therefore, this is a very wide import. He has been in the Finance Minister. This is not the first time that he is here. He knows that this country is used to these front companies. He also knows that the PEC, the STC and the MMTC also operate virtually as conduits, through which, one party imports take place. ...*(Interruptions)* ...

SHRI YASHWANT SINHA: Sir, this point should not go unreplied to. On this, if the Member has any information that not only any of these 160 companies but also any other company was acting as a front and he shares that information with the Government, the Government will not hesitate to take the sternest possible action.

SHRI JAYANT KUMAR MALHOUTRA: Sir, I have raised a small point.

The hon. Minister has said that the average imports before August-September-October, were about 70,000 to 80,000 tonnes. It is true that the information on imports does not come on a daily basis. However, it is also true that it comes on a monthly basis. From August-September-October, it jumped four to five times, to three lakhs or four lakhs. I do not think that we should wait for three or four months to act.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I shall now put the Statutory Resolution to vote.

The question is:

> "That in pursuance of sub-section (2) of section 8A of the Customs Tariff Act, 1975, read with sub-section (3) of section 7 of the said Act, this House hereby approves of Notification No.127/99-Customs dated 1.12.1999 (G.S.R.793 (E) dated 1.12.1999) which seeks to amend the First Schedule to the Customs Tariff Act, 1975 so as to enhance the rate of customs duty applicable to goods falling under sub-heading Nos. 1001.10 and 1001.20 of the said Schedule from "free" to "50"%".

The motion was adopted.

THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES BILL, 1999

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : We now take up the National Trust for Welfare of Persons with Autism, Cerebral Palsy,

4.00 P.M.

Mental Retardation and Multiple Disabilities Bill, 1999. Ms. Maneka Gandhi.

THE MINISTER OF STATE OF THE MINISTRYOF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): Sir, I beg to move:

> "That the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Menal Retardation and Multiple Disabilities Bill, 1999, as passed by the Lok Sabha, be taken into consideration."

Sir, the Government has become increasingly concerned about the need for affirmative action in favour of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability.

In acknowledgement of a wide range of competencies among these individuals, the Central Government seeks to set up a National Trust to be known as the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability. The said Trust will be promotive, proactive and protectionist in nature. It will seek primarily to uphold the rights, promote the development and safeguard the interests of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability, and their families.

Towards this goal, the National Trust will support programmes which promote independence, facilitate guardianship where necessary and address the concerns of those special persons who do not have their family support. The trust will, *inter-alia*, also protect the interests of the persons in the four mentioned categories, after the death of their parents or guardians.

The Trust will be empowered to receive grants, donations, benefactions, bequests and transfers. The Central Government will make a one-time contribution of Rs.100/- crores to the corpus of the Trust to enable it to discharge its responsibilities.

The Trust will be set up as a statutory body. The overall management of the Trust will be vested in a Board constituted initially by the Government and, thereafter, partly through process of election.

The Trust shall not be liable to Income-Tax or any other tax in respect of its income, profits or gains derived.

I request the Hon. Members to extend their support to the Bill

The question was proposed.

MISS SAROJ KHAPARDE (Maharashtra) : Sir, I welcome the Government's move to bring a comprehensive legislation for the welfare of persons with autism, cerebral palsy, mental retardation and multiple disabilities. The Bill has been passed by the Lok Sabha and it has now come to the Rajya Sabha for discussion and passing.

Sir, we have several laws at present for the protection and promotion of those members of society who are mentally or physically disabled, but the section of society sought to be covered now through this Bill had been a neglected lot. I am happy that the Government's attention has gone to this very important section and the legislation is now before us for consideration.

Sir, a sample survey conducted by the National Sample Survey in the year 1991 revealed that about 16.15 million persons in our country are suffering from vision, hearing, speech and locomotive disability. Another sample survey conducted by the National Sample Survey Organisation covering delayed mental development between the age group of one and 14 years established the fact that about 3 per cent of the total population has delayed mental development.

While 1.9 per cent of the total population of the country comprises disabled persons, yet, very little has been done for these unfortunate people.

There are already executive instructions and enactments which aim at benefiting people with disabilities, yet, I think, we have not been able to achieve much. Recently, the Government of India had enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Act provides prevention and early detection of disabilities, education, employment, non-discrimination, etc., for disabled persons including mentally handicapped persons. Clause 33 of this Bill provides that appropriate Government shall appoint in every establishment not less than 3 per cent of the persons with disability of which 1 per cent each shall be reserved for persons suffering from blindness or low vision, hearing impairment and locomotor disability or cerebral palsy in the post identified for each disability. But this 3 per cent quota has not been filled up till today.

During the election time, rhetorical statements are made about providing jobs to the disabled persons. The Government had even announced that it would be constituting a panel to identify jobs in the Ministries and public sector undertakings to be reserved for the disabled people, but nothing tangible has been done. Even the 3 per cent job quota fixed has not been filled up. According to the records of the Ministry of Social Justice and Empowerment only one lakh disabled persons have been able to get employment, though the first employment exchange for the disabled was set up in 1959.

According to one study 61 of the nation's top 100 corporates with a total working population of over 625,000, employ only 2190 persons with several categories of disability. This speaks volumes for the insensitivity of the corporate sector towards the disabled persons. Recently, the Committee on Petitions of this House in its report on the conditions of the handicapped persons in the country has recommended that in order to ensure speedy implementation of the Persons with Disabilities Act, the Prime Minister should hold a Conference of Chief Ministers and Ministers of Welfare in the States. This Conference, when organised, I am sure, will throw up sharp strategies to ameliorate the conditions of people suffering from disabilities, particularly, persons suffering from Autism, Cerebral Palsy, etc. This matter must receive adequate priority.

