

LOK SABHA DEBATES

LOK SABHA

Tuesday, July 29, 1997/Shravana 7, 1919 (Saka)

*(The Lok Sabha met at one minute past
Eleven of the Clock)*

[SHRI P.C. CHACKO *in the Chair*]

OBITUARY REFERENCE

[English]

MR. CHAIRMAN : Hon. Members, I have to inform the House of the sad demise of one of our former colleagues, Shri Mohammad Asrar Ahmad.

Shri Mohammad Asrar Ahmad was a Member of Seventh Lok Sabha representing Budaun Parliamentary constituency of Uttar Pradesh during 1980-84.

Earlier, he was also a Member of Uttar Pradesh Legislative Assembly during 1946-53, 1967-68 and 1969-77.

An active social and political worker, Shri Ahmad served his State as Deputy Minister, Local Self-Government and Housing during 1967-68 and State Minister, Local Self-Government during 1970-71. An able legislator, Shri Asrar Ahmad served as Chairman of Public Accounts Committee of Uttar Pradesh Legislative Assembly during 1974-77. He also served as member of various Legislative Committees of his State.

An agriculturist by profession, Shri Ahmad was a well known educationist and served as member of various educational institutions. He worked hard for the upliftment of the poor and down-trodden.

Shri Mohammad Asrar Ahmad passed away on 1 September, 1995 at Budaun, Uttar Pradesh at the age of 87 years.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while as a mark of respect to the deceased.

11.02 hrs.

*The Members then stood in silence
for a short while.*

11.03 hrs.

ORAL ANSWERS TO QUESTIONS

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

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*81. SHRI A. SAMPATH :
SHRI N. DENNIS :

Will the Minister of WELFARE be pleased to state:

(a) the steps taken so far to implement the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

(b) whether highlights of the Act were to provide special amenities in State Buses for persons with wheelchairs, buildings with ramps to facilitate wheelchair users, restrictions on employers, free and adequate education up to the age of 18 for disabled persons, special teachers training etc.;

(c) if so, the number of provisions implemented so far alongwith the details thereof;

(d) whether the Government propose to introduce special programme for the rehabilitation of the physically handicapped poor and other disabled persons in the country;

(e) if so, the details thereof; and

(f) if no, the reasons therefor?

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : (a) A statement is laid on the Table of the House (Statement I).

(b) Yes Sir.

(c) A statement is laid on the Table of the House (Statement II).

(d) Yes Sir.

(e) A statement is laid on the Table of the House (Statement III).

(f) Question does not arise.

Statement I

The following measures have been taken for the creation of necessary institutional arrangements for implementation of the provisions of the Act:

(a) Rules under Section 73(1) and (2) of the Act have been notified.

(b) Central Coordination Committee has been notified vide No. 6-1/96-HW. III dated 21.2.1997.

(c) Constitution of the Central Executive Committee is under process.

(d) Five Core Groups of experts and relevant Ministries have been set up to make recommendations and formulate schemes under the Act in the following areas:—

- (i) Prevention, early detection and intervention;
- (ii) Education including pre-school education;
- (iii) Barrier-free environment;
- (iv) Women, children and aged with disabilities;
- (v) Vocational Training and Employment.

(e) A scheme is being prepared for setting up suitable delivery system for people with disabilities specially in the rural areas.

(f) An Inter-ministerial Committee has been set up under the Chairmanship of Additional Secretary, Ministry of Welfare to keep a regular watch over the implementation of the Act. The Ministries in the Committee include (a) Ministry of Rural Areas and Employment; (b) Ministry of Urban Affairs and Employment; (c) Ministry of Health and Family Welfare; (d) Ministry of Labour; (e) Department of Education; (f) Department of Women and Child Development.

(g) A series of Regional Workshops and Multi-sectoral Workshops involving the State Government officials of concerned departments for implementation of the provisions of the Persons with Disabilities Act, 1995 are being organised in various States throughout the country from the month of August, 1997 onwards.

