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

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THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

No.1 OF 1996

[1st January, 1996]

An Act to give effect to the Proclamation on the Full Participation and Equality of the people with Disabilities in the Asian and Pacific Region.

WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-----2002 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full participation and Equality of people with Disabilities in the Asian and Pacific Region;

AND WHEREAS India is a signatory to the said Proclamation;

AND WHEREAS it is considered necessary to implement to Proclamation aforesaid.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:---

CHAPTER 1

PRELIMINARY

1.Short title.Extent and commencement.- (1) This Act may be called the Persons With Disabilities (Equal Opportunities.Protection of Rights and Full Participation) Act, 1995.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

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

(a) "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 Cantonment Act, 1924 (2 of 1924), 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;

(iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government.

(iv) in respect of the State Coordination Committee and the State Executive Committee, the State

Government;

(b) "blindness" refers to a condition where a person suffers from any of the following conditions, namely:---

(I) total absence of sight.

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse;

(c) "Central Coordination Committee" means the Central Coordination Committee constituted under sub-section (1) of section 3;

(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;

(e) "cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

(f) "Chief Commissioner" means the Commissioner appointed under Sub-section (1) of section 57;

(g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;

(h) "competent authority" means the authority appointed under section 50;

(I) "disability" means-----

(I) blindness;

(ii) low vision;

(iii) leprosy-cured;

(iv) hearing impairment;

(v) locomotor disability;

(vi) mental retardation;

(vii) mental illness;

(j) "employer" means,----

(I) in relation to a Government, the authority notified by the Head of the Department in this behalf or

where no such authority is notified, the Head of the Department; and

(ii) in relation to an establishment, the chief executive officer of that establishment;

(k) "establishment" means a corporation established by or under a Central, Provincial 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 617 of the Companies Act, 1956 (1 of 1956) and includes Department of a Government;

(l) "hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies;

(m) "institution for person with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any 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 from undertaking any gainful occupation,

and the expression "leprosy cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(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 Trading, 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;
- (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 State 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;

- (1) 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 (1) 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 (I) 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 (I) of sub-section (2) 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 (I) of sub-section (2) of section 3 shall be eligible for renomination.

(7) Members nominated under clause (I) and clause (I) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

CHAPTER VI EMPLOYMENT

32. Identification of posts which can be reserved for persons with disabilities.- Appropriate Governments shall-

- (a) identify posts, in the establishments, which can be reserved for the persons with disability;
- (b) at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

33. Reservation of posts.- Every appropriate Governments shall appoint in every establishment such percentage of vacancies not less than three per cent for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from-

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy,

in the posts identified for each disability:

Provided, that the appropriate Government may, having regard to the type of work carried on in any

department or establishment by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

34.Special Employment Exchange.- (1) The appropriate Government may, by notification require that from such date as may be specified by notification the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.

(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

35.Power to inspect record or document in possession of any establishment.- Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any questions necessary for obtaining any information.

36.Vacancies not filled up to be carried forward.- Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year the employer shall fill up the vacancy by appointment of a person, other than a person with disability.

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 three categories with the prior approval of the appropriate Government.

37.Employers to maintain records.- (1) Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

38.Schemes for ensuring employment of persons with disabilities.- (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for-

- (a) the training and welfare of persons with disabilities;
- (b) the relaxation of upper age limit;

- (c) regulating the employment;
- (d) health and safety measures and creation of non-handicapping environment in places where persons with disabilities are employed;
- (e) the manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and
- (f) constituting the authority responsible for the administration of the scheme.

39. All educational institutions to reserve seats for persons with disabilities.- All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent. seats for persons with disabilities.

40. Vacancies to be reserved in poverty alleviation schemes.- The appropriate Governments and local authorities shall reserve not less than three per cent in all poverty alleviation schemes for the benefit of persons with disabilities.

41. Incentives to employers to ensure five per cent. Of the work force is composed of persons with disabilities.- The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent. of their work force is composed of persons with disabilities.

