

*The House then adjourned at one minute past twelve of the clock.*

*The House reassembled at two of the clock,*

MR. CHAIRMAN *in the Chair.*

### GOVERNMENT BILL

MR. CHAIRMAN: The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (Amendment) Bill, 2018.  
Mr. Minister.

*...(Interruptions)...*

#### **The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (Amendment) Bill, 2018 — Contd.**

सामाजिक न्याय और अधिकारिता मंत्री (श्री थावर चन्द गहलोत): सभापति महोदय, यह बिल पहले राष्ट्रीय न्यास अधिनियम, 1999 की धारा-4 और धारा-5 में संशोधन के लिए प्रस्तुत किया गया था। ...**(व्यवधान)**... इस पर चर्चा भी प्रारम्भ हो चुकी थी। मैंने भी उस समय अपने विचार व्यक्त किए थे। ...**(व्यवधान)**...

SHRI D. RAJA (Tamil Nadu): Sir, what is happening? ...**(Interruptions)**...

MR. CHAIRMAN: He is persuading them. ...**(Interruptions)**...

श्री थावर चन्द गहलोत: कुछ माननीय सदस्यों ने भी अपने-अपने विचार व्यक्त किए थे, परन्तु मुझे पहले बोलने का अवसर नहीं मिलने के कारण कुछ गलतफहमी पैदा हो गयी थी, इस कारण से यह बिल आगे बढ़ गया था। ...**(व्यवधान)**... अब इसमें जो प्रावधान किए जा रहे हैं, मैं उनके बारे में निवेदन करना चाहता हूँ। ...**(व्यवधान)**... यह जो अधिनियम अभी बना हुआ है, इसमें चेयरमैन की नियुक्ति का प्रावधान है। इसमें लिखा है कि चेयरमैन तीन साल तक बना रहेगा या 65 वर्ष की आयु तक बना रह सकता है। ...**(व्यवधान)**...

MR. CHAIRMAN: Mr. Raja, please. You are a senior Member. ...**(Interruptions)**...

SHRI B.K. HARIPRASAD: Sir, we also want justice. ...**(Interruptions)**...

श्री थावर चन्द गहलोत: उसमें एक प्रावधान यह था कि चेयरमैन के तीन साल पूरे होने के बाद नियुक्ति की कार्यवाही की जायेगी और जब तक कार्यवाही पूर्ण नहीं होगी और उनके उत्तराधिकारी का चयन नहीं होगा, तब तक वह चेयरमैन अपने पद पर बना रहेगा। ...**(व्यवधान)**... दूसरा एक कारण यह था कि अगर वह त्यागपत्र देगा, तो त्यागपत्र की स्वीकृति के बाद भी जब तक उसका उत्तराधिकारी नहीं मिलेगा, तब तक वह उस पद पर बना रहेगा। ...**(व्यवधान)**... इस कारण से हम चेयरमैन की नियुक्ति करने में सफल नहीं हो सके। ...**(व्यवधान)**...

\*Further discussion continued on a motion moved on 26.07.2018.

MR. CHAIRMAN: Please go to your seats. ...*(Interruptions)*... In the morning, all of us agreed on this. ...*(Interruptions)*...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI VIJAY GOEL): One minute, please. ...*(Interruptions)*... यह बिल दिव्यांगों के लिए है। ...*(Interruptions)*... There is consensus among the parties to pass this unanimously. ...*(Interruptions)*... This is for disabled persons. ...*(Interruptions)*... I am requesting all the parties to please pass it. ...*(Interruptions)*... It is only for disabled persons. ...*(Interruptions)*...

**श्री थावर चन्द गहलोत:** सर, इसमें नियम इतने कठोर थे कि चार शर्तें पूरी करनी होती थीं और इस कारण से चेयरमैन की नियुक्ति नहीं हो पाई थी। ...*(व्यवधान)*... इसके लिए 2012 में भी प्रयास हुए, 2013 में भी प्रयास हुए, 2015 तथा 2016 में भी प्रयास हुए। ...*(व्यवधान)*... चार बार विज्ञप्तियां जारी करके कमिटी ने निर्णय करने की कोशिश की, परंतु योग्य candidate नहीं मिले, इसलिए हमने इसके नियमों में संशोधन कर दिया और योग्यता के दायरे को कुछ सरल कर दिया। ...*(व्यवधान)*... अब इस एक्ट में संशोधन करने की आवश्यकता है। ...*(व्यवधान)*... हम इसमें इस बात का संशोधन कर रहे हैं कि अध्यक्ष पद पर कोई भी व्यक्ति तीन साल के लिए रहेगा और उसके बाद नई नियुक्ति होगी। ...*(व्यवधान)*... उस नियुक्ति की प्रक्रिया तीन साल पूरे होने से छः महीने पहले अर्थात् ढाई साल में ही प्रारंभ कर दी जाएगी। ...*(व्यवधान)*...

