

Persons With Disability Act, 1995

PURPOSE OF THE ACT

This Act was passed by the Parliament on Dec.12, 1995 and notified on Feb. 7, 1996. The Act fixes responsibility of the Central and State Governments, local bodies to provide services, facilities to people with disabilities to provide equal opportunities for participating as productive citizens of the country. The Act enlists rights and facilities persons with disabilities would be entitled to and which are enforceable.

This is an important landmark. The act provides for both preventive and promotional aspects of rehabilitation.

CHAPTER I

PRELIMINARY

Disabilities covered in the Act are :- blindness, low vision, leprosy-cured, hearing impairment, locomotor disability, mental retardation, and mental illness.

A person with disability has to be certified by a medical authority that he or she is suffering from not less than 40% of the disability.

CHAPTER II -

THE CENTRAL CO-ORDINATION COMMITTEE AND EXECUTIVE COMMITTEE

1. The Central Government shall constitute a Central Co-ordination Committee (CCC), headed by the Minister of Social Justice and Empowerment.

CCC consists of 39 persons, 24 will be official members and 15 nominated by the Government, will represent NGOs and associations concerned with disabilities. Atleast one woman and one person from SC or ST is to be included. The term of all the members will be for three years.

Important functions of the Central Coordination Committee shall be the following :-

- a) Review and coordinate the activities of Government and NGOs.
- b) Development of National Policy.
- c) Advise the Central Government on the formulation of policies, programs, legislation and projects.
- d) Advocacy with national and international organisations with a view to provide for schemes and projects for the disabled in the national and international plans and programs.
- e) Review donor funding policies from the perspective of their impact on persons with disabilities.
- f) To ensure barrier free environment.
- g) Monitor and evaluate the impact of policies and programs.

The Central Coordination Committee will be bound by such directions in writing as the Central Government may give it. The Committee shall meet once every six months.

2. The Central Executive Committee (CEC)

The Central Co-ordination Committee shall carry out the decisions of the Central Coordination Committee. The Executive Committee shall meet every three months.

CEC will consist of 23 persons, including five persons concerned with disability.

CHAPTER III -

THE STATE COORDINATION AND EXECUTIVE COMMITTEE

Each state shall appoint a State Coordination Committee, consisting of 23 official and five non-official members.

The State Executive Committee will have 13 official and 5 non-official members.

The terms and conditions and functions of the State Committees shall be the same as those of the Central Committees.

CHAPTER IV

PREVENTION AND EARLY DETECTION OF DISABILITIES

Within the limits of economic capacity and development, the concern authorities, with a view to preventing the occurrence of disabilities, shall -

- a) Undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities.
- b) Promote various methods of preventing disabilities.
- c) Screen all children at least once in a year for identifying at-risk cases.
- d) Provide facilities to trained staff at the primary health centres.
- e) Sponsor or cause to be sponsored, awareness campaigns and disseminate information for general hygiene, health and sanitation.
- f) Take measures for prenatal and postnatal 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 masses through TV, radio and other mass media on the causes of disabilities and its prevention.

CHAPTER V

EDUCATION

Every child with disability should have access to free and adequate education till the age of 18, integrate students with disabilities into normal schools, set up special schools in government and private sectors and equip these special schools with vocational training facilities.

Introduce schemes for non-formal education of children who have discontinued their education after 5th class. Conduct special part time classes for functional literacy in the age group of 16 and above and provide each child, free of cost special books and equipments needed for his or her education, including education in open schools and universities.

The Government shall set up teachers training institutions to run special schools and integrated schools for children with disabilities by trained teachers.

The Government shall provide, to such children, transport facilities, remove architectural barriers from educational institutions imparting vocational training and education, provide books, uniforms and other materials to children attending schools, grant scholarships and restructure curriculum for the benefit of students with disabilities with disabilities.

Government shall promote research for assistive devices to give a child with disability equal opportunities in education.

Government shall present a comprehensive education scheme including transportation, barrier free environment and grievances redressal forum.

