ANNEXURE -1

Interview Schedule

1. **Socio Economic and Demographic Profile**

1.1 **Type of Primary Caregiver**
   1. Father
   2. Mother

1.2 **Age of the Caregiver**
   1. 25-35
   2. 35-45
   3. 45-55

1.3 **Marital Status of Primary Caregiver**
   1. Married
   2. Separated/Divorced
   3. De-facto
   4. Widow/Widower

1.4 **Educational Status**
   1. Primary
   2. Matric
   3. Undergraduate
   4. Post Graduate
   5. Diploma/Certificate

1.5 **Family Income in Months (Australia & India)**

<table>
<thead>
<tr>
<th>Melbourne (In Dollars’)</th>
<th>Chandigarh (In Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000-3000</td>
<td>1000-3000</td>
</tr>
<tr>
<td>3000-6000</td>
<td>3000-6000</td>
</tr>
<tr>
<td>6000-8000</td>
<td>6000-8000</td>
</tr>
</tbody>
</table>

1.6 **Religion**
   1. Hinduism
   2. Muslim
   3. Christian

1.7 **Type of family**
   1. Nuclear Family
   2. Extended Family
   3. Joint Family

1.8 **Accommodation**
   1. Own
   2. Rented
   3. Kuchha
   4. Pucca

1.9 **Chronological age of the Child with disability**
   1. 5-10
2. Intellectual Disability: Reactions And Awareness Among The Caregivers

2.1 What was your reaction when you were told for the first time about your child’s disability

1. Shock
2. Denial
3. Fear
4. Confusion
5. Self Blame
6. Powerlessness
7. Helplessness
8. Black Magic

2.1.1 How do you perceive intellectual disability

1. Dangerous
2. Infections
3. Curable
4. Incurable

2.1.2 Have you ever heard about Intellectual Disability

1. Yes
2. No

2.1.3 Do you know which testing method is used to diagnose the presence of Intellectual Disability

1. CT Scan
2. IQ test
3. Genetic Counseling testing
4. Don’t Know
5. Other tests

2.1.4 Which you think may be the cause of intellectual disability

1. Chromosomal abnormality
2. Infection
3. Malnutrition
4. Injury during pregnancy
5. Use of drugs
6. Insufficient oxygen during birth
7. Extreme prematurity
8. Severe heads injury after birth
9. Sign of past karma
10. Curse of the creator
11. Aftermath of parent’s evil deeds
12. History of intellectual disability in the family
2.1.5 Do you know the name of the medical term of what disability your child has
1. Intellectual Disability
2. Cerebral Palsy
3. Down Syndrome
4. Learning Disorder
5. Autism
6. Attention Deficit Hyperactive Disorder

2.1.6 Does your child have any associated disability
1. Epilepsy
2. Low Vision
3. Low Hearing
4. Drooling
5. Violent Behavior
6. Down Syndrome
7. Autism
8. Cerebral Palsy

2.1.7 What was the age of your child when you were told about that disability
1. Below 5 Years
2. 5-10 Years
3. 10-15 Years
4. Above 15 Years

2.1.8 Who told you about your child disability
1. Doctor
2. Psychological/Social Worker
3. Special Educator

2.1.9 Did you suspect anything different in your child’s behavior before you were told about the disability
1. Yes
2. No

2.1.10 Do you know what your child’s IQ score is
1. Yes
2. No

2.1.11 Who did you approach out of the following for treatment/ rehabilitation for your child with disability
1. Social Worker/Psychological
2. Special Educator
3. Pandit/Priest
4. Faith Healer

3. Problems Faced by the Parents

3.1 What are the problems you as a parent face with your child with intellectual disability
1. Emotional Problems
2. Physical Exhaustion & Stress
3. Financial Problems
4. School Related Issues
5. Behavior Related Issues

3.1.1 Do you face any of these
1. Aggressiveness
2. Feeling of Restlessness
3. Anxiety
4. Hopelessness

3.1.2 Is there any marital conflict due to any of the following issues
1. Time input with Spouses
2. Division of child care Burden
3. Anger Outburst with Spouses
4. Relative Prominence of Work between Spouses
5. Relative Prominence of relative among Spouses

3.1.3 Which of the following issues of conflicts related to siblings of child with disability
1. Ignoring success of sibling
2. Parents spending less time with siblings
3. Normal sibling competing with disabled child
4. Normal sibling showing behavior problems for seeking attention
5. Lack of rapport of sibling with disabled child

3.1.4 Which of the following issues of Financial Burden on you
1. Medical and co-morbid conditions
2. Cost of hired caregivers
3. Cost of special transport facility to school
4. Miscellaneous daily costs for special needs of child
5. Cost of furniture and home modifications

3.2 School related issues

3.2.1 Does your child get absent from special school due to erratic behavior
1. Yes
2. No

3.2.2 Which problems did you face during admission to special school
1. Refusal due to high support need due to behavioral problems
2. Lack of choice of school
3. Have to visit number of schools
4. Forced to drop