(h) As per the Constitution of India, rehabilitation of the disabled is a State subject and the major responsibility for rehabilitation of persons with disabilities lies with the State Governments.

Statement II

(a) The implementation of the provisions of the Act require a multi-sectoral collaborative approach of all concerned Ministries of the Central Government, the State/UT Governments and other appropriate authorities. While in the area of prevention, early detection and intervention, Ministry of Health & Family Welfare and Department of Women & Child Development have to play a major role, in the area of education of children with disabilities, Department of Education has to integrate these programmes within their schemes/programmes. For the creation of barrier free environment, the Ministries of Urban Affairs and Employment, Surface Transport, Railways and Civil Aviation have to take various positive steps. In the area of employment and training, Ministry of Labour has an important role. It is to be emphasized that the concerns of the persons with disabilities has to be included as a part of the mainstream development programmes of the country.

(b) The National Handicapped Finance and Development Corporation has been registered on 24/1/97 with the aim of supporting entrepreneurial efforts of persons with disabilities and bring them into the mainstream of economic activity.

(c) The Government is in the process of finalizing the "National Trust for the Welfare of Persons with Mental Retardation and Cerebral Palsy Bill" for Cabinet approval.

(d) The post of Chief Commissioner and the minimum personal staff have already been created.

(e) All State Governments have been requested to take necessary steps including provision of budgetary allocation for speedy implementation of the provisions of the Act. Union Welfare Minister has taken up the matter with the Chief Ministers of the States and Prime Minister has already written to Central Ministers and Chief Ministers of the States in this regard.

(f) A conference of State Secretaries incharge of persons with disabilities was held on 12.2.1997 at New Delhi to discuss the implementation of the Act.

(g) Many aspects specified in the Act in respect of facilities for disabled children are being covered by the Ministry of Human Resources Development, Integrated Education for the Disabled Children (IEDC) Scheme. During the current year, the resources under IEDC have been augmented to expand its coverage.

(h) Under Ministry of Human Resources Development, District Primary Education Programme (DPEP) launched

in 1994 as a Centrally Sponsored Scheme, Integrated education for all children with mild to moderate disabilities is being given special emphasis. Financial parameters have been worked out and guidelines have been evolved for this purpose.

(i) Budgetary provision for the Handicapped Welfare Division of Ministry of Welfare has been increased to Rs. 107.04 crore (Plan) during the financial year 1997-98.

(j) In order to create a barrier-free environment in consonance with the provisions of the Act, model draft building bye-laws incorporating various provisions for creation of accessible buildings for the disabled persons have been formulated and circulated for consideration of all concerned. These Rules are intended to be applicable to all buildings and facilities used by the public.

(k) The benefit of reservation of posts in favour of people with disabilities has been extended for Group A & B posts as well in Central Ministries/Departments/PSUs.

(l) However, the implementation of the Act is a continuous process and is subject to the limits of economic capacity of the appropriate authorities.

Statement III

Government proposes to formulate various new schemes for the people with disabilities during 9th Five Year Plan for implementing the provisions of the Act. For this purpose, 5 Core Committees have been set up with the representatives of Government officials and NGOs. The priority areas identified are as follows:

- (1) Prevention, early detection and intervention
- (2) Education including pre-school education
- (3) Creation of barrier-free environment
- (4) Women and children with disabilities
- (5) Vocational training and employment for people with disabilities.

2. Further, a Central Sector Scheme is being formulated to provide comprehensive and coordinated services to the people with disabilities specially for the rural areas. The scheme proposes to create the following infrastructure:

- (1) An apex level institution at State level for basic rehabilitation services and manpower development.

(2) State level rehabilitation services for all sectors of disabilities.

(3) Multipurpose rehabilitation workers at block/PHC level.

(4) CBR workers at community/gram panchayat level.

SHRI A. SAMPATH : Sir, I am glad that we are having a Minister who is showering us with promises and promises.