Sir, there are various things which the disabled persons can do with efficiency and ease. What is required is that they should be encouraged. The Central and the State Governments should coordinate their activities in such a manner that they do not work at cross purposes; rather, they should act in unison. What is important is to improve the quality of life of the disabled. The most important thing is, the attitudes have to change in the society. The Government should not think that they are doing some sort of a charity to this unfortunate section of our society. Today, social security net for the disabled is totally lacking despite the coming into force in February, 1996 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. According to one estimate, the disability management sector, the world over, faces a challenging task as ethnic conflict and other man-made reasons will leave an alarming two crore persons with different types of disability by the turn of the Century. This would be in addition to those disabled by communicable diseases which still are a major cause of disability, particularly, in developing countries. We quite agree with the laudable objectives of the Bill. Sir, the National Trust for the Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability proposed to be set up through this Bill with a view to upholding the rights, promoting the development and safeguarding the interests of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability, and their families, will indeed fill a gap that was existing thus far in the rehabilitation of persons suffering from these maladies. These people suffer from disability which is quite different in degree and nature. They need to be treated differently from those suffering from other disabilities like vision impairment, hearing disability, etc.

Therefore, Sir, I would, however, wish if a provision of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill, 1999, is immediately implemented in letter and spirit. Lastly, Sir, I would like to support this Bill wholeheartedly, and I am grateful to my party, and to you also, Sir, that you have given me an opportunity to speak on this Bill, and my party has provided me an opportunity to speak on this Bill. Thank you.

DR. Y. RADHAKRISHNA MURTY (Andhra Pradesh): Thank you, Sir, for giving me an opportunity to speak on this Bill. Sir, I rise to support this Bill. We fully appreciate the need for the Trust, and compliment the hon. Minister for initiating it, and we support the Bill with a few constructive suggestions. I hope the hon. Minister is amenable to well-meaning suggestions from the well- wishers. Firstly, without going into the other aspects which were covered by my predecessor, who spoke very well- and whatever points were raised by her are all true; I will not touch upon them right now; I will come to some aspects a little later-- we consider the one-time contribution of the Government of India of Rs. 100 crores for the Trust, as corpus, a very laudable gesture. Now, I come to the Bill. I would like to refer to Chapter II, clause 3, sub-clause (3) of this Bill. I am sorry to say that the Minister does not take note of what we say. But, anyway, it is our duty to say ~~that~~. According to clause 3(3), the head office of the Trust shall be at New Delhi. My question is: Why is the head office of the Trust at New Delhi, which is already overcrowded with the Government of India offices, which is considered to be the most polluted city in the country, and which is geogaphically and climatically the most unsuitable place? The location for the office of the Central Commissioner, BWD, was decided earlier. He was referring to the 1995 Act. It was decided to be at Nagpur. Originally it was said to be at Guwahati, then changed to Nagpur. I do not know whether they have their office in Delhi at Shastri Bhavan. So, Sir, I would suggest Hyderabad as the ideal location not because it is my place, but because Hyderabad is now emerging as a cyber city of the country, and location-wise also, it is well-suited and well-connected. I would like to make half a dozen points on this Bill. Now, I would like to refer to Chapter II, clause 3(4)(a). It says: "A chairperson to be appointed by the Central Government from amongst the persons having expertise and experience in the field of autism, cerebral palsy, mental retardation and multiple disability." Of course, autism is a very high sounding word. It is one form of mental retardation for which Mr. Kainer has given a special name in 1943. Leave it alone. But the point is whether the appointment of a person having experience and expertise in the field of autism, cerebral palsy, mental retardation etc. as the Chairperson for a Trust, would be in the fitness of things. I want to bring this fact to the notice of the hon. Minister. The Chairperson of the Trust need not be a technical person but only a person of impeccable integrity and managerial skills. He is only managing a property and not treating cases. This is a Trust. This is one point which you should keep in mind. And, therefore, please consider if a retired Supreme Court judge, or, a High Court judge would serve the cause better and not a retired, or, a bonded bureaucrat, which is a very fanciful phrase used by Shri Chaturvedi sometime back. Their professional skills can be utilised and should be utilised at a separate stage, but not as head of the Trust. I wanted to bring to the notice of the Minister this one point.

The other point is regarding the same chapter, clause 3, sub-section 4(b). Sir, I hope this is not a cry in the wilderness. Anyway, we will have to do our duty.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): What is that?

DR. Y. RADHAKRISHNA MURTY: Sir, we are doing our duty. But I feel it is a cry in the wilderness. I will just read from chapter 2, clause 3, sub-clause 4(b). It says: ' Nine person to be appointed in accordance with such procedure as may be prescribed from amongst the registered organisations out of which three members each shall be from voluntary organisations, association of parents of persons with autism, cerebral palsy, mental retardation and multiple disability and from association of persons with disability Members'. Sir, this is a body of mentally retarded people and the association of mentally retarded people will have their representative on the Board. As far as the parents being there is concerned, it is fine. It is fine if some well-wishers or some organisation members are there, but mentally retarded people have their organisations and their member will be there on the Board. This is something which looks strange. I think the Minister will take note of it. Kindly consider one thing. I don't find any sense in the association of persons with mental retardation, one or more of them, being made as a member of the Board. It is quite strange. I can understand if it is from the parents of the mentally retarded. Kindly consider the preceding part of the sentence. Sir, I am rather poor in linguistics. In this context, please refer to clause 6 (a), page 4. It states, ' No persons shall be a Member if he is, or becomes, of unsound mind etc...' It is there in clause 6 (a) on page 4. And kindly see another suggestion that these nine members are from different States and that no two are from the same State. It is up to the Minister to correct it or not. Now, I come to page 3, clause 3, sub-section 4(d) which is regarding nominations from philanthropic bodies. I think she has referred to this, that is, 'nominations from philanthropic bodies.' I feel it should be appropriately worded as to specify ' a philanthropist for this cause' and not a philanthropist who constructs a temple, or, a church, or, a choultry. If he can do something substantial for this particular Trust, I think, he should be taken as a philanthropist. Then, refer to page 3, chapter II, clause 4 (1).I am reading from the Bill:

> "Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years."

