

Frequently Asked Questions (FAQs)

Q.1 What is meant by Disability?

Ans. According to PWD Act, disability means:

- a) Blindness
- b) Low Vision
- c) Leprosy Cured
- d) Hearing Impairment
- e) Loco motor disability
- f) Mental Retardation
- g) Mental illness

In addition, the categories of disabilities recognizes in the National Trust Act are for the welfare of Persons with Autism, Cerebral Palsy, and Multiple Disabilities.

Q.2 What is meant by persons with disabilities?

Ans. Persons with Disabilities means a person suffering from not less than 40% of any disability as certified by Medical board.

Q.3 Is there a legal provision that protects the rights of persons with disabilities?

Ans. Yes, The persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has been enacted to protect the rights of persons with disabilities.

Q.4 Who are eligible to get the assistance from the Government meant for persons with disabilities?

Ans. Generally persons suffering from 40% or more disability of the above-mentioned kind get the benefits.

Q.5 Is there any age limit generally to get the assistance?

Ans. Yes, age limit varies from scheme to scheme.

Q.6 What are the rights for Persons with Disabilities?

Ans. All persons in the country, including persons with disabilities, are entitled to equal rights & equal protection of laws under article 21 of the Constitution of India.

In exercise of this right, at any time, a person with disability can approach the Court of Law or Chief Commissioner for Persons with Disabilities, if he faces any unreasonable/arbitrary discrimination based on his disability.

The Constitution, however, permits positive discrimination and hence special laws can be passed for creating rights in favour of persons with disabilities.

Q.7 What are the Special Laws for disabled persons?

- Ans. a) The persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
b) The National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999
c) Rehabilitation Council of India Act, 1992
d) Mental Health Act, 1987

Q.8 Who are covered under the Act?

Ans. Persons with 40% or more disability as certified by a recognized Medical Board are covered under the Act.

Q.9 What are the functions of Chief Commissioner?

- Ans. As per Section 58, the Chief Commissioner shall
- Co-ordinate the work of the chief Commissioners
 - Monitor the utilization of funds disbursed by the Central Government
 - Take steps to safeguard the rights & facilities available to persons with disabilities
 - Submit report to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

As per Section 59, without prejudice to the provisions of Section 58, the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to:

- Deprivation of rights of persons with disabilities;

- b) Non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights for the persons with disabilities, and take up the matter with the appropriate authorities.

Q.10 What are the functions of State Commissioner?

Ans. As per Section 61, the commissioner shall :

- a) Coordinate with the departments of State Government for the programmes and schemes for the benefit of persons with disabilities;
- b) Monitor the utilization of funds disbursed by the State Government
- c) Take steps to safeguard the rights & facilities available to persons with disabilities
- d) Submit report to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

As per Section 61, without prejudice to the provisions of Section 61, the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to:

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

Q.11 What are the functions assigned to the Coordination Committees?

Ans. The Central & State Coordination Committees are to facilitate continuous evolution of comprehensive policy, review and coordinate the activities of all the Government departments and NGOs and advice the respective governments on formulation of disability related policies, programmes, legislation and projects and also to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities and such other functions as may be prescribed by the government.

Q.12 What are the functions assigned to the Executive Committees?

Ans. The Central and State Executive Committees are to carry out the decision of the Central Coordination Committee and perform other functions, which may be delegated to it by the coordination committees.

Q.13 What is a Disability Certificate?

Ans. Disability Certificate is issued by the concerned Medical Board constituted in the District Hospitals/Medical College in the prescribed format. The Board consists of at least three members out of which at least one shall be a specialist in the particular field for assessing Locomotor/visual including low vision/hearing and speech disability, mentally retardation and leprosy cured, as the case may be.

Q.14 How can one get a certificate of disability?

Ans. Disability Certificate are issued by the Medical Board which are generally constituted in the district hospital. The applicant should apply for it with 3 copies of passport size photograph and a copy of their ration card/residence proof.

Q.15 Can a persons appeal against the assessment of the Medical Board?

Ans. Yes, If one feels that the Medical Board has not properly assessed, one can submit appeal to the Chairman of the Medical board who will make necessary arrangement to consider the appeal.

Q.16 What are the benefits of having a disability certificate?

Ans. A disability certificate can help one get the benefit of education and employment and in getting aids and appliances, the details of which are given later in the booklet.

Q.17 Who issues the Identity Card? What are the advantages of this Card?

Ans. In order to avail various benefits for travel, scholarships, concessions, etc. under the State/Central Schemes for persons with disabilities, one need an Identity Card. this card is issued by the Department of Social Defence/Social Welfare/Social Justice.

Q.18 What is the provision for reservation of persons with disabilities in employment?

