues and resolve the same before the process for election of a Member of Rajya Sabha to the aforesaid Board could be initiated.


O/C


(SAMEER SURYAPANI)
ADDITIONAL DIRECTOR
Ph: 23035415

To

The Ministry of Social Justice and Empowerment,
[Department of Empowerment of Persons with Disabilities (Divyangjan)]
(Shri K.V.S. Rao, Director),
Room No. 518, 5th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Distribution Scratch
Please issue


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सं./ No. 38-02/2021-DD-III (Part -I)

भारत सरकार / Government of India

सामाजिक न्याय और अधिकारिता मंत्रालय

Ministry of Social Justice & Empowerment

दिव्यांगजन सशक्तिकरण विभाग

Department of Empowerment of Persons with Disabilities (Divyangjan)

पाँचवा तल, पंडित दीनदयाल अंत्योदय भवन

5th Floor, Pt. Deendayal Antyodaya Bhawan,

सी जी ओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली - 110003

CGO Complex, Lodhi Road, New Delhi-110003

दिनांक / Dated: 23.03.2023

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Subject: Election of one Member of Rajya Sabha to the Central Advisory Board on Disability constituted under Rights of Persons with Disabilities Act, 2016 - reg

The undersigned is directed to refer to Rajya Sabha Secretariat's OM No. LAFEAS-CO18011/2/2021-Comm Sec(Co-Ord)-RSS dated 06.02.2023 on the subject and to say that similar clarifications sought earlier by Rajya Sabha Secretariat through their reference no. RS.5(11)/2017-Coord. dated 25.08.2017 was replied by this Department's OM dated 06.09.2017 and reiterated *vide* OM dated 01.04.2021 (copies enclosed). However, point wise clarifications are again furnished as under:

a)	The use of the word "ex-Officio" in Section 60(2)(c) is not correct as the Member of the Rajya Sabha, who would be chosen as member of the Central Advisory Board on Disability, has to be elected from among the Members of the Rajya Sabha, whereas the word <i>ex-officio</i> signify that the	Section 60(2) of the RPwD Act, 2016 provides the composition of the Central Advisory Board on Disability. Many ex-officio members are drawn from various Government organizations such as NITI Aayog, Railway Board, Rehabilitation Council of India etc. It may also be seen that Section 60(2) (c) clearly specifies that "three Members of Parliament, of whom <u>two</u>
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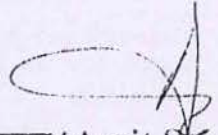
	<p>position is automatic and no selection process is required. This would imply that all MPs would become <i>ex-officio</i> Members of the Central Advisory Board on Disability. Hence, the word "<i>ex-officio</i>" needs to be deleted from Section 60(2)(c).</p>	<p>shall be elected by Lok Sabha and one by the Rajya Sabha, Members, <i>ex-officio</i>". The said provision clearly stipulates requirement of election by Rajya Sabha and rule out any possibility of automatic selection.</p>
<p>b)</p>	<p>A clear cut provision in the Act, exempting Members elected to the Central Advisory Board on Disability from being disqualified under Article 102 (1) of the Constitution of India, on the ground of holding of office of profit or, inclusion of Central Advisory Board on Disability in the list of exempted bodies under the Parliament (Prevention of Disqualification) Act, 1959, is required before the process of election of Rajya Sabha Members to the Central Advisory Board on Disability can be initiated.</p>	<p>As per Section 65 (2) of the RPwD Act, 2016, Central Advisory Board on Disability is a national level consultative and advisory body on disability matters. It does not constitute Office of profit as it has been set up for the purpose of advising the Government on disability issues and as per Rule 21 of RPwD Rules, 2017, no remuneration other than daily allowance, travelling allowance and allowance for attending meeting for each day of actual meeting is payable. Moreover, in case of Members of Parliament or other officials who are also Members of the said Board, above mentioned allowances are only payable if she/he has not claimed such allowances for the same journey from any other Government Sources. Additionally, there is no judicial/quasi judicial,</p>

		executive power or power of appointment delegated to the members of the said Board.
c)	The term of the MPs elected to the Central Advisory Board on Disability is not clearly spelt out in the Act or the Rules thereunder.	Section 61 (1) of the RPwD Act, 2016 prescribes term of three years i.r.o. of nominated members only which does not include Hon'ble MPs elected to the Board. The term of other members is co terminus with them holding the concerned offices.

