



NOE: - There is vote Extraordinary issue to the Official Gazette, Series - I No 44 dated 30-1-97 from pages 639 to 044 regarding Notification from Department of Social Welfare and Department of Women and Child Development.

## GOVERNMENT OF GOA

### Department of Law and Judiciary

(Legal Affairs Division)

Notification IO-5-

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The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act I of 1996), which has been passed by Parliament and assented to by the President of India on 15 January, 1996 and published in the Gazette of India, Extraordinary, Part 11, Section 1, dated 15 January 1996 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 15 April, 1996.

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

#### ARRANGEMENT OF SECTIONS.

##### CHAPTER I Preliminary

#### Sections

- I. Short title, extent and commencement.
2. Definitions.

#### Sections

#### CHAPTER 11 The Central Coordination Committee

3. Central Coordination Committee.
4. Term of office of Members.
5. Disqualifications.
6. Vacation of seats by Members.
7. Meetings of the Central Coordination Committee.
8. Functions of the Central Coordination Committee.

9. Central Executive Committee.
10. Functions of the Central Executive Committee.

#### 11. Meetings of the Central Executive Committee.

12. Temporary association of persons with Central Executive Committee for particular purposes.

4

#### CHAPTER III

#### The State Coordination Committee

13. State Coordination Committee.
14. Terms and conditions of service of Members.
15. Disqualifications.
16. Vacation of seats.
17. Meetings of the State Coordination Committee.
18. Functions of the State Coordination Committee.
19. State Executive Committee.
20. Functions of the State Executive Committee.
21. Meetings of the State Executive Committee.
22. Temporary association of persons with State Executive Committee for particular purposes.

44

y.

23. Power to give directions.  
424. Vacancies not to invalidate proceedings.

**CHAPTER IV****Prevention and early Detection of Disabilities**

25. Appropriate Governments and local authorities to take certain steps for the prevention of occurrence of disabilities.

**CHAPTER V  
Education**

- Appropriate Governments and local authorities to
26. provide children with disabilities free education, etc.
27. Appropriate Governments and local authorities to make schemes and programmes for non-formal education, etc.
28. Research for designing and developing new assistive devices, teaching aids, etc.
29. Appropriate Governments to set up teachers' training institutions to develop trained manpower for schools for children with disabilities.
30. Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books, etc.
31. - Educational institutions to provide amanuensis to students with visual handicap.

**CHAPTER VI****Employment**

32. Identification of posts which can be reserved for persons with disabilities.
33. Reservation of posts.
34. Special Employment Exchange.
35. Power to inspect record or document in possession of any establishment.
36. Vacancies not filled up to be carried forward.
37. Employers to maintain records.
38. Schemes for ensuring employment of persons with disabilities.
39. All educational institutions to reserve seats for persons with disability.
40. Vacancies to be reserved in poverty alleviation schemes
41. Incentives to employers to ensure five per cent. of the work force is composed of persons with disabilities.

**CHAPTER VII****Affirmative Action**

42. Aids and appliances to persons with disabilities.
43. Schemes for preferential allotment of land for certain purposes.

**CHAR VIII****Non-Discrimination**

44. Non-discrimination in transport.
45. Non-discrimination on the road.
46. Non-discrimination in the built environment.
41. Non-discrimination in Government employment.

**CHAPTER IX****Research and Manpower Development**

48. Research.
49. Financial incentives to Universities to enable them to undertake research.

**CHAPTER X****Recognition of Institutions for Persons with Disabilities**

50. Competent authority.
51. No person to establish or maintain an institution for persons with disabilities except in accordance with a certificate of registration.
52. Certificate of registration.
53. Revocation of certificate.
54. Appeal.
55. Act not to apply to institutions established or maintained by the Central or State Government.

**CHAPTER XI****Institution for persons with severe Disabilities**

56. Institutions for persons with severe disabilities.

**CHAPTER XII****The Chief Commissioner and Commissioners for persons with Disabilities**

57. Appointment of Chief Commissioner and Commissioners for persons with disabilities.
58. Functions of the Chief Commissioner.

## Sections

59. Chief Commissioner to look into complaints with respect to deprivation of rights of persons with disabilities.
60. Appointment of Commissioners for persons with disabilities.
61. Powers of the Commissioner.
62. Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.
63. Authorities and officers to have certain powers of civil court.
64. Annual report to be prepared by the Chief Commissioner.
65. Annual reports to be prepared by the Commissioners. '

## CHAPTER XIII

**Social Security**

66. Appropriate Governments and local authorities to under take rehabilitation.
67. Insurance scheme for employees with disabilities.
68. Unemployment allowance.

## CHAPTER XIV

**Miscellaneous**

69. Punishment for fraudulently availing any benefit meant for persons with disabilities.
70. Chief Commissioners, Commissioners, officers and other staff to be public servants.
71. Protection of action taken in good faith.
72. Act to be in addition to and not in derogation of any other law.
73. Power of appropriate Government to make rules.
74. Amendment of Act 39 of 1987.

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

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*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 the Proclamation aforesaid.