CHAPTER VI

EMPLOYMENT

The Government shall reserve atleast 3% posts in Government jobs for persons with disabilities as follows :-

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| 1. Blindness or low vision | 1% |
| 2. Hearing Impairment | 1% |
| 3. Locomotor Disability or Cerebral palsy | 1% |

If in any year, vacancy cannot be filled then it would be carried to next year, thereafter people with other disabilities can be given employment and finally, if there is no suitable disabled person, then only a person other than a person with disability can be given employment.

Special employment exchange would be set up.

Appropriate Governments shall formulate schemes for ensuring employment of persons with disability including training.

All Government shall reserve not less than 3% seats for persons with disabilities. Not less than 3% of all poverty alleviation schemes shall be reserved for persons with disabilities. Government shall within their economic capacities frame scheme to give incentives to employers in public and private sectors to ensure that atleast 5% of their work force is composed of persons with disabilities.

CHAPTER VII

AFFIRMATIVE ACTION

The Government shall provide aids and appliances to persons with disabilities and shall provide land at concessional rates for allotment to persons with disabilities for housing, business, special recreation centres, special schools, research centres and factories by entrepreneurs with disabilities.

CHAPTER VIII

NON DISCRIMINATION

Government transport shall take special measures to adapt their facilities and amenities so to permit easy access to persons with disabilities.

All authorities shall within their capacity, provide auditory signals along red lights, crossings, constructions shall be designed for wheel chair users, and engraving on zebra crossing for blind people. Building and toilets shall be constructed with ramps and other features.

No employer shall terminate an employee who acquires a disability during service. No employer shall also deny promotion to an employee on grounds of disability.

CHAPTER IX

RESEARCH AND MANPOWER DEVELOPMENT

Government shall promote, sponsor research to prevent disability, rehabilitate the disabled, develop assistive device, identify jobs and develop pro-disabled structural features in factories and offices.

CHAPTER X

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

Within six months of this Act being passed, persons running establishments or institutions for persons with disability shall apply under this Act, for a certificate of registration from a competent authority of the State Government.

CHAPTER XI

INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

Persons having 80% or more disabilities are considered persons with severe disabilities. Governments shall establish and maintain institutions for them. Where private institutions, meeting Government standards exist, they shall be recognised for the purpose.

CHAPTER XII

THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

The Central Government shall appoint a Chief Commissioner for persons with disabilities for the implementation of this Act. The Chief Commissioner shall coordinate the work of the Commissioners, monitor the utilization of funds distributed by the Central Government.

Commissioners shall have similar responsibilities at the State level. The Chief Commissioner and the Commissioner shall take up any complaint or suomoto regarding deprivation of rights with persons of disabilities and non implementation of laws, rules, orders, instructions issued by the Government or local authorities.

The Chief Commissioner and Commissioners have the same powers as are vested in a court under the Code of Civil procedure, 1908 for summoning and enforcing attendance of witnesses, receiving evidence on affidavits, etc.

The Chief Commissioner shall prepare an annual report to be layed in Parliament. The Commissioner shall submit an annual report to the State Legislature.

CHAPTER XIII

SOCIAL SECURITY

The Government shall within their economic limits, undertake rehabilitation of all persons with disabilities, grant financial assistance to NGOs undertaking rehabilitation programmes for persons with disabilities. Where possible, give unemployment allowance to persons with disabilities registered with the special employment exchange for more than 2 years, and who could not be placed in any gainful occupation. Insurance schemes for the employed, and if needed, insurance scheme for non-employed by the Government is also mentioned.

CHAPTER XIV

MISCELLANEOUS

Whoever attempts to commit fraud and avail of the benefits meant for persons with disabilities shall be punished upto two years imprisonment and upto Rs.20,000 fine.

The Chief Commissioner, the Commissioners, officers and staff provided to implement this Act shall be deemed to be public servants.

NOTE :- Please refer to authentic copy of the Act for legal purposes and details.