2. It is also stated that the duties and functions of the said Board are similar to the Central Coordination Committee envisaged in the repealed PwD Act, 1995 (copy enclosed). The last election of one member of Rajya Sabha for Central Coordination Committee was communicated vide Rajya Sabha Secretariat's OM dated 28.07.2016 (copy enclosed). It is also mentionable that Lok Sabha has already elected two members to the Central Advisory Board (copy enclosed).

3. It is further stated that suggestions of Rajya Sabha Secretariat have been noted for consideration at the time of review of the RPwD Act, 2016. In view of this, Rajya Sabha Secretariat is requested to take appropriate steps for election of a member to the Central Advisory Board on Disability.

Encl: As Above


(अमित श्रीवास्तव/ Amit Shivastava)

अवर सचिव, भारत सरकार/ Under Secretary to the Govt of India
दूरभाष/Tel: 24369054

Rajya Sabha Secretariat
[Shri T. Kennedy Jesudossan, Under Secretary]
Parliament House Annexe, New Delhi
Email: rscorcom(@)sansad.nic.in

Ministry of Social Justice & Empowerment
Department of Empowerment of persons with Disabilities (Development)

OFFICE MEMORANDUM

Subject: [Illegible text]
Reference: [Illegible text]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]



File No. SE 02/2021 DD-III (111)
भारत सरकार - Government of India
विशेष अधिकार विभाग

Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता विभाग/ Ministry of Social Justice & Empowerment
पॉस्टा तल, बी विंग, पंडित दीनदयाल अंत्योदय भवन, सी जी ओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली - 110003
5th Floor, B Wing, Pt. Deendayal Antyodaya Bhawan, CGO Complex, New Delhi-110003

Dated: 01.04. 2021

OFFICE MEMORANDUM

Subject: Election of one Member of Rajya Sabha to the Central Advisory Board constituted under the Rights of persons with Disabilities Act, 2016 – reg.

The undersigned is directed to refer to Rajya Sabha Secretariat's OM No. RS 5(11)/2017-Coord. dated 01.03.2021 and to say that clarifications sought by RS Secretariat earlier through their reference dated 25.08. 2017 was replied by this Department vide OM No. 16-11/2017-DD-III dated 06.09.2017 (copy enclosed).

2. Rajya Sabha Sectt is requested to take appropriate steps for election of a Member to the Central Advisory Board.

(K.V.S. Rao)
Director

Tel: 24369054

Enclosed: As Above

Rajya Sabha Secretariat
[Shri Satis Mesra, Under Secretary]
Parliament House/Annexe
New Delhi - 110001
Email : rscordcom@sansad.nic.in

- (q) "mental illness" means any mental disorder other than mental retardation;
- (r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;
- (s) "notification" means a notification published in the Official Gazette;
- (t) "person with disability" means a person suffering from not less than forty per cent. of any disability as certified by a medical authority;
- (u) "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- (v) "prescribed" means prescribed by rules made under this Act;
- (w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
- (x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting—
- (i) persons who seek to engage employees from amongst the persons suffering from disabilities;
 - (ii) persons with disability who seek employment;
 - (iii) vacancies to which person with disability seeking employment may be appointed;
- (y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section (1) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

CHAPTER II

THE CENTRAL COORDINATION COMMITTEE

3. Central Coordination Committee.—(1) The Central Government shall by notification constitute a body to be known as the Central Coordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Coordination Committee shall consist of—