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

in the Forty-sixth Year of the Republic of India as follows :

CHAPTER I

PRELIMINARY

1. (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. In this Act, unless the context otherwise requires, - (a) "appropriate Government" means, -

(i) in relation to the Central Government or any establishment/holly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 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; or

(ii) visual acuity not exceeding 6160 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 Chief 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;

2 of 1924

Short tick, extent and commencement.

Definitions.

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- (iii) leprosy - cured;
- (iv) bearing 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 and includes Departments of a Government ;

1 of 1956

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

(m) "institution for persons 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 percent 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 of 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;

**THE GAZETTE OF INDIA EXTRAORDINARY [PART II - SEC. I** (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 (I) of section 19.

## **CHAPTER II**

### **THE CENTRAL COORDINATION COMMITTEE**

Central 3. (1) The Central Government shall by notification constitute a body to be known as *Coordination* the Central Coordination Committee to exercise the powers conferred on, and to perform *Committee*. 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 Department of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, *ex Officio*;

(d) Chief Commissioner, Member, *ex officio*;

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

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

(g) Director, National Council for Educational Research and Training, Member, *ex Officio*;

(h) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;

(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;

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

iii) National Institute for the Orthopedically Handicapped, Calcutta;

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

Members, *ex officio*;

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

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union Territory;

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

(7) Members nominated under clause (i) and clause (1) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

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

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

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

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

Term of office  
of Members.

Disqualifica-  
tions



has been convicted of an offence under this Act, or

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

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

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

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

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

8. (1) Subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely :

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

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

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

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies;

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

(f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

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

(2) The Central Executive Committee shall consist of -

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

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

Vacation of  
seat§ by  
Members.  
Meetings of the  
Central  
Coordination  
Committee.

Functions of the  
Central  
Coordination  
Committee.

Central  
Executive  
Committee.

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

(e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension, Urban Affairs and Employment, Science and Technology, Members, *ex officio*;

(f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, *ex officio*;

(g) Advisor (Tariff) Railway Board, Member, *ex officio*;

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government;

(i) one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;

(j) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisation 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;

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

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

(4) A Member nominated under clause (i) or clause (j) of sub-section (2) 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.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee,

(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

11. The Central Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

12. (1) The Central Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the Central Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Central Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the Central Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be member for any other purpose.

Functions of the  
Central  
Executive  
Committee.

Meetings of  
the Central  
Executive  
Committee.  
Temporary  
association of  
persons with  
Central Executive  
Committee for  
particular  
purposes.

(3) A person associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the Central Government.

#### CHAPTER III

##### Tea STATE COORDINATION COMMITTEE

13. (1) Every State Government shall, by notification, constitute a body to be known as the State Coordination Committee to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) the State Coordination Committee shall consist of -

(a) The Minister in - charge of the Department of Social Welfare in the State Government, Chairperson, *ex Officio*;

(b) the Minister of State in - charge of the Department of Social Welfare, if any, Vice-Chairperson, *ex-officio*;

(c) Secretaries to the State Government 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, Public Enterprises, by whatever name called, Members, *ex officio*;

(d) Secretary of any other Department which the State Government considers necessary, Members, *emoficio*;

(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, *ex Officio*;

(j•) 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 State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one women and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, *ex officio*;

(i) the Commissioner, Member, *ex officio*;

(j) Secretary to the State Government dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Notwithstanding anything contained in this section, no State Coordination Committee shall be constituted for a Union Territory and in relation to a Union Territory, the Central Coordination Committee shall exercise the functions and perform the functions of a State Coordination Committee for the Union Territory:

Provided that in relation to a Union Territory, the Central Coordination Committee may delegate all or any of its powers and functions as under this sub-section to such person or body of persons as the Central Government may specify.

14. (1) Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause (f) or clause (h) of sub-section (2) of section 13 shall hold office for a term of three years from the date of his nomination

**Team and  
conditions of  
service of  
Members.**

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 State Government may, if it thinks fit, remove any Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 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 (f) or clause (h) of sub-section (2) of section 13 may at any time, resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the State 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 (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

(7) Members nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall receive such allowances as may be prescribed by the State Government.

15. (1) No person shall be a Member of the State Coordination Committee, who -

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

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

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

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

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

**Disqualifica-  
tions.**

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

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

16. If a Member of the State Coordination Committee becomes subject to any of the disqualifications specified in section 15, his seat shall become vacant.

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

**Vacation of  
seats.**

**Meetings of the  
State  
Coordination  
Committee.**

**THE GAZETTE OF INDIA EXTRAORDINARY [PART II - SEC. I**

Functions of  
the State  
Coordination  
Committee.

18. (1) Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely :-

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

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

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

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

(e) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(g) to perform such other functions as may be prescribed by the State Government; 19. (1)

The State Government shall, constitute a committee to be known as the State Executive

State Executive  
Committee.

Committee to perform the functions assigned to it under this Act. (2)

The State Executive Committee shall consist of -

(a) the Secretary, Department of Social Welfare, Chairperson, *ex officio*;

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

(c) nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs, Labour and Employment, Science and Technology, Members *ex officio*;

(d) one person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;

(e) 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 State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member - Secretary, *ex officio*;

(3) Members nominated under clause (d) or clause (e) of sub-section (2) shall receive such allowances as may be prescribed by the State Government.

(4) A Member nominated under clause (d) or clause (e) may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall

thereupon become vacant.