That is fine and correct. But what happens when you don't appoint one before he attains the age of sixty-five? That is not stated anywhere in the Bill. The Trust becomes headless as some of our PSUs are. If any body becomes headless, nothing happens. But if a Trust becomes headless, there would be a disaster.

Coming to Chapter II, clause 8(3), it says that the salary and allowances payable to the CEO shall be determined by regulations. That is fine. When you have specified that a person of the rank of Joint Secretary will be the CEO--you have specified it in the Bill; you are going to appoint a person with the rank of Joint Secretary as the CEO--where is the need for fixing separate set of terms and conditions in respect of his salaries, perks, etc.? It seems that you want to show some special favour to this gentleman who is going to be appointed to this post. I don't think it is appropriate. I read somewhere that in the U.K. the Minister handling the Ministry of Disabled was a disabled person. Maybe, it is "a physical challenge" which is a fashionable phrase used nowadays. I will not plead for such a thing in the case of our Ministry.

Please look at page 6, Chapter VI, clause 13(2)(c). It mentions that "a local level committee shall consist of a person with disability". This is not a disability of either vision or audition or speech or locomotion. This is a disability of mental retardation.

Now, look at page 8, Chapter VIII, clause 22, sub-clauses (1) and (2) which speak of moneys to be received by the Trust. I suggest that you should include immovable property also instead of money alone because some philanthropists may like to donate land, building, equipment, etc., for this cause.

Finally, I would like to plead with the Minister--I am not moving any amendments; I know that she will not accept them--to look into the inconsistencies and incongruities in this Bill, make some improvements and make it better. We have a penchant for making more and more legislations without any mind to implement them properly. The hon. speaker before me pointed out a lot of things. The Committee on Petitions had given a very, very important suggestion, I would rather say, an indictment on the Ministry's functioning, particularly, on the PWD Bill of 1995. PWD means persons with disabsilities. It was enacted in 1995. So far, the implementation has been totally unsatisfactory, tardy and without any mind.

Before I conclude, I would like to add just one more point. It is regarding the employment point. The employment of PWDs, persons with disabilities, was made up to 3% which she had referred to. I will just give two or three instances on how this was implemented. "The Telegraph" of 15th April, 1999 gives some sample figures of this employment. Western Crompton had employed only two persons with leprosy. In TISCO, where there are 60,205 employees, only eight persons with disabilities were employed. In SAIL--this is one of the prestigious public sector companies--out of two lakhs of employees, only 653 persons were with disabilities.

And in the MNCs, Sir, the figure is quite staggering - out of their total workforce, they have recorded a figure of 0.05% employment for the PWDs(people with disabilities). Sir, what is the Ministry doing when all these things are going on? This is my question. What is the use of having so many legislations here? Sir, in China - our Finance Minister was speaking about China, so I was reminded of China, not because I like China...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): He is not there.

DR. Y. RADHAKRISHNA MURTY: ...the Observer writes that in China, there are 1600 welfare factories where more than 40% employees are disabled. And there is an incentive in the form of total tax concession for those industries, or, offices, employing upto 35% PWDs. For a moment forget about China, Sir - as some of us are allergic to it, let us see, if we, in our own country, can implement some of these legislations.

MISS MABEL REBELLO (Madhya Pradesh): Sir, I rise to support the Bill. This is indeed a very good and progressive Bill and it has all the good intentions on earth. It has very good , lofty, ideals. But if it is implemented in its true spirit, taking people's assistance- people who have knowledge, who have associated themselves with autism and dealing with mentally retarded children - if these people are associated in implementing the Bill - I think this is going to have far-reaching consequences. Especially, we will be helping those who are the most disturbed sections of our society, who really need our help. They are helpless people, they need our help much more than the poor because the poor people are able but these are disabled people. The Government should really take a lot of people into confidence and help them out. Sir, this is a very sensitive issue something, perhaps, on which even Members sitting here are not sensitised, I am sorry to say --because when we meet a retarded child, especially affected with autism, that child behaves in a funny way and most of us do not know how to deal with that child or with that adult person; we sometimes get unnerved. Therefore, we need some sort of a mental attitude while dealing with these people and we have to handle them in a very humanistic way. Most of the parents who have these children, have some anxiety that until they are alive, they will look after their children, but when they die, what will happen to their children? This Trust will go a long way in getting the parents rid of this anxiety because the parents can leave some money, some property, for their child in safe custody. Then they will be assured that even after they die, their child will be looked after well by the proposed Trust. Therefore, this is really a good, a very good, measure that the Government is taking, although quite late. Sir, India can take pride in being the leader of progressive legislations. We have taken the lead in South-East-Asia, in having such laws as Persons With Disabilities Act, Equal Opportunities Act Protection of Rights Act, Full Participation Act, etc. So, we have got a number of Acts and this is one more feather in our cap. And if it is implemented, as I said earlier, in its true spirit, we will be showing the way, maybe, to the entire world. Sir, this is really a wonderful, a bold, laudable step of including autism in the said Act. Because, usually, autism is left out in such Mental Retardation Acts. It faces up squarely to the States' responsibility of providing care, protection and substitute decision making for those children, for those citizens, who need help, who cannot take decisions by themselves.