- (a) the Minister in charge of the Department of Welfare in the Central Government, Chairperson, *ex officio*;
- (b) the Minister of State in-charge of the Department of Welfare in the Central Government, Vice-Chairperson, *ex officio*;
- (c) Secretaries to the Government of India 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, Legal Affairs, Public Enterprises, Members, *ex officio*;
- (d) Chief Commissioner, Member, *ex officio*;
- (e) Chairman Railway Board, Member, *ex officio*;
- (f) Director-General of Labour, 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 States, Members;

71
37-

(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;

(j) Directors of the—

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

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

(iii) National Institute for the Orthopaedically Handicapped, Calcutta;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Bombay, Members, *ex officio*;

(k) four Members to be nominated by the Central Government by rotation to represent the States and the Union territories in such manner as may be prescribed by the Central Government;

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;

(l) 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 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 Tribes;

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

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

4. Term of office of Members.—(1) 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;

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

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (l) of sub-section (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (l) 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.

(5) A casual vacancy in the Central Coordination 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 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 (l) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

5. Disqualifications.—(1) No person shall be a Member of the Central Coordination Committee, who

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act, or

(e) has so abused in the opinion of the Central Government his position as a Member as to render his continuance in the Central Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 4, a Member who has been removed under this section shall not be eligible for renomination as a Member.

6. Vacation of seats by Members. If a Member of the Central Coordination Committee becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant.

7. Meetings of the Central Coordination Committee. The Central Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

8. Functions of the Central Coordination Committee.—(1) Subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving 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 functions, namely:—

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

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

(c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(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;

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

(f) take such other steps to ensure barrier free environment in public 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.

9. Central Executive Committee.—(1) The Central Government shall constitute a Committee to be known as the Central Executive Committee to perform the functions assigned to it under this Act.

(2) The Central Executive Committee shall consist of—

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

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

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

20164/Ord.

Dated: 10th July, 2016

OFFICE MEMORANDUM

Subject: Election of a Member of Haryana Sahitya Akademi (continued from previous communication)

Reference is made to the letter of the Hon'ble Minister, Haryana Sahitya Akademi, dated 10th July, 2016, regarding the election of a Member of the Haryana Sahitya Akademi. The Hon'ble Minister has requested that the Government should consider the candidature of Mr. [Name] for the post of Member of the Haryana Sahitya Akademi. The Government has taken note of the request and will consider the candidature of Mr. [Name] in due course.

The Government has decided to consider the candidature of Mr. [Name] for the post of Member of the Haryana Sahitya Akademi. The Government will take a final decision on this matter in due course.

(Signature)
[Name]
[Designation]

Ministry of Social Justice and Empowerment,
Department of Empowerment of Persons with Disabilities,
1st Floor, Block A, Ashoka, Connaught Place, New Delhi-110029,
New Delhi-110029.

रजिस्ट्री नं. डी.एल.- 33004/99

REGD. No. D. L.- 33004/99


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

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CG-DL-E-10062022-236465

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 2541]
No. 2541]

नई दिल्ली, शुक्रवार, जून 10, 2022/ज्येष्ठ 20, 1944
NEW DELHI, FRIDAY, JUNE 10, 2022/JYAISTHA 20, 1944

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 9 जून, 2022

का.आ. 2668(अ).—दिव्यांगजन अधिनियम, 2016 (2016 की 49) की धारा 60 की उप-धारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारत सरकार के सामाजिक न्याय और अधिकारिता मंत्रालय की अधिसूचना, सं. का.आ. 3550 (अ) दिनांक 8 नवंबर, 2017 को संशोधित करने के लिए प्राधिकारिक राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में, क्रम संख्या (3) में, निर्वाचित गंगद गदस्यों से संबंधित खंड (क) में, उपखंड (i) और (ii) के स्थान पर, निम्नलिखित उपखंडों को प्रतिस्थापित किया जाएगा, अर्थात् :-

“(i) डॉ. सुभाष रामरात्र भांगरे, गदस्य, लोक सभा

(ii) श्री रमेश चंद्र कौशिक, गदस्य, लोक सभा.”