MR. CHAIRMAN: Except what the Minister is saying, nothing else will go on record. ...*(Interruptions)*...

**श्री थावर चन्द गहलोत:** अध्यक्ष के रिटायर होने की तारीख तक नियुक्ति कर दी जाएगी। ...*(व्यवधान)*... अगर कोई आकस्मिक रिक्ति होगी, तो जो अध्यक्ष के चयन की प्रक्रिया है और जो योग्यता का दायरा है, उस योग्यता में आने वाले व्यक्ति को ही temporarily नियुक्त किया जाएगा। ...*(व्यवधान)*... इसमें केवल ये दो प्रकार के संशोधन हैं। ...*(व्यवधान)*... मैं सदन से अनुरोध करना चाहूंगा कि वे इसे सर्वानुमति से पारित करें। ...*(व्यवधान)*...

MR. CHAIRMAN: This is a Bill concerning the disabled and mentally retarded persons. ...*(Interruptions)*... You must have, at least, some sympathy for those persons. ...*(Interruptions)*... This Bill is pending since the last session. ...*(Interruptions)*... In the last Session itself, there was a near unanimity among all the Members. ...*(Interruptions)*... So, please, I request all the Members, who are in the Well of the House, to go to their respective places. ...*(Interruptions)*... Any Member desiring to speak? ...*(Interruptions)*... Please go to your seat. ...*(Interruptions)*... Now, Dr. Santanu Sen. ...*(Interruptions)*... Keep the time in mind. ...*(Interruptions)*...

SHRI B.K. HARIPRASAD: Sir, we want the House to be in order. ...*(Interruptions)*...

MR. CHAIRMAN: Let the House decide. ...*(Interruptions)*... Do you want the House to run, discuss and pass Bills or you do not want the House to run? ...*(Interruptions)*... Tell me, why are we doing all this? ...*(Interruptions)*... To all of them. This side, that side and all of them. ...*(Interruptions)*... They are standing also. ...*(Interruptions)*... This accusation, counter-accusation, nothing is going to really help the people. ...*(Interruptions)*...

DR. SANTANU SEN (West Bengal): Sir, ...*(Interruptions)*...

MR. CHAIRMAN: Now, one side or the other, everybody has been doing this. ...*(Interruptions)*... So, let us not accuse others. ...*(Interruptions)*...

DR. SANTANU SEN: Sir, thank you for the opportunity to speak on a Bill concerning the National Trust which oversees the creation of opportunities and inclusive spaces for the differently abled. ...*(Interruptions)*... The proposed Amendment seeks to fix the term of the Chairperson to three years. ...*(Interruptions)*... However, it does little to ensure the independence of the Trust from bureaucratic influence. ...*(Interruptions)*... In case of a casual vacancy in the office of Chairperson, the Bill allows a bureaucrat to take over the work of Chairperson till a new appointment is made. ...*(Interruptions)*... This is extremely problematic as it dilutes the office of Chairperson, leaving it open to Government influence. ...*(Interruptions)*...

श्री थावर चन्द गहलोत: सर, यह बिल पारित कराना बहुत आवश्यक है, क्योंकि यह बिल पास न होने के कारण वर्ष 2014 से अभी तक हम स्थायी अध्यक्ष की नियुक्ति नहीं कर पा रहे हैं। ...*(व्यवधान)*...

MR. CHAIRMAN: We should all discuss. ...*(Interruptions)*...

DR. SANTANU SEN: Sir, I propose that in case of a vacancy, it should be made mandatory for the Government to appoint a new Chairperson within a stipulated fixed period of time. ...*(Interruptions)*...

श्री थावर चन्द गहलोत: यह बिल पारित कराना आवश्यक है, इसलिए इसको पारित कराया जाए। ...*(व्यवधान)*...

DR. SANTANU SEN: I propose the following changes to limit bureaucratic control to a maximum of five months.

Firstly, as per the Statement of Objects and Reasons, it has been witnessed that despite repeated efforts to fill up the post of the Chairperson within the stipulated period,

[Dr. Santanu Sen]

no candidate could be found suitable for appointment to the post. ...*(Interruptions)*... The National Trust Rules, 2000 also underwent an Amendment in 2017 to relax the educational and professional qualifications and expand the pool of candidates. ...*(Interruptions)*... Therefore, a provision to allow for the Chairperson's re-appointment for one more term should be inserted so that the office is not left vacant for a prolonged period. ...*(Interruptions)*...

Secondly, in the event of a casual vacancy -- which might be caused by way of death, resignation or removal from office -- it is recommended that the Government be allowed to appoint an officer to perform the functions of the Chairperson until a new Chairperson is appointed. ...*(Interruptions)*...

MR. CHAIRMAN: Let the House speak in one voice. ...*(Interruptions)*... Let there be an agreement that whoever comes to the Well, action would be taken for all times. ...*(Interruptions)*... If that is the suggestion, I am ready to accept it. ...*(Interruptions)*... Anybody coming to the Well, action would be taken instantly. ...*(Interruptions)*... If that is the agreement of the House, I would be able to do it now itself. ...*(Interruptions)*... But when it comes to you, you do not support it. ...*(Interruptions)*... When it comes to others, you want the action to be taken. ...*(Interruptions)*... How can the Chair act like that? ...*(Interruptions)*...

