

Intrusion of Afghan Mujahids into J & K and Pakistani Intelligence Agencies' support to them

SHRI SHIV PRATAP MISHRA (Uttar Pradesh): Mr. Vice-Chairman, Sir, may I be allowed to bring to the notice of this august House a very alarming development in the Valley of Jammu and Kashmir? I fully commend and congratulate our Prime Minister and Home Minister for their imaginative leadership to contain and curtail the terrorists' and secessionists' activities to a great extent and the Valley is rightly being geared up for the restoration of normalcy and elections. But of late the Mujahids of Afghanistan have openly joined hands with the terrorists of Jammu and Kashmir, who are not only openly divided among themselves but are engrossed with the sinister killing of the innocent people of the Valley. I can also cite an example when our hon. Minister, Mr. Rajesh Pilot, who was trying to restore normalcy in the Valley, narrowly escaped from death. Our law and order machinery, which has also won the hearts of the local populace, is now no longer extending

1.00 P.M.

support to the extremists and terrorists as before. But this unfortunate development of intrusion of Mujahids belonging to Gulubuddin Hekamtyar group who are very well trained and have long experience is guerilla war against the Soviet forces and the army of Najibullah can worsen the situation. Under the guidance of the intelligence agency, I.S.I. of Pakistan, they are trying to unite the divided terrorists' groups of Jammu and Kashmir and lending moral support to the divided terrorists of Jammu and Kashmir. Their entire strategy is to create again the confusion in the Valley and retard the process of normalisation and elections.

I place a copy of the clipping of the *Danik Jagaran* dated 19-7-92 which has come out with a detailed report on the subject.

May I, therefore, urge the Government to initiate, if it has not already initiated—all steps, administrative, political and diplomatic, to put an end to this unauthorised intrusion before the situation gets out of control. With their influx, there has been a recent spurt in extremists' activities in the Valley. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, we will take up the Rehabilitation Council of India Bill, 1992.

THE REHABILITATION COUNCIL OF INDIA BILL, 1992

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRI-MATI K. KAMALA KUMARI): Sir, I beg to move:

That the Bill to provide for the constitution of the Rehabilitation Council of India for regulating the training of rehabilitation professionals and the maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto, be taken into consideration.

Sir, as you are aware, the lack of trained manpower has been one of the major constraints in the expansion of rehabilitation services in the country. The training programmes in the country in the area of welfare of the handicapped are isolated and ad hoc in nature with no standard syllabi, entry qualifications, duration of courses, level of degrees/diplomas, etc. To overcome the shortage of trained manpower, the Government of India carried out consultations with the National Council for Welfare of the Handicapped and the concerned Ministries on the question of setting up an apex body to enforce uniform standards for manpower training programmes in the field of rehabilitation of the disabled in the country.

The consensus was that standard training should be given to professi-

onals and that products of only recognised courses should provide services to the handicapped.

To achieve these objectives, an apex body called the "Rehabilitation Council" was set up through a Resolution dated 31-1-1986. This body was registered under the Societies Registration Act, 1860. The Council prescribes minimum standard of education and training of professionals, recognises certain institutions for conducting training programmes leading to degrees of diplomas. The Council also recognises foreign degrees, diplomas and certification on a reciprocal basis and maintains a Central Rehabilitation Register of persons who are allowed to practise or seek employment in rehabilitation services of the handicapped.

The Council has been finding it difficult to enforce the standard of training and to regulate the functioning of the rehabilitation professionals in the absence of statutory powers. Therefore, to confer statutory powers on the Rehabilitation Council on the model of the Medical Council of India which regularises statutorily the training of medical professionals, the "Rehabilitation Council" is being vested with statutory powers to prescribe norms and standards for the rehabilitation professionals and for regulating their training. In fact, the existing "Rehabilitation Council" is being substituted by a statutorily constituted "Rehabilitation Council of India".

At present budgetary support is provided to the Rehabilitation Council through grants-in-aid sanctioned by the Ministry of Welfare. During the current year 1992-93 a provision of Rs. 23 lakhs has been made for the Council. The statutorily constituted Rehabilitation Council of India will be financed out of this budgetary provision of Rs. 23 lakhs and as such no extra financial implications are visualised. However, the new responsibilities which will devolve upon the statutorily constituted Council may entail some additional expenditure, the

quantum of which will depend upon the activities to be undertaken by the Council. As envisaged in the Bill itself, the financial and the administrative matters will be regulated and decided by the Ministry of Welfare in consultation with the Ministry of Finance from time to time.