Ans. As per Section 33 of the PWD Act, 1995, all govt. office or govt. undertakings will have to reserve 3% of the vacancies for Persons with disabilities in the identified posts:

1% for Visually Disabled

1% for Hearing Disabled

1% for Locomotor Disabled

Q.19 Is there any reservation in admission in educational institutions for persons with disabilities?

Ans. As per Section 39 of the Act, all Govt. institutions or institutions having govt. assistance must reserve 3% seats for students with disabilities. There is no distribution of reserved seats among different categories of disabilities.

Q.20 What are the other benefits available to persons with disabilities for education?

Ans. a) Free education upon the age of 18 years

b) Scholarships

c) School Boards allow scribe to write examination to visual Impaired, physically Handicapped & Dyslexic students

d) Free books, book grant, uniform and other learning aids

e) Special schools for differently-abled children

Q.21 How to avail the scholarship?

Ans. Ministry of Social Justice & Empowerment publishes advertisement in newspapers some time in the month of May. One should apply in response to the advertisement. Also visit <www.socialjustice.nic.in>

Q.22 Whether any educational assistance is available for disabled children?

Ans. Yes. Financial assistance (scholarships) are given by the most of the states depending upon the annual family income.

Q.23 How does the Act protect a person with disability from discrimination at work?

Ans. A person with disability working in any government establishment cannot be denied promotion merely on the ground of his disability. Anyone employed in a government establishment who acquires a disability during his/her employment:

- a) Cannot be dispensed with or reduced in rank
- b) If, after acquiring the disability, an employee is not suitable to continue in his post, he may be shifted to suitable post with the same pay scale and service benefits
- c) Pending availability of a suitable post, a supernumerary post should be created for such person till superannuation.

Q.24 Does the Act promote entrepreneurship/ ownership amongst disabled persons?

Ans. The Act provides for preferential allotment of land to the disabled persons by appropriate governments at concessional rates for building their own houses, setting up business or factories and establishing special school, research or recreational centers.

Q.25 Can any person/ organization run activities for persons with disabilities without any provision under the Act? If no, from whom such permission is to be obtained?

Ans. As per Section 51 of the Act, no person can establish or maintain any institution for PWD without a certificate of registration from the competent authority. Every state has to appoint competent authority for the purpose of the Act. Certification of registration should be obtained from competent authority.

Q.26 What are the governments required to prevent discrimination against persons with disabilities in transport?

Ans. Government establishments related to transport sector are required to:

- a) Adapt rail compartments, buses, vessels, and other vessels, aircraft for easy access and use by disabled
- b) Adapt toilets in rail compartment, ships and other vessels, aircraft and waiting rooms for the convenience of wheel-chair users.

Q.27 What are the governments required to prevent discrimination in use of roads by persons with disabilities?

Ans. The appropriate government are required to provide:

- a) Auditory traffic signals, engraving on the surface of zebra crossing and on the edges of railways platforms for easy access to assist visually impaired persons
- b) Slopes in pavements for easy access of wheel-chair users
- c) Appropriate symbols of disability
- d) Warning signals of disability

Q.28 What are the governments required to do to enable the persons with disabilities to access public buildings?

Ans. The appropriate Govts. are required to provide the following in public buildings:

- a) Ramps, especially in hospitals, primary health centres and other medical car and rehabilitation centres
- b) Adapt toilets for wheel-chair users
- c) Braille symbols and auditory signals in lifts.

Q.29 What are the provisions for social security sand rehabilitation of disabled persons in the Act?

Ans. The Governments are required to:

- a) Frame schemes for payment of unemployment allowance to disabled persons registered with the Special Employment Exchange for more than two years but still unemployed
- b) Issue notification framing insurance scheme for its employees with disabilities.
- c) Undertake rehabilitation of all disabled persons to enable them to reach and maintain optimal physical, sensory, intellectual, psychiatric or social functional levels, including providing aids and appliances.
- d) Disability Pension/ Unemployment Allowance is being provided by most of the states. The amount ranges from Rs. 100/- to Rs. 1000/- per month.

Q.30 Why was the National Trust Act enacted?

Ans. The National Trust Act was enacted for the welfare of persons with autism Cerebral Palsy, Mental Retardation and Multiple Disabilities.

Q.31 What are the main aims and objective of the National Trust (NT) Act?

- Ans.
- a) To live and empower persons with disability to live as in independently and as fully as possible within and as close to the community to which they belong;
 - b) To strengthen facilities to provide support to persons with disability o live within their own families;
 - c) To extend support to registered organizations to provide need based services during the period of crisis in the family of persons with disability;
 - d) To deal with problems of persons with disability who do not have family support;
 - e) To promote measures for the care and protection of persons with disability in the event of death of their parents or guardian;
 - f) To evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;
 - g) To facilitate the realization of equal opportunities, protection of rights and full participation of persons with disability; and
 - h) To do any other act which is incidental to the aforesaid objects.