Chapter II of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 envisages the Constitution and functioning of a Central Coordination Committee and a Central Executive Committee. Although the Central Coordination Committee has been constituted, as the Minister has stated now, Clause 3 (2)(i) has not been taken into consideration. This Clause envisages sufficient representation of the disabled persons or the Organisation of Persons with Disabilities. Will this criterion be satisfied immediately?

SHRI BALWANT SINGH RAMOOWALIA : Sir, while constituting the Central Coordination Committee, the letter and spirit of the Act has been fully followed.

All the Members, who have been appointed to the Committee, meet all the requirements as per the Act.

SHRI A. SAMPATH : In the constitution of the Central Executive Committee, as envisaged in clause 9(2)(j), will adequate representation be ensured to organisers and some persons with disabilities of different categories and to disabled persons with sufficient working experience in the field?

SHRI BALWANT SINGH RAMOOWALIA : Sir, as I told earlier, the members who have been appointed to the Committee have sufficient practical experience of working in the field for the disabled in the country. Various organisations which have been working in this field and have done commendable work have also been included in the Committee.

SHRI N. DENNIS : The Act is broad-based and reflects a shift from charity to rights covering almost all the important aspects of social and civil life of the physically handicapped. The implementation of the provisions of the Act would greatly help in solution of several problems of the physically handicapped persons.

The hon. Minister has stated that various steps have been taken to implement the provisions of the Act. May I know the impact of the steps taken by the hon. Minister?

The hon. Minister has also stated that instructions have been given to the State Governments for implementation of the Act. May I know the States which have implemented the provisions of the Act? Which are the States which have not implemented the provisions of the Act? May I also know the number of persons benefited by implementation of this Act? I would like to ask one more question.

MR. CHAIRMAN : Please be brief. There is a statement laid on the Table.

SHRI N. DENNIS : It is regarding the magnitude of the problem. The allocation is not adequate. So, may I know whether the voluntary agencies have been contacted and public awareness has also been created for helping the physically handicapped persons?

SHRI BALWANT SINGH RAMOOWALIA : The hon. Member has raised a number of questions in one question.

MR. CHAIRMAN : But you can cover them in one answer.

SHRI BALWANT SINGH RAMOOWALIA : I will try.

The States which have informed my Ministry so far about implementation of the Act are: Andhra Pradesh, Assam, Tripura, Meghalaya, Uttar Pradesh, Gujarat and Rajasthan.

So far as allocation of funds is concerned, it has been increased from Rs. 47 crore to Rs. 107 crore upto 1996-97. It also includes Rs. 28 crore for the National Handicapped Welfare Funding Development Corporation.

The hon. Member has also asked about the impact on the States so far. I have already told that only seven States have so far taken cognizance of the Act. They have implemented it.

Regarding its impact, the welfare of the disabled and their rehabilitation is basically a State Subject. We are working through NGOs because the subject is very vast. So, I cannot take much time of the House by dwelling upon every aspect or every point.

But I can tell you that some good response has started coming in from various organisations and the State

Governments. We are constantly pressing upon the State Governments about this and the State Governments are also taking it seriously.

SHRI SUDHIR GIRI : Mr. Chairman, Sir, although the affairs of infirmity relates to the State Governments yet the Central Government has already provided a substantial amount of money for the benefit of the people concerned.

May I know from the hon. Minister whether there is any central machinery to monitor the implementation of the projects or the schemes offered by the Central Government?

SHRI BALWANT SINGH RAMOOWALIA : Sir, regarding implementation of the Central Act, I had already made it clear that we are impressing upon the State Governments continuously. We depend upon two things for monitoring the implementation of the schemes. Firstly on the inspection by the State Governments and secondly on the recommendations by the State Governments.

MR. CHAIRMAN : The question is, whether there is any Central machinery to supervise the implementation of the schemes or not. Please answer that precisely.

SHRI BALWANT SINGH RAMOOWALIA : Sir, we do not do it directly. But it is done through the State Governments.