[फा. सं. 38-06/2022-डीडी-III]

राजेश कुमार यादव, संयुक्त सचिव

नोट : भारत के राजपत्र, असाधारण, खंड- II, खंड 3, उप-खंड (ii) में दिनांक 08 नवंबर, 2017 की अधिसूचना संख्या का.आ. 3550 (अ) के जरिए मूल अधिसूचना प्रकाशित की गई थी।

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 9th June, 2022

S.O. 2668(E).—In exercise of the powers conferred by sub-sections (1) and (2) of section 60 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following amendment to amend the notification of the Government of India in the Ministry of Social Justice and Empowerment, Number S.O. 3550(E) dated the 8th November, 2017, with effect from the date of publication of this notification in the Official Gazette, namely:-

In the said notification, in serial number (3), in clause (a) relating to elected Members of Parliament, for sub-clauses (i) and (ii), the following sub-clauses shall be substituted, namely:-

“(i) Dr. Subhash Ramrao Bhamre, Member, Lok Sabha

(ii) Shri Ramesh Chander Kaushik, Member, Lok Sabha.”

[F. No. 38-06/2022-DI-D-III]

RAJESH KUMAR YADAV, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide notification number S.O. 3550 (E), dated the 8th November, 2017.

LOK SABHA SECRETARIAT

No. 6/2/C/2021

54047
5/4/21

PARLIAMEN & HOUSE
NEW DELHI 110 001

26 March, 2021
05 Chaitra, 194 3 (Saka)

OFFICE MEMORANDUM

Subject: Election of two members of Lok Sabha to the Central Advisory Board on Disability.

The undersigned is directed to refer to the letter no 38-02/2021-DD-III dated 17 February 2021 received from the Hon'ble Minister of Social Justice and Empowerment on the above subject and to inform that the following two Members of Lok Sabha have been declared as duly elected to serve as the members of the Central Advisory Board on Disability as per details given below:

- (i) Dr. Subhash Ramrao Bhamre
- (ii) Shri Ramesh Chander Kaushik

2. The result of their election has been notified in Lok Sabha Bulletin Part II (Para No 243) dated 17.03.2021) (copy enclosed).
3. A copy of the notification which may be issued in this regard may be furnished to this Secretariat
4. The receipt of this communication may please be acknowledged

Encls as above

Self

(SANJAY SETHI)
ADDITIONAL DIRECTOR
Tel : 23035633

The Ministry of Social Justice and Empowerment
(Shri R. Subrahmanyam, Secretary),
Government of India, Shastri Bhawan,
New Delhi - 110001.

Sec. (DEPWD)

For MIA please

(20)

200

30/3/2021

Handwritten signatures and initials, including "Dir (K)" and "194/2021".

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

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THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

ACT NO. 49 OF 2016

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006.

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(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;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appellate authority” means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) “barrier” means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

1. 19th April, 2017, vide notification no. S.O. 1215 (E) dated 19th April, 2017, see Gazette of India, Extraordinary, Part II, Section 3 (ii).

(d) "care-giver" means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(e) "certifying authority" means an authority designated under sub-section (1) of section 57;

(f) "communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(g) "competent authority" means an authority appointed under section 49;

(h) "discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

(i) "establishment" includes a Government establishment and private establishment;

(j) "Fund" means the National Fund constituted under section 86;

(k) "Government establishment" means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 (18 of 2013) and includes a Department of the Government;

(l) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(m) "inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(n) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(o) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

(p) "local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006); and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

(q) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(r) "person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) "person with disability having high support needs" means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(u) "prescribed" means prescribed by rules made under this Act;

(v) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) "registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) "rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(zb) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(i) persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) "specified disability" means the disabilities as specified in the Schedule;

(zd) "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc;

(ze) "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II RIGHTS AND ENTITLEMENTS

3. Equality and non-discrimination.—(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. Women and children with disabilities.—(1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.