Sir, what are the problems of disabled people? The problems of the disabled should be viewed from the perspective of the socio-economic conditions. Most of these disabled people belong to the bottom of the socio-economic class. Most of them live in far off remote and rural villages. A few of them live in cities. Even today thee are 200 distrits in India, which do not have any facility, whatsoever, for these children or for those people who are suffering from mental retardation. They don't have any facility. All of us know that retradation and autism are such things that even if you want to give medication or any assistance to such people, you cannot improve them. They will remain where they are. This is the state of affairs, which we have to accept. It is not that only the mentally retarded person suffers. His parents suffer and his entire family suffers because the parents need to give extra attention to such a child. They should acccept the child as he is. You have to help the child socially. You have help the child in many other ways. At times, the child also becomes a financial burden which the family cannot afford. Therefore, we need to take this child as a gift of god. When such a child is born, the parents should take him as a gift of god and they should accept the child as he is, although it is difficult. In schools also, sometimes, other children tease them. In India such families need a lof support. There is some misconception. When such children are born, parents feel that it is a punishment given by the god. They think that the child might have done something wrong or somebody in the family might have done something wrong. These are wrong conceptions. This is a negative attitude. We need to change our concept. We need to adopt the right attitude towards this problem. Sometime, these parents and families are isolated. These families suffer from inferiority complex also. I know of one family. He happened to be a Chief Secretary of a State. Both husband and wife, would never go and socialize because of the child. Ultimately, somebody told them, "why don't you keep this child in some institution?" Only after that they came out of this complex and they started associating themselves with others. Sir, I am also one of the Directors of an institution, which looks after these childen. Sir, these children do not receive proper medical attention because most of the time medical attention and theraputic attention is not available easily. If they are living in some remote village, they will have to come all the way to the city to get this type of treatment for the child. It becomes very difficult and very inconvenient for them. Parents are inept to deal with this. We do not have the social structure. It is virtually non -existent in our society. They are not at all well equipped. As I have already said, there are 200 districts which do not have any facility whatsoever for these children.

Sir, now I come to Chapter 2. It says that we must have State-level and district- level Committees. It also talks of a Board. I personally feel that this Board is too large. There are too many bureaucrats. I have a fear that these bureaucrats will bring a bureaucratic attitude. This Trust should have people with heart, not with head. Of course, head is also necessary. But the people with right type of attitude and right type of sensitization should be on the Board because this Board requires sympathy. It has to treat the people with sympathy. It has to look after the people who are absolutely helpless. I would also suggest that this Board must have a qualified and experienced physiotherapist and one occupational therapist. Similarly, a doctor with specialization in psychiatry should also be on the Board. These people will be able to give some sort of inputs, right type of inputs in deciding how this Board has to function and how the Board has to help such people.

Sir, coming to Chapter III, it has talked about disparity, and it also says that we must help these handicapped children live in their own families. Well, it is a very good concept; a guardian is necessary to help these children. But then, as I mentioned earlier, when a child, a retarded or a handicapped child, is in a family, then, at times, it creates a lot of problems. It is a 24-hour job. If a child is placed in a boarding or a residential school, then, it is better for the child as such a school will have better facilities and the attendants can take turns in looking after all the children, - a lot of children stay together; it would be easier for the children to pass their time, unlike in a family where it may be difficult for the parents/guardian as well as for the child. Therefore, this concept has to be given a little more indepth attention. Now, Sir, there are a lot of good programmes that have been suggested. It is said that NGOs would be helped by giving them 90 per cent grant-in-aid. As regards the provision that the NGOs would be given 90 per cent grant-in-aid, what is new about it? The NGOs have been getting 90 per cent grant-in-aid for lot many years. What is this 90 per cent grant-in-aid that they are giving them? First of all, the legal procedure is so cumbersome that good NGOs do not get this grant. Those who sit in Delhi, and those who take recourse to, what is called, consultants, and those who have got access to the Ministry, get a large amount of money. And, today, what do they give for residential institutions for boarding, lodging and medical care, including physiotherapy and other things? The total amount is just Rs.350, which is a pittance, by today's standard. Sir, this Act also says that they can appoint a guardian. I would say that the guardian should be a fully paid person, because if a guardian is not paid well, then, he will not do his duty well at all; he may not be consistent and the services will not be available all the time. So, the guardian should be a full-time person and he must be well paid so that a handicapped person has access to this guardian all the while. Similarly, when you give grant-in-aid to institutions, you should give grant-in-aid to those institutions which are really running well and which are doing very good service. And, it should not be Rs.350 per child. This amount needs to be enhanced. It should be a realistic amount. I would say that at least Rs.2,000 should be paid. Normally, a normal person would require e at least Rs.1,000 for his boarding and lodging. Threse children require 24 hour service. Somebody needs to even sleep with the child, as the child may wet his bed and his clothes. He or she may have to change the child's clothes; otherwise, the child may get bed sores and other problems. You have only a few institutions. But give them enough money.

Again, Sir, in local level committees, they have said that the District Collector will be the head of the Committee. Now, the District Collector has 'hazaar' problems, and he will have a lot of work to do. He can also bring a bureaucratic attitude to this problem. I would say that instead of the District Collector, you must have somebody who has associated himself with this institution or who has associated himself with this type of work all the while. That person will be far better. Again, the Act says that one person from the NGOs should be associated. But it should be very specific and should say that only a NGO, which has associated itself with this type of activities, with retarded children or autistic children, and which is dealing with this type of activity, should be associated with this. Then, in Chapter VI, it says that the people with this type of handicap should form self-help groups, to pursue the realisation of their rights. How does the Minister expect the handicapped persons, retarded persons, to form self-help groups? A self-help group is possible only among able people, people who have got skills, who can come together, apply their mind, pool their resources and help each other.

That concept is not at all applicable here. I do not know why that concept of self-help from some other sector, some social sector, is brought here in this area which is dealing with people who cannot help themselves at all. This, definitely, should not be here at all. It should be deleted.

Then again, the corpus is hardly Rs.100 crores. This has to be kept somewhere and with the income that accrues from this hundred crores of rupees, you will have to look after the needs of these handicapped. This will hardly generate Rs. 10 crores, and out of these Rs. 10 crores, two or three crores of rupees will go for establishment expenditure of this large board which will take salaries, which will incur recurring and non-recurring expenditure, expenditure on telephones, flights and what not. Then, they will also be conducting research studies, fund some research studies and all that. So, most of the funds will go for non-beneficiary activities and not to these handicapped. I feel this corpus should be raised and instead of Rs. 100 crores, a provision of Rs.500 crores should be made. Out of these five hundred crores of rupees, we must have, at least, Rs.100 crores annually, to be spent on these children because we have got a large number of such children.