[Translation]

SHRI GYAN SINGH : Hon. Chairman, Sir, through you, I would like to ask the hon. Minister about an important issue discussed just now by the hon. members of the House. Sir, we are discussing here the issues pertaining to the lame, crippled and disabled persons. I sought information regarding the directives and policies of the Government in this regard. There is a rule in respect of the crippled persons in Madhya Pradesh wherein they are deprived of the facilities in case they possess one-two acres of land. I would like to ask the hon. Minister as to whether any directives would be issued to provide all facilities to such crippled persons who are childless and who possess only one-two acres of land, which is sandy and meant for single crop.

SHRI BALWANT SINGH RAMOOWALIA : Mr. Chairman, Sir, from the depth of my heart I am thankful

to Shri Sampat ji and other hon. members for raising this issue because I wanted a debate on this issue. The hon. Members has made a mention about Madhya Pradesh and in this connection I would like to say that a Bill would be introduced in the Parliament by the end of this October itself for setting up a Handicapped Trust. The Bill would be introduced after September in October, November whenever we meet. As far as the issue raised regarding the policy being adopted in Madhya Pradesh for such crippled or childless crippled persons is concerned, I would write a letter to the Chief Minister apprising him of the facts.

[English]

SHRI ANADI CHARAN SAHU : Sir, I would like to invite the attention of the hon. Minister to statement II, paragraphs (g) and (h) of the reply wherein it has been stated that steps are being taken for providing facilities for and education to the disabled children.

May I request him to indicate whether funds are being allocated for competitive and participative sports for the disabled children so that they could regain their self-confidence?

SHRI BALWANT SINGH RAMOOWALIA : As I said earlier, the welfare of the disabled cannot be achieved by the Ministry of Welfare alone. Cooperation of different Ministries as well as the State Government is required for this purpose. The hon. Member has mentioned about the participation and good performance shown by the handicapped persons or handicapped students at the school level and has asked whether some fund has been raised for this purpose or not. I would like to tell him that under the Ministry of Human Resource Development we are running 13,000 integrated schools in the country where disabled students study along with the able-bodied students.

The main thrust is to create a psyche of equality among the disabled students. More than 300 schools are being funded by the Ministry of Welfare. During the course of an academic year, funds are being given for studies as well as sports. Every year we also give awards to such students, such schools or such organisations who do tremendously good work in the fields of education and sports. So, the students get total care in the field of sports also.

[Translation]

PROF. RASA SINGH RAWAT : Mr. Chairman, Sir, through you I would like to submit that this Bill was

passed by the Parliament in 1995 and from the long reply of the Minister, it seems that the Government is acting very slowly. The spirit behind this Bill was to help lakhs of handicapped persons of the country and for their welfare, whether they are blind, crippled, disabled, mentally retarded or deaf, but so far only committees are being set up. While making allocations, it has not been clarified as to how much grant would be given to each state. I would like to know the outcome of the Conference of the Secretaries incharge of all the states organised by the Minister on 12.2.1997 in New Delhi. Similarly, I would like to ask him as to how much capital has been allocated for the National Finance and Development Corporation for Disabled set up by him recently.

SHRI BALWANT SINGH RAMOOWALIA : The situation is not so awesome as presented by the hon. Member. He has presented an ambiguous picture whereas we have a very clear picture in our mind and the steps taken by us should be appreciated.

PROF. RASA SINGH RAWAT : I have said that the work is being done at a slow pace.

SHRI BALWANT SINGH RAMOOWALIA : Many works, when done at a slow pace yields good results. I would like to submit that we have chalked out a programme after the meeting held on 12th February and you would be happy to know that we have taken steps for involvement of all in the community Based Rehabilitation Programme. For this we have brought all the governments, voluntary organisations, all those people who have an interest and who work for rehabilitation of the handicapped persons together. Besides imparting vocational training, providing rehabilitation, scholarship, holding experts meetings, opening avenues for new occupations, we have also included allotment of money, coordination and monitoring of handicapped welfare corporation in our Programme. We have formulated this programme on the lines of single window programme. When you see it in detail then you would also praise it.