DR. SANTANU SEN: The independence of the National Trust from bureaucratic control is maintained by outlining a timeline within which the new Chairperson must be appointed - a maximum of five months. ...*(Interruptions)*...

MR. CHAIRMAN: Let the entire country watch who is doing what. ...*(Interruptions)*...

DR. SANTANU SEN: The process of making a reference to the Selection Committee, deliberations over the candidates by the Selection Committee, recommendation of names for appointment and announcement of the new Chairperson must be completed within five months. ...*(Interruptions)*...

Lastly, the Selection Committee must recommend a panel of at least two names for every vacancy referred to it in order to provide options to the Government should they find any candidate unsatisfactory for the office of Chairperson. ...*(Interruptions)*... The recommendation of a single name could lead to an abuse of the selection process to extend the Government appointee's tenure as it could allow the Government to reject the name in order to restart the selection process and timeline. ...*(Interruptions)*...

It should be noted that merely tinkering with the procedural aspects of the National Trust will not ensure the effective implementation of its schemes. ...*(Interruptions)*... The Government must consider enhancing the corpus fund, which continues to be ₹ 100 crores since its inception. ...*(Interruptions)*... Schemes such as Niramaya, a health insurance scheme to cover medical expenses, need to be reconfigured so that a situation, where at least ₹ 10,000 is reimbursed per year for autism-related therapies when the true cost is as high as ₹ 40,000 per month, does not persist. ...*(Interruptions)*...

Sir, the State of West Bengal is committed to providing support to persons who are differently abled. ...*(Interruptions)*... In fact, we are in the process of building the first-of-its-kind autism township where residential, vocational and daycare facilities will be provided to persons on the autism spectrum. ...*(Interruptions)*...

MR. CHAIRMAN: Right, Dr. Santanu Sen. ...*(Interruptions)*...

DR. SANTANU SEN: Sir, we support the Bill and welcome the legislation only if the Minister can assure us that the appointment of a bureaucrat will be for a limited time period only and the expertise of the Trust will not be undermined. ...*(Interruptions)*... Thank you very much, Sir. ...*(Interruptions)*...

MR. CHAIRMAN: Now, Shri Elamaram Kareem. ...*(Interruptions)*...

Except what the Member is saying and what the Chair says, nothing shall go on record. ...*(Interruptions)*...

SHRI ELAMARAM KAREEM (Kerala): Respected, Sir, in the light of India ratifying the United Nations Convention on Right of Persons with Disabilities (UNCRPD) and the passage of the Rights of Persons with Disabilities Act, 2016 (RPD Act), it was incumbent that the National Trust Act be amended to harmonize it with the provisions of the UNCRPD and the RPD Act. ...*(Interruptions)*... This is especially so as some of the provisions of the NT Act, more specifically that relate to guardianship, are directly in conflict with the provisions of the RPD Act. ...*(Interruptions)*...

However, instead of undertaking such an exercise in consultation with stakeholders, the Government has introduced a piecemeal legislation. ...*(Interruptions)*... Even while the recommendations of the Committee constituted by the Government to amend the NT Act are awaited, an amendment has been introduced in the Rajya Sabha confining merely to fixing the tenure of the Chairperson and members of the Board without going into the significant issues. ...*(Interruptions)*...

[Shri Elamaram Kareem]

As opposed to a piecemeal approach, the Government should consult all stakeholders and amend the law in its entirety, in consonance with the UNCRPD and the RPD Act. ...*(Interruptions)*... Thank you.

MR. CHAIRMAN: Mr. Minister, do you want to say anything? ...*(Interruptions)*... Do you want to reply? ...*(Interruptions)*...

**श्री थावर चन्द गहलोत:** सर, वैसे तो मैंने बोल दिया है, ज्यादा कुछ कहने की आवश्यकता नहीं है।

MR. CHAIRMAN: The question is:

"That the Bill to amend the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill. ...*(Interruptions)*...

*Clauses 2 & 3 were added to the Bill.*

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

MR. CHAIRMAN: After the Clauses have been disposed of, now, the Minister to move that the Bill be passed.

**श्री थावर चन्द गहलोत:** महोदय, मैं प्रस्ताव करता हूँ:

कि विधेयक को पारित किया जाए।

*The question was put and the motion was adopted.*

MR. CHAIRMAN: Now, the second Bill is The National Council for Teacher Education (Amendment) Bill, 2018. ...*(Interruptions)*... You don't want? ...*(Interruptions)*... The House is adjourned to meet at 11.00 A.M. tomorrow.

*The House then adjourned at fifteen minutes past  
two of the clock till eleven of the clock on  
Thursday, the 13th December, 2018.*