Sir, I have a few suggestions to make. One is, we need to sensitise the family, first of all the parents and the other children in the family, that it is no fault of the disabled. Another suggestion is for the Railway Minister. The railways should issue two-three free passes for the parents of such children to take these children for treatment. They need to go, at times, for treatment, and may be for a vacation or something like that. So, the railways must issue two to three free passes. Then, we should also have continuous workshops at district level by trained counsellors for parents and other peers of the handicapped, so that they can accept the child and also accept the behaviour of the child, teaching methods can be taught. Then, leisure time is another important thing. These children have a lot of leisure time, free time, and they can be taught how to utilise this leisure time. Similarly social skills have to be developed. Vocational training needs to be given to these children.

Lastly, many other speakers before me have already mentioned about China that there are so many disabled children and seventy per cent of them are employed.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Madam, all other Members have mentioned about China. You conclude now.

MISS MABEL REBELLO: Sir, I will take just two minutes. I want to say something else. In China, they are given, what is known as, Business Income-tax exemption, if they employ 35% of their employees from this category. If they employ 50% disabled in their units, then they are given full Income-tax exemption and all other tax concessions. Similarly, in Japan, Sir, the large corporate houses are encourged to start subsidiary sectors and these large houses give them raw material as also the marketing facilities, so that these handicaps do not have to face the problem of forward and backward linkages. So, we need to do something.

Finally, the law is really good. It is a laudable law. It is praiseworthy. But this needs to be implemented with the right attitude of care, compassion, love and concern for these people. Adequate money should be provided and it should go to the care of the really disabled. I only hope and pray that the hon. Minister would see to it that this law does not merely remain on paper, as many other laws that we have made remain on paper. I hope, she will really get this law implemented, and implemented in a true spirit of service of our less fortunate brethren, who cannot help themselves, but need us to help them.

SHRI C.P. THIRUNAVUKKARASU (Pondicherry) : Sir, I am happy to participate in the discussion on the National Trust for welfare of persons with autism, cerebral palsy, mental retardation and multiple disabilities Bill, 1999. The title of the Bill is big. At the same time, the aim of the Bill is also very big. I am bound to congratulate the hon. Minister for bringing forward this Bill. You will cry when you see a wounded dog in the street; you will weep when you see a bird in the cage; you will shed tears when you see a wounded animal in the street; but your eyes are towards the people with autism, cerebral palsy and mental retardation. So, I wholeheartedly welcome this Bill. A Tamil poet has said: Its translation in English is: It is a rare privilege to be born as a human being, but at the same time, it is a rare privilege to be born without deaf ears, without being blind and mute. If we are living as a full human being, then it will be welcomed by all the people. On the other hand, if you have these sort of mental retardation and other things, it will not be welcomed by the people and even by the parents, and you will be in the street. In India, there is no cure for autism. There is no medicine; there is no injection, no pipes. There is nothing to help them to come out of this disability, but this Bill is paving the way for these people to come out of all sorts of disabilities these people are having. A lot of suggestions have been made in the Bill as to how they can come out of these disabilities. They are now getting the confidence; they are now having the hope; they are now having the light through this Bili.

Sir, I have to say something with regard to this Bill. Clause 15 of the Bill says, "Every person appointed as a guardian of a person with disability under this Chapter shall, wherever required, either have the care of such person of disability and his property or be responsible for the maintenance of the person with disability."Clause 17(2) says, "Upon receiving such application the committee may, if it is satisfied that there is a ground for removal and for reasons to be recorded in writing, remove such guardian and appoint a new guardian in his place or if such a guardian is not available make such other arrangements as may be necessary for the care and protection of person with disability." Clause 17(3) says, "Any person removed under sub-section (2) shall be bound to deliver the charge of all property of the person with disability to the new guardian..."

As per the above clause, the removed guardian will have all the property under his custody because the guardian is appointed for the person as well as for the property. If a guardian is removed, then how will the delivery of the property be taken from the guardian is not properly emphasised in this clause. It is good that you are appointing a guardian. If the guardian is having the property in his hands, then how will it be taken from him? It has not been spelt out in this clause clearly. So, it should be taken note of.

Sir, one printing mistake is found in clause 34(1) sub-clause (f). It says, "The procedure in accordance with which a guardian may be removed under section 18;" The provision regarding removal of the guardian is in clause 17. There is a procedure under clause 17, according to which the guardian can be removed. I think, it should not be 'under clause 18,' it should be 'under clause 17.' So, it may kindly be corrected.

श्री जलालुदीन अंसारी (बिहार) : उपसभाध्यक्ष महोदय, मैं 'राष्ट्रीय स्वपरायणता, प्रमस्तिष्कघात, मानसिक मंदत्ता और बहुनिःशक्तताग्रस्त व्यक्ति कल्याण न्यास विधेयक, १९९९ का समर्थन करने के लिए खड़ा हुआ हूं ।