[English]

DR. T. SUBBARAMI REDDY : I think this is the most important question. Last time it was agreed to have a Half-an-hour or Short Duration Discussion on the subject.

MR. CHAIRMAN : Please put the question.

DR. T. SUBBARAMI REDDY : Sir, the Minister should bear in mind that the physically handicapped or disabled

persons are the most unfortunate ones among God's creations.

We must have sympathy for them. It is a very long reply covering three pages talking of many schemes. The Minister has inspiration and I am very happy about it. Still, I would like to know from him as to what concrete, constructive, effective plans he is contemplating and what effort he is making to get funds provided in the future Five year Plans for helping these people.

Secondly, I would like to know as to how the Minister is going to monitor these schemes. I am not satisfied with his merely saying that he is interested in it and he is making provisions in the plans. I want from the hon. Minister a straight, concrete, very firm reply on how he is going to organise these things to make the country feel proud under the dynamic leadership of his Ministry and to give a glorious life to the physically handicapped in the future.

MR. CHAIRMAN : All these points are already answered. If the Minister wants, he can briefly reply to the hon. Member. He need not repeat all that the hon. Member has said in his statement.

SHRI BALWANT SINGH RAMOOWALIA : The hon. Member actually inspired the entire House to help the cause of the disabled as well as to help me advance further. The House is expressing deep concern ...*(Interruptions)*

MR. CHAIRMAN : Mr. Minister, this is Question Hour. Please do not go into such details.

SHRI BALWANT SINGH RAMOOWALIA : Sir, I am disappointed on one thing for which no solution is available. That is, the mandatory reservation for the handicapped in Government jobs which is ignored by one and all. I have no answer to it.

Fire Incident in Uphaar Cinema

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*82. SHRI DATTA MEGHE :
SHRIMATI MEIRA KUMAR :

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government have enquired into the cases of fire incident in Uphaar theatre and more than fifty other places in NCT of Delhi recently;

(b) if so, the details thereof indicating the recommendations made by the enquiry committee in this regard;

(c) the exact number of casualties in the said incident;

(d) the amount of compensation provided to the relatives of the victims; and

(e) the action taken against the persons responsible for such incidents?

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : (a) to (e) A statement is laid on the Table of the House.

Statement

Following the "Uphaar" incident in which 59 persons lost their lives, the Lt. Governor of Delhi appointed the Deputy Commissioner (South), Delhi to look into the cause(s) and circumstances leading to the fire, fix responsibility for lapses, if any, on the part of the agencies involved and suggest measures to prevent such incidents in future. The report submitted by the Deputy Commissioner (South) concluded that all the agencies concerned namely, Delhi Vidyut Board, Licensing branch of Delhi Police, Delhi Fire Service and Municipal Corporation of Delhi including the Management of Uphaar Theatre had to share the blame for their acts of omission and commission which contributed to the tragedy. The terms of reference assigned to the Deputy Commissioner (South) did not, however, include conducting of an enquiry into the other fire incidents. However, a survey of cinema halls and banquet halls in the National Capital Territory was conducted by a team of officers headed by respective SDMs. Another survey of 13 cinema halls and 9 hotels which were due for renewal of permit was got conducted through Chief Fire Officer from fire safety point of view by the Delhi Police. The NDMC have also separately constituted a Committee to look into the status of fire fighting arrangements in all NDMC owned buildings.

2. The Delhi Police had separately registered a criminal case relating to the "Uphaar" incident, the investigation of which has since been transferred to the Central Bureau of Investigation.

3. The Government of the National Capital Territory of Delhi have announced an ex-gratia payment of Rs. 50,000/- to the next of kin of each of those who lost their lives in the Uphaar incident, Rs. 20,000/- to each of those who were seriously injured and Rs. 10,000/- per