CHAPTER VII

AFFIRMATIVE ACTION

42. Aids and appliances to persons with disabilities.- The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.

43. Schemes for preferential allotment of land for certain purposes.- The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for-

- (a) house;
- (b) setting up business;
- (c) setting up of special recreation centres;
- (d) establishment of special schools;
- (e) establishment of research centres;
- (f) establishment of factories by entrepreneurs with disabilities.

CHAPTER VIII

NON-DISCRIMINATION

44.Non-discrimination in transport.- Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to-

- (a) adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;
- (b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.

45.Non-discrimination on the road.- The appropriate Governments and the local authorities shall, within the limits of their economy capacity and development, provide for-

- (a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;
- (b) causing curb cuts and slopes to be made in pavements for the easy access of wheel chairs users;
- (c) engraving on the surface of the zebra crossing for the blind or for persons with low vision;
- (d) engraving on the edges of railway platforms for the blind or for persons with low vision;
- (e) devising appropriate symbols of disability;
- (f) warning signals at appropriate places.

46.Non-discrimination in the built environment.- The appropriate Governments and the local authorities shall, within the limits of their economics capacity and development provide for-

- (a) ramps in public buildings;
- (b) adaptation of toilets for wheel chair users;
- (c) braille symbols and auditory signals in elevators or lifts;
- (d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.

47.Non-discrimination in Government employment.- (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service;

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could 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.

(2) No promotion shall be denied to a person merely on the ground of his disability;

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

CHAPTER IX

RESEARCH AND MANPOWER DEVELOPMENT

48. Research.- The appropriate Governments and local authorities shall promote and sponsor research, inter alia, in the following areas:-

- (a) prevention of disability;
- (b) rehabilitation including community based rehabilitation;
- (c) development of assistive devices including their psycho-social aspects;
- (d) job identification;
- (e) on site modifications in offices and factories.

49. Financial incentives to Universities to enable them to undertake research.- The appropriate Governments shall provide financial assistance to universities other institutions of higher learning professional bodies and non-governmental research units or institutions, for undertaking research for special education, rehabilitation and manpower development.

CHAPTER X

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

50. Competent authority.- The State Government shall appoint any authority as it deems fit to be a competent authority for the purposes of this Act.

51. No person to establish or maintain an institution for persons with disabilities except in accordance with a certificate of registration.- Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority;

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from

such commencement and if he has made an application for such certificate under this section within the said period of six months, till the disposal of such application.

52. 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 where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, 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 to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.

(4) A certificate of registration granted under this section,-

(a) shall, unless revoked under section 53, 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 period of validity.

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

53. Revocation of certificate.- (1) the competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section (2) of section 52 has-

(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 should not be revoked.

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

Provided that where an appeal lies under section 54 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 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 her or his 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.

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

(2) The order of the State Government on such appeal shall be final.

55.Act not to apply to institutions established or maintained by the 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.

CHAPTER XI

INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

56.Institutions for persons with severe disabilities.- The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.

(2) Where, the appropriate Government is of opinion that any institution other than an institution, established under sub-section (1) is fit for the rehabilitation of the persons with severe disabilities, the Government may recognise such institution as an institution for persons with severe disabilities for the purpose of this Act;

Provided that no institution shall be recognised under this section unless such institutions has complied with the requirements of this Act and the rules made thereunder.

(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by the appropriate Government.

(4) For the purpose of this section "person with severe disability" means a person with eighty per cent. or more disabilities.

CHAPTER XII

THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

57. Appointment of Chief Commissioner for persons with disabilities.- (1) The Central Government may, by notification appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.

(2) A person shall not be qualified for appointment as the Chief 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 Chief Commissioner shall be such as may be prescribed by the Central Government.

(4) 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.

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

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

58. Functions of the Chief Commissioner.- The Chief Commissioner shall-

(a) coordinate the work of the Commissioners:

(b) monitor the utilisation of funds disbursed by the Central Government:

(c) take steps to safeguard the rights and facilities made available to persons with disabilities

(d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

59. Chief commissioner to look into complaints with respect to deprivation of rights of persons with disabilities.- Without prejudice to the provisions of sections 58 the Chief Commissioner may of his own motion 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 or persons with disabilities,

and take up the matter with the appropriate authorities.