5. Community life.—(1) The persons with disabilities shall have the right to live in the community.

(2) The appropriate Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. Protection from cruelty and inhuman treatment.—(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. Protection from abuse, violence and exploitation.—(1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code (45 of 1860), or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

8. Protection and safety.—(1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 2005) shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

9. Home and family.—(1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

10. Reproductive rights.—(1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

11. Accessibility in voting.—The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

12. Access to justice.—(1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987) shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. Legal capacity.—(1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. Provision for guardianship.—(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.—For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

15. Designation of authorities to support.—(1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III EDUCATION

16. Duty of educational institutions.—The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

17. Specific measures to promote and facilitate inclusive education.—The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to

fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. Adult education.—The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.—(1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

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

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

21. Equal opportunity policy.—(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

22. Maintenance of records.—(1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

23. Appointment of Grievance Redressal Officer.—(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

24. Social security.—(1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. Healthcare.—(1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,—

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying “at-risk” cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

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

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. Insurance schemes.—The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

27. Rehabilitation.—(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

28. Research and development.—The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

29. Culture and recreation.—The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

30. Sporting activities.—(1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI
SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

31. Free education for children with benchmark disabilities.—(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. Reservation in higher educational institutions.—(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. Identification of posts for reservation.—The appropriate Government shall—

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(iii) undertake periodic review of the identified posts at an interval not exceeding three years.

34. Reservation.—(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five 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 category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

35. Incentives to employers in private sector.—The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

36. Special employment exchange.—The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

37. Special schemes and development programmes.—The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

38. Special provisions for persons with disabilities with high support.—(1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

39. Awareness campaigns.—(1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

40. Accessibility.—The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

41. Access to transport.—(1) The appropriate Government shall take suitable measures to provide,—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. Access to information and communication technology.—The appropriate Government shall take measures to ensure that,—

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

43. Consumer goods.—The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

44. Mandatory observance of accessibility norms.—(1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

45. Time limit for making existing infrastructure and premises accessible and action for that purpose.—(1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

46. Time limit for accessibility by service providers.—The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

47. Human resource development.—(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992 (34 of 1992), the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

48. Social audit.—The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

49. Competent authority.—The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

50. Registration.—Save as otherwise provided under this Act, no person shall establish 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 an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 (14 of 1987) or any other Act for the time being in force, shall not be required to be registered under this Act.

51. Application and grant of certificate of registration.—(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.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being 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 within a period of ninety days of receipt of application and if not 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 the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(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 standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2),—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

52. Revocation of registration.—(1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

(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

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

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 of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration 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—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(b) transferred to any other institution specified by the competent authority.

(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.

53. Appeal.—(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

54. Act not to apply to institutions established or maintained by Central or State Government.—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.

55. Assistance to registered institutions.—The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

56. Guidelines for assessment of specified disabilities.—The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

57. Designation of certifying authorities.—(1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

58. Procedure for certification.—(1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

59. Appeal against a decision of certifying authority.—(1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. Constitution of Central Advisory Board on Disability.—(1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Advisory Board shall consist of,—

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio*;

(g) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(i) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(j) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, *ex officio*;

(l) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, *ex officio*;

(n) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(o) Chairperson, University Grants Commission, Member, *ex officio*;

(p) Chairperson, Medical Council of India, Member, *ex officio*;

(q) Directors of the following Institutes:—

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

(ii) National Institute for the Mentally Handicapped, Secunderabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

(v) National Institute for the Orthopaedically Handicapped, Kolkata;

(vi) National Institute of Rehabilitation Training and Research, Cuttack;

(vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(viii) National Institute for Mental Health and Sciences, Bangalore;

(ix) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio*;

(r) Members to be nominated by the Central Government,—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy.
Member-Secretary, *ex officio*.

61. Terms and conditions of Service of members.—(1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 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.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 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 Central Advisory 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 nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

62. Disqualifications.—(1) No person shall be a Member of the Central Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office prejudicial interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

63. Vacation of seats by Members.—If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. Meetings of the Central Advisory Board on disability.—The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

65. Functions of Central Advisory Board on disability.—(1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(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 persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities *vis-a-vis* information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

66. State Advisory Board on disability.—(1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of—

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

(e) Members to be nominated by the State Government:—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

67. Terms and conditions of service of Members.—(1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, 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.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 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.