Except for the matters in respect of which rules and regulations are to be made covering procedures and administrative details, the Bill does not envisage delegation of powers.

With these words, I request this august House for the consideration of this Bill.

The question was proposed.

***SHRI VISHWASRAO RAMRAO PATIL (Maharashtra):** Vice-Chairman Sir, Thank you for giving me the opportunity to speak on the Rehabilitation Council of India Bill 1992.

First of all I must congratulate the Hon. Minister of Welfare, Shri Sitaram Kesri for bringing in this Bill which I am sure will go a long way in regulating the training programmes offered for rehabilitation professionals by various educational institutions in the country.

The Bill seeks to confer statutory status on the existing Rehabilitation Council which set up in 1986, so as to prescribe norms and standards for the rehabilitation professionals as also for regulating their training.

The Statement of Objects and Reasons and the accompanying notes on various Clauses of this Bill are more or less in tune with the functional propriety and liberal thinking. I would like to make certain observations as well as suggestions in respect of some of the Clauses of the Bill.

First of all I shall touch upon the scope of definitions as given in the Chapter 1 of the Bill. Under this

*Hon. Member spoke in Marathi.

[Shri Vishwasrao Ramrao Patil]

Clause No. 2 one more category may be included in the existing definition of a handicapped person. I am suggesting a new category of handicapped persons which should be added over and above the four categories already included. Thus the category number (V) in my suggestion should be:—

The woman unable to conceive child due to accident, disease or by birth-inherent defects.

The Clause specifies the term of a Chair-person or a member to hold office for a period of two years only which in my view is not enough for such person to do justice with his or her work. I, therefore, suggest that the term of a Chair-person or a member should not be less than 3 years. I feel three years' period will give enough time to the Chair-person to give shape to his or her ideas for the betterment of the Council's achievements.

Coming to Clause 25 and 26 which provide for protection against suit, prosecution or other legal proceedings against management and the employees of the proposed Council. I have to make certain observations. If at all a court is to take cognizance of an offence punishable under this Act. It must be based on a complaint in writing made by any person authorised in this behalf by the proposed Council, notwithstanding anything contained in the code of Criminal Procedure, 1973.

The implications of these two Clauses 25 and 26 will be far-reaching and will lead to the misuse of statutory powers by the various functionaries of the proposed Council. It would be no exaggeration if this absolute immunity from the law of the land may lead to cases of nepotism, corruption, favouritism and propagation of self-interest by the functionaries of the Council. We must not forget the ageless adage that absolute power corrupts absolutely.

I strongly favour scrapping of the Clauses 25 and 26 which are autocratic in spirit and against the democratic thinking of fairplay and transparency of all official transactions in the Government run Institutions.

I also suggest that if at all any degree of protection against legal proceedings or prosecution is necessary it should be provided within the purview of normal law of the land without any special privileges or immunity of any kind so as to uphold fairplay as also to ensure public transparency to the functioning of the proposed Council.

I, therefore, suggest that this Bill specially the Clauses 25 and 26 should be referred to the Ministry of Law so that they can suggest alternative Clauses in place of Clauses 25 and 26, if at all necessary.

I also suggest inclusion of a new Clause in this proposed Bill which will make it mandatory for the yearly performance of the Council to be subjected to the scrutiny of Auditor and Comptroller General of India. For this annual report will be published by the Council every year.

I conclude my observations on this proposed Council and hope that my suggestions would be considered on merit and incorporated in this Bill.

Thank you.

श्री प्रमोद महाजन (महाराष्ट्र) :
माननीय सदस्य ने मराठी में भाषण किया,
इसलिए मैं उनको बधाई देता हूँ।

SHRI GOPALSINH G. SOLANKI
(Gujarat): Mr. Vice-Chairman, Sir, this Bill — the Rehabilitation Council of India Bill, 1992—is introduced to provide for the constitution of the Rehabilitation Council of India and for the purpose of regulating the training of rehabilitation professionals and the

maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto.