Q.32 Why guardian?

Ans. Persons suffering from these four categories disabilities may have to depend on others even on attaining the age of 18 years and may not be able to utilize the opportunities and facilities enjoyed by other citizens. Therefore, legal guardians are appointed to ensure that they an enjoy rights and privilege like other fellow citizens and lead a complete life.

Q.33 Who can be a legal guardian?

- Ans.
- a) Father/ Mother, parents
 - b) Relatives
 - c) Any organization registered with the National Trust

Q.34 Are parents to obtain legal guardianship?

Ans. Yes, when the son/daughter attains 18 years of age.

Q.35 When can a relative be appointed as Legal Guardian?

Ans. In absence of parents. However, the parents can themselves nominate any relative.

Q.36 What is meant by relative?

Ans. In relation to the PWD, Sibling, Grand father/Grand mother, uncle/aunt/maternal uncle/ maternal aunt.

Q.37 When can an NGO be appointed Legal Guardian?

Ans. When there is none among relatives, parents grand parents. The concerned Local Level Committee can also appoint an NGO as legal guardian.

Q.38 Can Legal Guardian be appointed for property alone?

Ans. Legal Guardianship cannot only for person of PWD but also for maintenance of property. One LG for person and another for property is allowed.

Q.39 What can a Legal Guardian do for the PWD?

Ans. a) Can open a bank account and save money
b) Can participate in any investment on behalf of the ward
c) Can obtain loans from any financial institutions
d) Can receive financial assistance from any body for self-employment in favour of the PWD.

Q.40 Is there any provision of LG for mentally ill persons in any other Act? If so, how?

Ans. Section 53 of the Mental Health Act, 1987 provides for appointment of LG for persons belonging to category of mental illness. The Collector or concerned court by order appoint any person as of the mentally ill person.

Q.41 What are the provisions of Income Tax Relief for persons with disabilities?

Ans. a) A resident individual having permanent physical disability is entitled to claim a deduction up to Rs. 50000/- under Section 80u of the Income Tax Act. For severe disabled persons, relief is of Rs. 75000/-.

b) The Act under Section 80DD provides for deduction of sum of Rs. 50000/- for maintenance of handicapped dependant including medical treatment. For severe disabled persons, relief is of Rs. 75000/-.

Q.42 How to get aids and appliances?

Ans. Approach the office of DDRC/ District Disability Rehabilitation Officer/ District Social Welfare Office/District Collector.

Q.43 I suffered an injury recently that has affected my hearing. The doctor told me that if I get a hearing-aid, I would be able to do almost all the things that I could do earlier. Whom do I contact?

Ans. Under Section 42, the Act specifies that the government shall make schemes to provide aids and appliances to persons with disabilities. You may contact the Commissioner (Disabilities) of your state to know about the prevalent scheme in your state.

Q.44 Can Govt. provide financial assistance to severely disabled persons?

Ans. Yes, the State Governments provide pension to all physically challenged persons having disability 40% or above at the prescribed rates.

Q.45 I want to start my own small business. Can I get some assistance for that?

Ans. National Handicapped Financial Development Corporation provides soft loan to persons with disabilities for self-employment through state channelising agency. Please visit <www.nhfdc.org>

Q.46 Is there any benefit for a PWD under housing schemes and poverty alleviation schemes?

Ans. Yes, under Indira Awas Yojana 3% reservation is provided for persons with disabilities. Some states have their own housing schemes

also. As per Section 40 of the act, 3% reservation is mandatory for PWDs in all poverty alleviation schemes such as SGSY, SGSRY, IAY. PWDs cannot be reused work under any poverty alleviation scheme such as NREGA, SGRY on the basis of disability. In complaint with the State Commissioner Disabilities or the District Collector.

Q.47 What are the schemes of financing and maximum amount of loan?

Ans. The schemes of NHFDC are:-

- a) Setting up small business in services/trading sector: Loan upto Rs. 3.00 lakh
- b) Setting up small industrial unit: Loan upto Rs. 5.00 lakh
- c) Loan for Education/Training: Rs. 7.50 lakhs (study within India)
- d) Agricultural activities: Loan upto Rs. 5.00 lakhs
- e) Self Employment among persons with mental retardation, cerebral palsy and autism: Loan upto Rs. 3.00 lakh
- f) Financial assistance for Skills & Entrepreneurial Development

Q.48 My 12 years old daughter cannot hear but can speak a little. She is very keen to go with her brother to his school. Is it possible?