60. Appointment of Commissioners for persons with disabilities.- (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.

(2) A person shall not be qualified for appointment as a 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 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 Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

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

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

61. Powers of the Commissioner.- The Commissioner within the State shall-

- (a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities;
- (b) monitor the utilisation of funds disbursed by the State Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the State Government on the implementation of the Act at such intervals as that

Government may prescribe and forward a copy thereof to the Chief Commissioner.

62. Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.- Without prejudice to the provisions of section 61 the 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 of persons with disabilities.

and take up the matter with the appropriate authorities.

63. Authorities and officers to have certain powers of civil court.- The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 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 document;
- (c) requisitioning any public record or copy thereof from any court of office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner and 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, the Commissioner, the competent authority, shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

64. Annual report to be prepared by the Chief Commissioner.- (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

65. Annual reports to be prepared by the Commissioners.- (1) The Commissioner shall prepare in such

form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

CHAPTER XIII

SOCIAL SECURITY

66. Appropriate Governments and local authorities to undertake rehabilitation.- (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.

(2) For purpose of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organisations.

(3) The appropriate Governments and local authorities while formulating rehabilitation policy shall consult the non-governmental organisations working for the cause of persons with disabilities.

67. Insurance scheme for employees with disabilities.- (1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

(2) Notwithstanding anything contained in this section the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

68. Unemployment allowance.- The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

CHAPTER XIV

MISCELLANEOUS

69. Punishment for fraudulently availing any benefit meant for persons with disabilities.- Whoever, fraudulently avails or attempts to avail, any benefit meant for persons with disabilities shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.

70. Chief Commissioners, Commissioners, officers and other staff to be public servants.- The Chief Commissioner, the Commissioner and the officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

71. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

72. Act to be in addition to and not in derogation of any other law.- The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit or persons with disabilities.

73. Power of appropriate Government to make rules.- (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

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

(a) the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;

(b) allowances which members shall receive under sub-section (7) of section 4;

(c) rules of procedure which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;

(d) such other functions which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;

(e) the manner in which a State Government or a Union territory shall be chosen under clause (h) of sub-section (2) of section 9;

(f) the allowances which the Members shall receive under sub-section (3) of section 9;

(g) rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;

(h) the manner and purposes for which a person may be associated under sub-section (1) of section 12;

(i) fees and allowances which a person associated with the Central Executive Committee shall receive under sub-section (3) of section 12;

(j) allowances which members shall receive under sub-section (7) of section 14;

(k) rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;

- (l) such other functions which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;
- (m) the allowances which Members shall receive under sub-section (3) of section 19;
- (n) rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;
- (o) the manner and purposes for which a person may be associated under sub-section (1) of section 22;
- (p) fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of section 22;
- (q) information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;
- (r) the form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;
- (s) the form and manner in which an application shall be made under sub-section (1) of section 52;
- (t) the manner in which an order of refusal shall be communicated under sub-section (2) of section 52;
- (u) facilities or standards required to be provided or maintained under sub-section (3) of section 53;
- (v) the period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;
- (w) the form in which and conditions subject to which a certificate of registration shall be granted under clause (c) of sub-section (4) of section 52;
- (x) period within which an appeal shall lie under sub-section (1) of section 54;
- (y) the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;
- (z) the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (3) of section 57;
- (za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;
- (zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;

(zc) the salary, allowances and other terms and conditions of service of commissioner under sub-section (3) of section 60;

(zd) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 60;

(ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;

(zf) the form and time in which annual report shall be prepared under sub-section (1) of section 64;

(zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;

(zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the proviso to section 33 proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), 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 expire of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule, notification or scheme, both Houses agree that the rule, notification or scheme should not be made the rule, notification or scheme 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, notification or scheme, as the case may be.

(4) Every notification made by the State Government under the proviso to section 33, proviso to sub-section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1) shall be laid as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House.