Sir, at the outset, I would like to submit that such a Bill should have been brought long before. In our nation's life, it is a well-established fact that many laws are not even read for years together after they were introduced. Not a single instance under many statutes has even been reported after their introduction. But this particular Bill which is being brought is very much important.

Sir, during the year 1990-91, there were three Bills which were introduced and they are of best use for the common people. I support this Bill. But it is defective in certain ways. It seems the Bill was drafted by the bureaucrats without a legal advice. If we take the case of other Bills and other Acts like the Civil Procedure Code, we find that the Civil Procedure Code is not exhaustive; in the same way the Law of Torts is not exhaustive even today.

Sir, the aspect of rehabilitation of the disabled and the handicapped has been neglected. In my view top priority should have been accorded to it. It is the primary duty of the society and also the Government to help such persons and to initiate schemes which could make these people useful citizens so that they are able to develop a capacity to earn their livelihood and usefully contribute to the society. We have to see how far we have been able to create awareness among the people towards the disabled persons. In India, disabled and handicapped people constitute about 5 per cent of the population. There are about 40 million of them in our country, and out of these 40 million, 50 per cent of them are children below the age of 15. Sir, in Karnataka, a sample survey was conducted particularly in Chitradurga and Mysore and two other districts and it was found that there were 766 handicapped persons per

one lakh of population there. In the whole world there are 460 million people who are handicapped.

Our country is rural-based resulting in illiteracy, ignorance, and poverty which further results in neglect of hygiene and other prerequisites which, in turn, adds to the number of the disabled. Therefore, we must implement such schemes which may bring awareness to the handicapped people towards various benefits and other facilities being offered to them by the Government. This awareness can be brought about through radio, films, T.V. and other media. Of course there are other health journals dealing with rehabilitation of the disabled persons through research and other studies on medicines and technology. It is very essential that we create this awareness among the people who are handicapped.

Effective measures must be taken by the Government to implement the various provisions of the Bill which is before us. If proper implementation of these provisions cannot be ensured, then it will be a wasteful exercise. The Government has also to see how the evil of disability and handicap can be removed. Therefore we should take up effective rehabilitation programmes. Multi-faceted causes of disability have to be identified and tackled at their very root. (*Time-bell*)

Mr. Vice-Chairman, Sir, I was referring to the sample survey undertaken in Karnataka. The survey reveals that there are 766 persons, disabled persons, per lakh of population, comprising 88 blind, 109 deaf, 437 orthopaedically disabled, 19 having Hansen's disease, 93 mentally retarded and 29 with multiple disabilities.

This was just a sample survey. If we take Andhra Pradesh, particularly, if we take the rural and adivasi areas of Gujarat, we find that every third person is disabled. If he is not visually handicapped, he will be orthopaedically handicapped. If he is not orthopaedically handicapped,

[Shri Gopal Binh G. Solanki]

he will be suffering from some other disability. Polio, for example, is very much prevalent, particularly, in the three States of Madhya Pradesh, Uttar Pradesh and Gujarat.

Now, what have these handicapped persons, disabled persons, got all these years? In the First Five-Year Plan, only Rs. 11 lakh were spent. In the Second Five-Year Plan, Rs. 50 lakhs were spent. In the Fourth Five-Year Plan, the amount was Rs. 11 crores. But in the year 1981, which was declared as the International Year for the Disabled, we find that some more interest was taken by the Government. We find that serious efforts were made for improving the overall infrastructure for the welfare of the handicapped. It was during this year that four national institutions were set up namely, the National Institute for the Visually Handicapped, at Dehra Dun, the National Institute for the Orthopaedically Handicapped, at Calcutta, the National Institute for the Hearing Handicapped, at Bombay, and the National Institute for the Mentally Handicapped, at Secunderabad. There were also schemes for providing aids, appliances, free scholarships, etc.