(4) A casual vacancy in the State Advisory 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 nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

68. Disqualification.—(1) No person shall be a Member of the State Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. Vacation of seats.—If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

70. Meetings of State Advisory Board on disability.—The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

71. Functions of State Advisory Board on disability.—(1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

- (a) advise the State Government on policies, programmes, legislation and projects with respect to disability;
- (b) develop a State policy to address issues concerning persons with disabilities;
- (c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;
- (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 persons with disabilities in the State plans;
- (e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;
- (f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and
- (g) such other functions as may be assigned from time to time by the State Government.

72. District-level Committee on disability.—The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

73. Vacancies not to invalidate proceedings.—No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. Appointment of Chief Commissioner and Commissioners.—(1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

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

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) 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 employees as it thinks fit.

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

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

75. Functions of Chief Commissioner.—(1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

76. Action of appropriate authorities on recommendation of Chief Commissioner.—Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) ¹[of sub-section (1)] of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

77. Powers of Chief Commissioner.—(1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

1. Ins. by Act 4 of 2018, s. 3 and the second Schedule (w.e.f. 5-1-2018).

78. Annual and special reports by Chief Commissioner.—(1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

79. Appointment of State Commissioner in States.—(1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.

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

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State 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 State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

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

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

80. Functions of State Commissioner.—The State Commissioner shall—

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

81. Action by appropriate authorities on recommendation of State Commissioner.—Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

82. Powers of State Commissioner.—(1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

83. Annual and special reports by State Commissioner.—(1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII SPECIAL COURT

84. Special Court.—For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

85. Special Public Prosecutor.—(1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV
NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. National Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890 (6 of 1890).

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(c) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(d) all sums received from the Central Government including grants-in-aid;

(e) all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

87. Accounts and audit.—(1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund 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 from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund 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 production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund 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 laid before each House of Parliament by the Central Government.

CHAPTER XV
STATE FUND FOR PERSONS WITH DISABILITIES

88. State Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities 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 from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities 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 right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities 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 laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI
OFFENCES AND PENALTIES

89. Punishment for contravention of provisions of Act or rules or regulations made thereunder.—Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

90. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.—Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

92. Punishment for offences of atrocities.—Whoever,—

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

93. Punishment for failure to furnish information.—Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given there under, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

94. Previous sanction of appropriate Government.—No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

95. Alternative punishments.—Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

CHAPTER XVII MISCELLANEOUS

96. Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

97. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

98. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

99. Power to amend Schedule.—(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

100. Power of Central Government to make rules.—(1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

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

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;

(g) rules for person with disabilities laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. Power of State Government to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

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

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;

(b) the manner of providing support of a limited guardian under sub-section (1) of section 14;

(c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;

(g) the period within which an appeal to be made under sub-section (1) of section 53;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(l) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(o) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

102. Repeal and savings.—(1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996) is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

I. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(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;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditons, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour,—

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

The Rights of Persons with Disabilities Rules, 2017

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20. Validity of certificate of disability issued under the repealed Act.—The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

CHAPTER VIII

CENTRAL ADVISORY BOARD ON DISABILITY

21. Allowances for the members of the Central Advisory Board.—(1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) The official member of the Central Advisory Board shall be paid daily allowance and travelling allowance, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.—(1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.

(3) The Member-Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.