Ans. Of course, she can. The government provides for free education (Sec.26) for all children with disabilities till the age of 18 years at the primary, middle and secondary levels. However, since most teachers in these schools are not trained to respond to the special needs of children with disabilities, the government has a scheme for integrated Education for Disabled Children (IEDC). The scheme provides support so that children with disabilities can study in regular schools with other children. The support is in the form of provision of special teachers, allowances for books, stationery and transport, escort and reader's allowance, uniform, counseling, provision of aids and appliances, etc.(Section 30).

Q.49 I am studying in class VII in a govt. school. The secondary school is very far from my house and it is difficult for me to reach there. But I want to continue studying. What are the options that I have?

Ans. Most state governments provide assistance/ scholarship. Some of them also provide hostel accommodation for pursuing primary or

secondary education. To avail these benefits, you may contact the District Social Welfare Officer of your district with Identity Card and disability Certificate.

Q.50 My daughter cannot see. She also has difficulty in speaking clearly and in understanding. We feel she will not be able to cope up in a mainstream school. She is, however, very keen to go to school. How can we help her?

Ans. Children having more than one kind of disability need special attention and education. They require teachers who are trained to attend to them. Special schools are being run for such children in district level in all the States. They can also be admitted in inclusive schools run by Govt. and NGOs.

Q.51 I am a student of class X and I cannot see properly. I cannot write myself. Is there any assistance I can get for writing my tests/exams?

Ans. You can definitely appear for the exams, as under Sec. 31 of the Act, you can get special assistance in the form of a writer allowance or the services of a writer.

Q.52 I have completed Higher Secondary with science and want to do a course in pharmacy. I can speak but cannot hear properly. I understand that there is some reservation for students like me. Is that true?

Ans. Yes, under Sec. 39 of the Act, 3% seats are reserved in all government educational institutions and other educational institutions receiving aid from the government. This reservation is for all university courses, professional courses such as nursing, engineering, B.Ed., Primary Teachers Course (PTC), medical, and pharmacy, ITI in polytechnics and in pre-service and in-service teachers training courses.

Q.53 I had appeared for an exam for admission to the B.Ed. Course but was refused admission on account of the fact I cannot see. Is this not a violation of my right?

Ans. Yes, it is a violation of your right. In such a case, you must contact the Commissioner for Persons with Disabilities of your state, who would be able to guide you. If necessary, the Commissioner can direct the authorities concerned to explain their action and/or amend their

decision. You may also contact a local NGO working with the visually impaired and seek its guidance.

Q.54 Where to register the name of Physically Handicapped for employment?

Ans. The persons with disabilities can register their names either in the Special Employment Exchange or in the Ordinary Employment Exchange.

Q.55 I am a graduate and am looking for a job. Are there any special provisions for me to get a suitable job?

Ans. Many vacancies are advertised in newspapers. you should check these regularly. In addition, for those who have completed education up to the 10th standard, there are Special Employment Exchanges. These exchanges are required to send you intimation as and when there is a vacancy for a job that meets your requirements.

Q.56 Is there any age relaxation to PWDs for getting jobs?

Ans. **RELAXATION IN AGE LIMIT**

- i) Upper age limit for PWDs shall be relaxable(a) by 10years(15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to group C and group D posts; (b) by 5 years(10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Gr.A and Gr.B posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Gr. A and Gr. B posts through open competitive examination.
- ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

RELAXATION OF STANDARD OF SUITABILITY

If sufficient no. of PWDs are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for standards, candidates belonging to this

category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post/posts in question.

Q.57 Is there any income limit for job reservation to the persons with disabilities?

Ans. No.

Q.58 Is there any pension scheme for PWDs?

Ans. Disability Pension/Unemployment Allowance are given to PWDs by the State Government.

Q.59 Whether persons with disability are eligible for both pension and unemployment allowance at a time?

Ans. Generally no.

Q.60 Is there any income limit for disability pension and unemployment allowance?

Ans. Each state has its scheme to fix the annual family income as eligibility criteria for payment of Disability Pension or Unemployment Allowance.

Q.61 Is there any travel concession in local buses, railways and airlines for disabled persons?

Ans. Most states are offering concessions in local buses. Railways give concession to persons with blindness, deaf and dumb, mentally retarded and locomotor disability subject to certain conditions, e.g., need for escort. Indian Airlines also give concession to blind and persons with locomotor disability.

Q.62 I had been working in the govt. press for past 8 years. I lost my right lower arm a year back. I was asked to leave my job. I am the only earning member in my family. What resource do I take?

Ans. As per Section 47 of the Act, if any person acquires disability during service, he cannot be removed from service nor can be reduced in rank. No reduction of wages/salary is permissible. He is to be placed in similar other post. However, if he cannot continue to do the task as assigned earlier, he shall be shifted to a suitable post with the same pay scale and service benefits. If such a post is not available, a

supernumerary post should be created for such a person until a suitable post is available or he attains the age of superannuation, whichever is earlier.

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