

F.No. 16-38/2006-DD.III
Government of India
Ministry of Social Justice & Empowerment

Shastri Bhavan, New Delhi
Date: 30/04/2010

Office Memorandum

Sub: Constitution of a Committee to draft a new legislation to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. ("PwD Act")

The PwD Act, 1995, has now been in force for over 14 years. Keeping in view the experience of its working over this period, and the need to harmonize its provisions with those of the United Nations Convention on the Rights for Persons with Disabilities (UNCRPD), 2008, and of other legislations on the subject, extensive consultations with various stakeholders including State Governments, NGOs and experts have been carried out. The Central Coordination Committee considered the matter in its meeting dated 21.07.2009, after which a comprehensive draft of amendments necessary in the Act was formulated and circulated to State Governments/Union Territories and concerned Union Ministries in September, 2009, for comments. The draft was also posted on the Ministry's website seeking comments from the public.

In response to the above, comments have been received from several State Governments, Central Ministries, Non- Government Organizations and others.

2. A Committee is hereby constituted to examine the above responses and draft a new legislation to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. Composition of the above Committee shall be as follows:-

Chairperson

Dr. (Mrs.) Sudha Kaul

Members

i) Experts/ NGO representatives-

- i. Shri Bhushan Punani, Executive Director, Blind People's Association, Ahmedabad
- ii. Dr. Vikas Amte, Secretary & Chief Functionary, Maharogi Sewa Samiti, Chandrapur, Maharashtra
- iii. Smt. Jayashree Ravindran, Managing Trustee, Ability Foundation, Chennai
- iv. Dr. G.N.Karna, President, Society for Disability and Rehabilitation Studies, Jawaharlal Nehru University, New Delhi
- v. Dr. L. Govinda Rao, Former Director, NIMH, Secunderabad, Andhra Pradesh
- vi. A nominee of Director, NIMHANS, not below the rank of a Professor

- vii. Ms. Merry Barua, Director, Action for Autism, New Delhi
- viii. Ms. G. Syamala, Executive Director, Action for Ability Development and Inclusion (AADI), New Delhi
- ix. Shri. Rajive Raturi, Director, Human Rights Law Network (DRI), New Delhi
- x. Dr. Uma Tuli, Founder Managing Secretary, Amar Jyoti Rehabilitation & Research Centre, Delhi

ii) Principal Secretaries In-charge of Disability in the State Governments-

- i. Assam
- ii. Tamil Nadu
- iii. Rajasthan
- iv. Maharashtra
- v. West Bengal

iii) Representatives of the following Central Ministries/ Departments not below the rank of a Joint Secretary-

- i. M/o Health and Family Welfare
- ii. M/o Urban Development
- iii. Dept. of School Education and Literacy (M/o HRD)
- iv. Dept. of Personnel and Training
- v. Planning Commission

iv) A senior representative nominated by the Head of the National Institute of Public Finance and Policy (NIPFP)

v) Members, ex officio

- i. Chief Commissioner of Persons with Disabilities
- ii. Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities
- iii. Chairman, Rehabilitation Council of India
- iv. Financial Advisor, M/o SJ & E, or his nominee

vi) Member Secretary

Joint Secretary (Disability Bureau), M/o SJ & E

4. The Committee may invite other experts, and representatives of other Ministries/ State Governments/ Autonomous Bodies to participate in its deliberations, as Special Invitees.

5. While drafting the new legislation, the Committee shall keep the following in view:-

- i. Provisions of the Constitution and other laws, and the need to avoid duplication of provisions already existing in them,
- ii. Financial, logistical and administrative feasibility of the proposed provisions.

6. The Committee will also make an assessment of the financial implications – recurring and non-recurring – of the draft legislation prepared by it for the (i) Central Government, (ii) State Governments, (iii) Local Authorities, and (iv) others on whom obligations may be cast.

7. The Committee will submit draft of the new legislation, as mentioned in para 2 above, by 31st August, 2010, together with the following-

- i. A report on the process adopted by it in drafting the legislation, as also explaining the rationale for its salient provisions, and
- ii. A note on the financial implications of the recommended draft, as mentioned in para 6 above.

8. TA/DA, as admissible under Central Government rules, will be paid to the non official members of the Committee for attending its meetings.

9. Secretarial assistance to the Committee will be provided by Pandit Deendayal Upadhyay Institute for the Physically Handicapped, New Delhi, and expenses on the Committee's work will also be borne by the said Institute.

(Sunil Kumar Pattanayak)
Director- Disability

Copy to:

1. Dr. (Mrs.) Sudha Kaul, Executive Director, Indian Institute of Cerebral Palsy, Kolkata
2. Shri Bhushan Punani, Executive Director, Blind People's Association, Jagdish Patel Chowk, Surdas Marg, Vastrapur, Ahmedabad-380015
3. Dr. Vikas Amte, Maharogi Sewa Samiti At and PO Anandwan, via Waroa, District Chandrapur, Maharashtra 442914
4. Smt. Jayashree Ravindran, Managing Trustee, Ability Foundation, 28, Second Cross Street, Gandhi Nagar, Adyar, Chennai - 600 020, Tamil Nadu. India
5. Dr. G.N.Karna, President, Society for Disability and Rehabilitation Studies, JNU, New Delhi. Head Office: B-285, Vasant Kunj Enclave, New Delhi-110070, India
6. Dr. L. Govinda Rao, Kameswari Kuteer, H.No.8-7-193/13/2, Wesley Teachers Colony, Road No.3, Old Bowenpally, Secunderabad - 500 011
7. Director, NIMHANS, Bangalore-560029
8. Ms. Merry Barua, Director, Action for Autism, Pocket 7&8, Jasola Vihar, New Delhi-110025
9. Ms. G. Syamala, Executive Director AADI - Action for Ability Development and Inclusion, 2, Balbir Saxena Marg, Hauz Khas, New Delhi-110016
10. Shri. Rajive Raturi, Director, Human Rights Law Network (DRI), 576, Masjid Road, Jungpura, Delhi-110 014
11. Dr. Uma Tuli, Founder Managing Secretary, Amar Jyoti Rehabilitation & Research Centre, Karkardooma, Vikas Marg, Delhi -110092
12. Principal Secretary In-charge of Disability, Governments of Assam
13. Principal Secretary In-charge of Disability, Governments of Tamil Nadu
14. Principal Secretary In-charge of Disability, Governments of Rajasthan

15. Principal Secretary In-charge of Disability, Governments of Maharashtra
16. Principal Secretary In-charge of Disability, Governments of West Bengal
17. Secretary, M/o Health and Family Welfare
18. Secretary, M/o Urban Development
19. Secretary, Dept. of School Education and Literacy (M/o HRD)
20. Secretary, Dept. of Personnel and Training
21. Secretary, Planning Commission
22. Director, National Institute of Public Finance and Policy (NIPFP)
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24. Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities
25. Chairman, Rehabilitation Council of India
26. Financial Advisor, M/o SJ & E
27. Joint Secretary (Disability), M/o SJ & E
28. Director, Pt. DDU Institute for the Physically Handicapped, New Delhi

Copy for information to-

1. PPS to Secretary, M/o Social Justice & Empowerment
2. PS to Additional Secretary, M/o Social Justice & Empowerment