(4) The Member-Secretary may give notice to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or by email or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

Joint Committee on Offices of Profit
(17th Lok Sabha)

Minutes of the Sitting of the Committee

The Committee sat on Thursday, 20th July, 2023 from 1500 hrs. to 1600 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

Present

Dr. Satya Pal Singh - *Chairperson*

Members

Lok Sabha

2. Smt. Aparajita Sarangi
3. Shri Mahendra Singh Solanky
4. Shri Balashowry Vallabbhaneni
5. Shri Shyam Singh Yadav

Rajya Sabha

6. Shri Mahesh Jethmalani
7. Smt. Sulata Deo

Witnesses

Representatives of the Ministry

Ministry of Law and Justice

(i) Department of Legal Affairs

S. No.	Name	Designation
1.	Dr. Rajiv Mani	Additional Secretary
2.	Shri Druva Kumar Singh	Chief Controller of Accounts
3.	Shri Avnit Singh Arora	Director
4.	Shri Umashankar Thakur	Director

(ii) Legislative Department

S. No.	Name	Designation
1.	Shri K.R. Saji Kumar	Additional Secretary
2.	Shri Beo Joseph	Deputy Legislative Counsel
3.	Smt. Latha Kumari V.V.	Superintendent (Legal)

Secretariat

1.	Shri Vinay Kumar Mohan	Joint Secretary
2.	Shri Naval K. Verma	Director
3.	Shri Rahul Singh	Deputy Secretary

2. At the outset, the Chairperson, Joint Committee on Offices of Profit informed the Members of the Committee about the passing away of Shri Hardwar Dubey, MP (Rajya Sabha) and a Member of the Committee, on 26th June, 2023. The Members of Committee expressed their condolence and silence in respect of the departed soul. Thereafter, the Chairperson took up the formal agenda of the sitting as follows:-

1.	XX	XX	XX	XX
2.	XX	XX	XX	XX
3.	XX	XX	XX	XX
4.	<i>Memorandum No. 16 regarding Election of 01 Member of Rajya Sabha to the Central Advisory Board on Disability (CABD) constituted under the Rights of Persons with Disabilities Act, 2016.</i>			
3.	XX	XX	XX	XX
4.	XX	XX	XX	XX
5.	XX	XX	XX	XX

6. Thereafter, the representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) were ushered in. The Chairperson welcomed the representatives and informed them that they have been called to take oral evidence XX XX XX and to

consider the Memorandum No. 16 regarding election of one Member of Rajya Sabha to the Central Advisory Board on Disability (CABD) constituted under the Rights of Persons with Disability Act, 2016, respectively.