महोदय, हमारे देश में आज ऐसे बच्चे और वयस्क लोग हैं जो इन बीमारियों से ग्रस्त हैं और इनकी सही देखभाल और उपचार की समुचित व्यवस्था नहीं है । ऐसे लोगों को समाज से संवेदना और सहयोग की आवश्यकता है, साथ ही साथ उनका इलाज हो और उनकी देखभाल हो, इस दृष्टि से यह जो बिल लाया गया है, बहुत सही है । इसमें कुछ त्रुटियां भी हैं, लेकिन आगे चलकर जब यह व्यवहार में आएगा तो देखना पड़ेगा कि यह किस हद तक काम कर पाता है । यहां कोई चीज़ जब प्रारम्भ की जाती है तो उसमें सबसे पहले यह बात देखी जाती है कि उसका लोकतांत्रिक कार्यसंचालन होता है या नहीं । इसमें व्यवस्था है कि उसके जो पदाधिकारी होंगे, ज्वाइंट सैक्रेटरी रैंक के होंगे । मुझे ऐसी आशंका है कि कहीं यह नौकरशाहों के हाथ में न पड़ जाए क्योंकि आप जानते हैं कि ऐसे बहुत सारे इंस्टीटयूशन्स हैं जो नौकरशाहों के हाथों में हैं और उनका आज क्या हाल हो रहा है । जिस उद्देश्य से इसकी स्थापना की जा रही है, वह बहुत अच्छा है । इसी तरह से जो स्थानीय समितियां हैं, उनमें व्यवस्था की गई है कि जिला कलैक्टर इसको देखेंगे। जिला कलैक्टर को इतना काम है, उसको फुर्सत कहां है कि वह इस तरह के काम को देखे । वे अपने काम में ही इतने व्यस्त रहते हैं कि इस तरह के कामों के लिए फुर्सत निकाल पाना शायद उनके लिए संभव नहीं है । इसमें यदि कुछ दूसरी व्यवस्था होती तो अच्छा होता ।

अब इसमें है कि १०० करोड़ रुपए की व्यवस्था की गई है । मेरी समझ में १०० करोड़ रुपया काफी नहीं है, इस रकम को बढ़ाया जाना चाहिए । बहुत सारे काम हैं और जब इसको आप स्थापित करेंगे तो बहुत सारा पैसा तो इसमें ही लग जाएगा । इसी तरह से इस बिल में एक जगह है कि वेतन-भत्ता मद में प्रतिवर्ष १५ लाख रुपए लगेंगे, हम समझते हैं कि १५ लाख में यह नहीं होगा और फिर इसके इस्टेब्लिशमेंट, स्ट्रक्चर आदि में काफी पैसे लगेंगे । इस दृष्टि से १०० करोड़ रुपए काफी नहीं हैं और मैं यह कहना चाहता हूं कि इस राशि को बढ़ाया जाना चाहिए ।

इसके साथ ही साथ मेरा सुझाव है कि इस अच्छे और बड़े काम के लिए बजट में भी इसकी व्यवस्था की जानी चाहिए ताकि धनराशि के रूप में बजटरी सपोर्ट इसको मिले । फिर इसमें वसीयत वगैरह की चर्चा की गई है, वह तो बाद की बात है कि कितने लोग अपनी ज़मीन की वसीयत करते हैं, कितने परिवार के लोग करते हैं और उससे कितनी आमदनी होती है । इससे जो आय होगी उससे इसका काम कैसे चलेगा, मेरी समझ में यह काफी नहीं है, इसको बढ़ाया जाना चाहिएं ।

अंत में मैं कहना चाहता हूं कि इसकी डेमोक्रेटिक फंक्शनिंग हो, अगर वह नहीं होगी तो इसका जो लाभ समाज को मिलना चाहिए और जिनको इस बिल के द्वारा हम लाभ पहुंचाना चाहते हैं, उनको वह नहीं पहुंच पाएगा । इसलिए इसके प्रबंध और कार्यसंचालन पर विशेष रूप से ध्यान देने की आवश्यकता है ।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Sir, thank you for giving me an opportunity to speak on the National trust for Welfare of Persons with Austim, Cerebral Palsy, Mental retardation and Multiple Disabilities Bill, 1999. We are happy and we welcome this Bill. Sir, the handicapped and disabled persons are suffering, without any employment opportunity, even though there is a specific direction from the Supreme Court that 3 per cent reservation should be given to the handicapped people. Some people, who are mentally retarded and blind, have their higher studies like teacher training courses and even law graduation. But the point is, they are not getting any employment opportunity. I request the hon. Minister to take necessary steps, at least, to enhance the percentage of reservation from 3 to 5 to the disabled persons.

The next point is, clause 3, sub-clause 4(c) says, "Eight persons not below the rank of Joint Secretary to the Government of India nominated by the Government to represent the Ministries or Departments of Social Justice and Empowerment..." Here, I would like to bring to the notice of the hon. Minister that we have a number of Joint Secretaries in our country, but, at the same time, we also have a number of organizations in our country which are working after the welfare of disabled persons. Hence, I request the hon. Minister to take necessary steps to accommodate in this Trust even those persons working in other organizations. Thank you.

SHRI GOPALSINH G. SOLANKI (Gujarat): Thank you, Sir. The Bill, from the title itself, is doing justice to the class of persons who have

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been indicated therein. I want to comment only on two points. The first point is this. Sir, clause 3, sub-clause (4)(a) to (e), speaks about the constitution of the Board. In this, we have a Chairperson, nine persons - experts, eight persons not below the rank of Joint Secretary to the Government of India, and three persons to be nominated by the Board, representing the associations of trade, commerce and industry engaged in philanthropic activities as Members. Further, under the same clause, sub-clause (5) says, "Provided further that..." - I am not reading out the first part of this sub-clause; it is not necessary - "...the maximum number of persons so associated shall not exceed eight and so far as possible the person so associated shall belong to the registered organization or from the professionals." In the context of this particular sub-clause, I would like to draw the attention of the hon. Minister to clause 9 of the Bill. Sir, clause 9 says, "No act or proceeding of the Board shall be called in question on the grounds merely of the existence of any vacancy in..." - We do not mind this. It is a procedure. A particular person after his retirement or after he leaves his office, could be nominated by the Chairperson. But, at the same time, the further part of this clause is very important and is precarious too. It says, "...or any defect in the constitution of, the Board." Now, in this context, if one reads sub-clause 4 (a) to (e) of clause 3 with clause 9, one can come to know that if anything wrong is done intentionally, can never be challenged according to clause 9. It would come in the way, particularly, the last wording of this clause. So, I would request the hon. Minister to look into this particular aspect.