During the Seventh Five-Year Plan, Rs. 100 crores were granted. The allocation in 1990-91 was Rs. 46 crores. In 1991-92, it was Rs. 47 crores. The same amount was spent through the voluntary organisations. Why am I drawing your attention to the voluntary organisations? In this connection, I would like to point out a glaring thing. This has come out of the sample survey undertaken in Karnataka. It was found that out of a sum of Rs. 16 crores meant for the welfare of the handicapped, only a sum of Rs. 3 crores were spent on them and the remaining Rs. 13 crores were spent on the salaries of the staff, welfare officers and others. A major portion was spent on the employees. If this is the cases how will these allocations serve the intended purpose?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SHRI GOPALSINH G. SOLANKI: I will take just two more minutes. The Government had announced 3 per cent reservation in Government jobs, for the handicapped. But I would like to point out that this 3 per cent reservation will not serve any purpose as it is only in relation to Government jobs. I would suggest that this quota should be introduced in relation to the private sector also like industrial concerns, companies, etc., where the handicapped persons can be employed, according to their capacity.

Coming to the Bill, the Bill has been divided into three parts: Preliminary, the Rehabilitation Council of India, and Functions of the Council. Of course, 'handicapped' has been defined as a person who is (i) visually handicapped; (ii) hearing handicapped; (iii) suffering from locomotor disability; (iv) or suffering from mental retardation, but I would like to bring some important facts to the notice of the hon. House regarding constitution of Rehabilitation Council of India. In all 23 members are to be nominated. Only in respect of the Members of Parliament there will be election, two by the House of the People and one by the Council of States. The Chairperson will be appointed by the Central Government; three members will be appointed by the Central Government to represent the Ministries of Welfare, Health and Finance; one member to be appointed by the Central Government to represent the University Grants Commission. But the worst thing is about the nomination of members from States or the Union territories dealing with social welfare by rotation in alphabetical order. This is not understood how a member from the South is going to help the North or the West or the East and similarly how a member from North is going to serve all the other three corners. So, every State must have a member

and let the number increase to 45. There is clause 4 relating to the term of the office of Chairperson and members. The term up to two years would not be sufficient. It should at least be three years or more.

Clauses 15 and 16 are with regard to appointment of inspectors and visitors. Qualifications have not been mentioned and the report of the Visitor is to be treated as confidential. What is the need? If somebody is to be removed or if some institution is to be closed, such reports ought to be open administrative reports. Administratively such reports should be open and not confidential.

Clause 13 (3) provides for punishment. The punishment is imprisonment up to one year and a fine of Rs. 1000 and the complaint is to be filed by the authorised person of the Council. I would say that taking prior permission from the Central Government would not take less than two years. The limitation under the Code of Criminal Procedure is one year and if it takes two or three years to take permission, I think it will be barred by the law itself and it is not going to be helpful.

Similarly, clauses 29 and 30 also in which the Central Government is authorized to frame rules. At the same time, there is one exception to that also. If the rules are not considered to be laid before both the Houses of Parliament, then the particular administration would run without rules. I think that gives complete liberty to the bureaucrats and to the particular ruling party and will not help the handicapped and thus the whole purpose of bringing forth this Bill will be marred.

Anyway, despite the defects I support the Bill because it is one of the best measures which is needed and this is the first Bill of its kind which is introduced in the developing world. I, therefore, support the Bill. Thank you Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The House stands adjourned for lunch and will reassemble at 2.30 p.m.

The House then adjourned for lunch at thirty-one minutes past one of the Clock.

The House reassembled after lunch at thirty-five minutes past two of the clock. THE VICE-CHAIRMAN (SHRIMATI JAYANTI NATARAJAN) in the Chair.

SUPPLEMENTARY DEMANDS FOR GRANTS (RAILWAYS) 1992-93

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): Madam, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (Railways) for the year 1992-93.

THE REHABILITATION COUNCIL OF INDIA BILL, 1992—Contd.

THE VICE-CHAIRMAN (SHRIMATI JAYANTI NATARAJAN): Now, we continue with the discussion on the Rehabilitation Council of India Bill, 1992. Shri Rajni Ranjan Sahu, do you want to say something on it?

SHRI RAJNI RANJAN SAHU (Bihar): Yes, Madam.

I rise to support the Bill. Many steps have been taken by the Ministry of Welfare to improve the lot of the downtrodden and depressed classes of society and hats off to the hon. Minister for his endeavour and achievements in a short span of his taking over as Minister of Welfare. This is a further step forward to recognise the Rehabilitation Council on the model of the Medical Council of India and statutory power is being conferred on this Council. It is highly appreciable that this Council