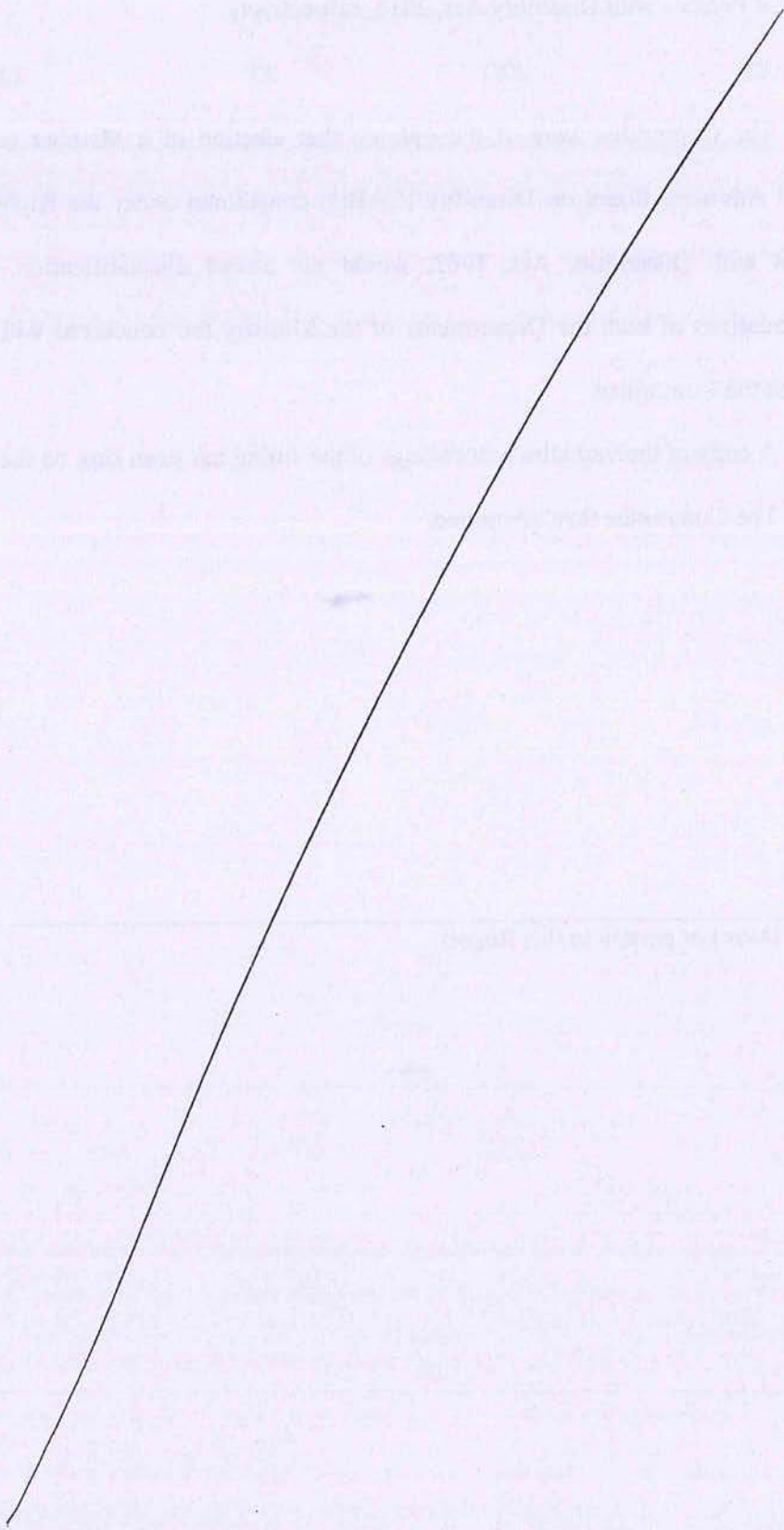
7. XX XX XX XX

8. The Committee were of the opinion that election of a Member to the Central Advisory Board on Disability (CABD) constituted under the Rights of Persons with Disabilities Act, 1962, would not attract disqualification. The representatives of both the Departments of the Ministry too concurred with the views of the Committee.

A copy of the verbatim proceedings of the sitting has been kept on record.

The Committee then adjourned.

XX Does not pertain to this Report.



Joint Committee on Offices of Profit
(17th Lok Sabha)

Minutes of the Sitting of the Committee

The Committee sat on Monday, 7th August, 2023 from 1500 to 1515 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

Present

Dr. Satya Pal Singh - *Chairperson*

Members

Lok Sabha

2. Dr. Manoj Rajoria
3. Shri Mahendra Singh Solanky
4. Shri Balashowry Vallabbhaneni
5. Shri Shyam Singh Yadav

Rajya Sabha

6. Ms. Dola Sen
7. Shri Masthan Rao Beeda
8. Shri Mahesh Jethmalani

Secretariat

1. Shri Vinay Kumar Mohan -- Joint Secretary
2. Shri Naval Kishore Verma -- Director
3. Shri Rahul Singh -- Deputy Secretary

2. At the outset, the Hon'ble Chairperson of the Joint Committee on Offices of Profit welcomed the Members of the Committee to the sitting of the Committee and apprised them about the agenda of the sitting *i.e.* consideration and adoption of the draft Report regarding examination of election of one Member of Rajya Sabha to the Central Advisory Board on Disability under the

Rights of Persons with Disabilities Act, 2016. The Committee unanimously adopted the draft Report without any modification. The Committee authorised the Chairperson to finalise the Report, as per the factual verification from the Ministry / Department concerned and present the same to both the Houses of Parliament during ongoing Monsoon Session. The Committee also discussed about the Study Visit of the Committee to Ranchi and Hyderabad.

The Committee then adjourned.