The other part of the Bill is good. It is in the interest of the mentally retarded persons. But, Madam, I draw your attention to the formation of local committees in which three classes of persons are going to be included, who would not able to take decisions on their own. That is also to be looked into. With these words, I support the Bill. Thank you.

SHRIMATI MANEKA GANDHI : Sir, I am very happy to listen to the informed comments of the hon. Members, and I would just like to make a few points in reply, before taking this opportunity to tell you as to what we have been doing, Miss Saroj Khaparde has talked about the PWD Act which came in 1996, and which is yet to be implemented properly. A lot of Members have talked about this here and in the Lok Sabha also. I agree completely that it is an Act which has not been implemented, in the way it should have been. It is a very weak Act. Secondly, it only applies to the Government. We are planning to bring in an amendment Bill which will make it stronger. I have been trying for the last one-and-a-half years to get other departments to employ people. Now, I will just tell you. Since, I cannot force any other department simply because of the fact that I have a law at my disposal as it were, we have identified a list of jobs so far, which has taken us about 7 years to identify the jobs under the ABC group. The identification of these posts is being done by an expert committee. We hope to fill them this year. I cannot guarantee a job within the Government. Even if it is 3 per cent, it is very little. So, what I have done is that for the first time we have got the National Handicapped Finance Development Corporation to give loans to people. This is for the first time that we are doing it so that they can start self-help programmes. This will apply, obviously, to those people who are mobile, or, who have the ability to help themselves. We have made it possible for them to take loans, at really a very low rate, to do it.

Then, there was a point from an hon. Member that the headquarters should be in Hyderabad. Now the headquarters is in Delhi because it is a central place and it is easy for all people to come. It is difficult for me to administer a Trust that is at Hyderabad. But we already have NIMH there. There is no doubt that the Trust will set up small offices in all our national institutes because they will be able to help them.

The rest is general. Such as, the chairperson should be a person of integrity. Obviously, he would be. Then, so far as parent organization is concerned, I think there was some confusion in the minds of hon. Members that we would be putting up people with these disabilities. No. What we mean is, we will be putting up parent organizations and representatives of these organizations to look after this set of disabled people. So, there is no contradiction in saying that no person of unsound mind may be a member because we are not planning to put anybody of unsound mind there.

Then, so far as the rest is concerned, that will be done according to the rules and regulations as soon as the Act is passed.

Then, an hon. Member talked about having no grievances redressal machinery. We have a Chief Commissioner, who has been appointed by me for the first time. We have two Deputy Commissioners....*(Interruptions)*...

SHRI VAYALAR RAVI (Kerala) : She should tell us the name of the hon. Member.

SHRIMATI MANEKA GANDHI: I will tell you. Two-three Members have repeated this point. This was Dr. Radhakrishana Murty. *(Interruptions)* I am sorry. I have written down the names. But the points are. *(Interruptions)* ...

MISS. SAROJ KHAPARDE: Madam Minister, the tradition has been that when hon. Members participate in the discussion on a Bill, when they speak, you should note down their names. When you respond to their suggestions, or, whenever you respond to them, please mention their names so that they will also be happy.

SHRIMATI MANEKA GANDHI: This is Dr. Radhakrishna Murty . The reason why I was starting with this *mota-mota* because many hon. Members have expressed the same reservation. So, what I was trying was to first take what we have in common, and then take specific points. But this is what Dr. Radhakrishna Murty repeated.. So, what I am doing is that, I am replying to all the reservations that he has.

Now, Dr. Radhakrishna Murty mentioned details about age limits, salaries etc. This will all be taken up by the rules which so far have not been done. An hon. Member wanted to know as to what the Local Committee would consist of, what kind of disability will the Members in the Local Committee have. Now, obviously it will not be an autistic Member or it will not be a paraplegic or a multiple-paraplegic because it will be difficult for them to operate. Certainly, it will mean that they are blind or orthopaedically disabled, etc. We have deliberately chosen one of them because this a very sensitive Act. I do not want the Act to be misused and, therefore, people who have disabilities are definitely more sensitive, no matter what kind of disability they have. Therefore, I find it important to put these types of people there and to give them the feeling of self-confidence. Dr. Radhakrishna also talked about gifting immovable properties to the Trust and wanted it to include in the Act. I have no provision for this suggestion for the simple reason that it will involve the Trust in long- term litigation as immovable properties normally do. Therefore, anybody who wants to gift property to this Trust would have to sell his property and give the money. As I said, it is difficult to provide jobs under the current Act. This Act will come up for review and ask the private sector also, under the law, to employ disabled people. I have done two things. One is that a National Handicap Finance Development Corporation has been set up to provide soft loans.

There are two other things. We have started giving awards to placement officers who will employ the largest number of disabled people. This year, for instance, the national award was given by the President, and last year by the Prime Minister to these placement officers as an incentive. I have also opened up private employment agencies for the disabled. Now, what does this mean? It is not just that the people get registered themselves, and keep waiting for somebody to employ them. The thing is that if a disabled person comes to an employment agency, gives his name and indicates his choice or preference of job, then the employment agency itself will interact with an NGO to have him trained, so that he will be capable of picking up that job, once they referred him to it. This is a completely new initiative. We have also started giving money, for the first time, for providing micro-credit scheme to NGOs so that they can disburse it further to the single people. Then, Miss Rabello had talked about Board from the non-government sector. I do not think you have to worry about over-bureaucratisation. A large number of experts are there including, physiotherapists, psychotherapists, doctors etc, and the kind of people which you wanted. I do not think it is possible to have a Board to disburse money unless we have this kind of expertise on Board. Now, I would like to assure the House that the Trust came up after major consultations with parents organisations, especially NGOs. In fact, at no time have I claimed that this is my Bill. This is the Bill of huge sections of parents, guardians, NGOs, etc, all of whom have felt utter helplessness when it comes to looking after these kinds of severely disabled children. Now, Ms. Rabello also referred to payment to NGOs. The hon. Member has correctly said that we are paying very little to the NGOs. It is quite true. They are being paid very little. I also have the NGO background. I always felt helplessness in retaining good people who come and help us. People come and use it as a springboard in order to learn something and go up to some executive position. Therefore, I have revised all pay-scales, maintenance crunch in the NGO scheme in my Ministry, and the Trust will pay at normal market rates for guardians, helpers, etc. Not only that, I have gone a step forward. I may give money for guardians, but there are very few people in this country who know how to be guardians. I cannot just pick up somebody and say, "Let you be a guardian", because all these care-takers who are looking after these children are helpless. Therefore, I have a National Institute of Social Defence, and in that we are training, for instance, care-takers for old people, care-takers for drug-edicts. In the same way, we will start training care-takers who are capable of taking up the jobs to assist parents, with children who have this kind of disability. The hon. Member, Shri Thiruna- ... -vukkarasu. You will have to forgive me.

MISS SAROJ KHAPARDE: That is the right way to address him. ... *(Interruptions)*...

SHRIMATI MANEKA GANDHI: He has talked about the details regarding guardianship. Guardians will be selected with the utmost care. They will be notified under the rules of the Trust Act.

Shri Ansari has expressed his reservations about over-bureaucratisation. Again, I want to allay his fears, as a person with a lot of expertise with NGOs. As a current NGO myself, I am also equally frightened with a large number of bureaucrats in anything, as it makes the work much slower.

Not just here, but in the Lok Sabha also, a number of MPs have talked about DMs, District Magistrates or District Collector,s or whatever, the Heads of the administrative district of the area, being on the local committees. I believe, it is important to have the DMs on the committees, no matter how overworked they are, because this is not an Act, but this is a fund. I cannot afford to have it misused or challenged that it is going to wrong hands. Therefore, it is important for me, but as an allaying factor, we have a person from an NGO and a person from amongst the disabled people themselves.

Even though I am on orders to be a bit short, before I finish, I want to tell you a bit, about what we have done in my Ministry for the disabled. I have five national institutes for the mentally handicapped, hearing handicapped, optically handicapped, visually handicapped and orthopaedically handicapped. We also have the ALIMCO. When I took over these institutions, I found that all of them were really centres of research, and very mediocre research at that, but not really centres where you did very much. Now we have made every Institute go to the field in what is known in common term as "Outreach Programmes." They have camps every week. They treat blind people. They treat orthopaedically handicapped people. For instance, in the last one year alone, they have treated 2.3 lakh persons and given them limbs. While, in the earlier fifty years, they had treated 70,000 persons, in the last one year they have treated 2.3 lakh persons. When I took over the ALIMCO, it was working at 45 per cent of its capacity, with Rs.15

crores in the red. It was bound to be shut down because the technology was outdated and it worked very little. Today, it has more than Rs.15 crores in bank, and it is working at 93 per cent of its capacity. Its technology has been completely upgraded. We have coupled it with an American NGO,that is helping it to upgrade its technology.

We have held about 30 camps in the leg limbs alone, and we will be holding one per week for any Member of Parliament who wishes to have it held in his constituency. In fact, one of the first things we did was to write to Members of Parliament, asking them if they would like anything to be done in their constituency regarding disabled persons, we would be happy to put up camps there. We are now identifying and adopting 100 districts in the country for providing rehabilitation services through a permanent composite fitment centre which will be set up in collaboration with district authorities. Till today, if you wanted a leg or you wanted an eye operation, you had to wait or you had to go to Delhi. Now, we will set up 100 Centres so that the nearest fitment Centre will be able to look after the disabled people's needs.

I don't wish to say anything more. I would like to thank everybody. I would just say that the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities is the first step in the lives of particularly marginal sections of the society. Sir, as I said before, this is proactive and protectionist in nature. I would like to thank all the hon. Members for being supportive on it. I hope that in the new millennium we will be able to give the disabled people a stronger share of the nation's voice and attention. Thank you.

SHRI GURUDAS DAS GUPTA: Very well done

THE VICE-CHAIRMAN (SHRI SANATAN BISI): The question is:

> "That the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Bill, 1999, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 36 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI MANEKA GANDHI: Sir, I move that the Bill be passed.

The question was put and the motion was adopted.

RE. DEFERMENT OF CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL, 1999

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI O. RAJAGOPAL): Sir, since suffcient number of hon. Members are not present at this late hour, I feel, it would not be possible now to take up the Constitution (Eighty-sixth amendment) Bill, 1999. So, it could be deferred to be taken up during the next Session.

THE MIZORAM UNIVERSITY BILL, 1999

THE VICE-CHAIRMAN: (SHRI SANATAN BISI) All right. Now, we take up the Mizoram University Bill, 1999. Shri Murli Manohar Joshi.

मानव संसाधन विकास मंत्री (डा. मुरली मनोहर जोशी) : उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि मिज़ोरम राज्य में अध्यापन और संबद्ध विश्वविद्यालय की स्थापना और उसका निगमन करने तथा उससे संबंधित या उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक पर विचार किया जाए ।

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, let us pass this Bill without discussion.

DR. BIPLAB DASGUPTA (West Bengal): No, Sir. There should be some discussion on it.

THE VICE-CHAIRMAN (SHRI SANTAN BISI) : There are only two or three hon. Members, who have given their names to speak on this. It will take only two-to-three minutes to complete. Hon. Minister.

डा. मुरली मनोहर जोशी : उपसभाध्यक्ष महोदय, १९८६ में मिज़ोरम सरकार के साथ, भारत सरकार के साथ और मिज़ो नेशनल फ्रंट के साथ एक समझौता हुआ था जिससे वहां शान्ति स्थापित हुई । उस समझौते में एक बात यह भी थी कि वहां एक विश्वविद्यालय की स्थापना की जाएगी, वहां एक यूनीवर्सिटी बनाई जाएगी । पिछले १२-१४