3.2.3 How far is school from your house
1. Less than 5 km
2. Between 5-10 km
3. Between 10-15 km

3.2.4 Which type of transport do you use to drop your child at special school
1. Bus
2. Train
3. Car
4. Taxi

3.2.5 Does your child face any learning difficulties at school
  1. Difficulty in reading
  2. Difficulty in writing
  3. Difficulty in doing calculations (Dyspraxia)
  4. Difficulty in communication

3.3 Social Problems Faced by the Caregivers

3.3.1 How do people behave towards your child when you take them to restaurant, shops, family picnic etc.

<table>
<thead>
<tr>
<th>Types of Social Ridicule</th>
<th>Yes</th>
<th>No</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pointing Fingers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Starring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refuse to Share Space with Them</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.3.2 Do people make negative comments at your child at Public Places
  1. Crazy
  2. Abnormal
  3. Retarded
  4. No Comments

3.3.3 How often were you able to socialize with others before and after the birth of child with a disability

<table>
<thead>
<tr>
<th>No. of visits to/ by the guests</th>
<th>Before the birth of your child with disability</th>
<th>After the birth of your child with disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inviting/Visiting Guest Once a Week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Once in Fortnight</td>
<td></td>
<td></td>
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<tr>
<td>Once a Month</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.3.4 How often were you able to go for vocations with family before and after the birth of child with a disability

<table>
<thead>
<tr>
<th>Frequency of vocation</th>
<th>Before the birth of your child with disability</th>
<th>After the birth of your child with disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once in Six Months</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Once in Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not even Once</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.3.5 How often were you able to go for personal recreation before and after the birth of child with a disability

<table>
<thead>
<tr>
<th>Frequency of times for Personal Recreation</th>
<th>Before the birth of your child with disability</th>
<th>After the birth of your child with disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once a Week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Once in Fortnight</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Once a Month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not at all</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.3.6 Does your child need assistance in life skills (please tick)

<table>
<thead>
<tr>
<th>Daily living Skills</th>
<th>Dependent</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brushing/Bathing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dressing/Undressing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feeding/Eating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Hygiene</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.3.7 Does your child display any of the following challenging behavior

<table>
<thead>
<tr>
<th>Behavior Problems</th>
<th>At School/Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absconding Behavior</td>
<td></td>
</tr>
<tr>
<td>Repetitive Behavior</td>
<td></td>
</tr>
<tr>
<td>Sexual Behavior</td>
<td></td>
</tr>
<tr>
<td>Sexual Injurious Behavior</td>
<td></td>
</tr>
<tr>
<td>Kicking/Banging on objects/hitting/biting</td>
<td></td>
</tr>
<tr>
<td>Avoidant</td>
<td></td>
</tr>
<tr>
<td>Shouting</td>
<td></td>
</tr>
<tr>
<td>Playing with own faces</td>
<td></td>
</tr>
</tbody>
</table>


4.1 Are the following aware of various aspects of your child’s disability

<table>
<thead>
<tr>
<th>Responses of the Family</th>
<th>Fully</th>
<th>Somewhat</th>
<th>Not at All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sibling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grandparents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friends</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1.1 Which Sources of family support is available to you and your child with disability

<table>
<thead>
<tr>
<th>Type of family Support</th>
<th>Sibling</th>
<th>Grandparent</th>
<th>Relative</th>
<th>Friend</th>
<th>Hired Caregivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Babysitting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation to attend medical appointments</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Help in household tasks such as cleaning/cooking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counseling</td>
<td></td>
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</tr>
</tbody>
</table>

4.1.2 What is the impact of positive family support on your personality

1. Feel confident
2. Feel organized
3. Feel emotional and financially secured
4.1.3 What is the impact of family support on your intra family relations

1. More understanding between partners
2. Got time to look after other children
3. Opportunity to attend social functions
4. Strained relations with relatives/family members

4.1.4 How do you feel when you are refused support by Family

1. Feel pity of yourself
2. Feel Worthless
3. Angry
4. Fear of breakage of relationship
5. Aloneness


4.1 Do you know what a special school is

1. Yes
2. No

4.1.1 Are you aware about the services present in the community for persons with disability (Pl. Tick)

<table>
<thead>
<tr>
<th>Services</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respite services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheltered Workshops</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supported Employment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1.2 Are you aware about the provisions under legislations (Persons with Disability Act 1995, National Trust Act 1999 and Rehabilitation Council of India 1992) in India

<table>
<thead>
<tr>
<th>Sri. No</th>
<th>Provisions under Legislations (PWD Act, RCI, National Trust)</th>
<th>Somewhat</th>
<th>Not at All</th>
<th>Fully Aware</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Disability Pensions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Family Pension</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>Petrol Subsidy</td>
<td></td>
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<tr>
<td>4.</td>
<td>Assistance to Purchase Aids/appliances</td>
<td></td>
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<tr>
<td>5.</td>
<td>Medical/Vocational/Rehabilitative services through state resource centre</td>
<td></td>
<td></td>
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<tr>
<td>6.</td>
<td>Unemployment allowance</td>
<td></td>
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<tr>
<td>7.</td>
<td>Scholarships</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>8.</td>
<td>Information about NGO’s</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.1.1.2 Are you aware about Schemes for persons with disability in Chandigarh (India)

<table>
<thead>
<tr>
<th>Sri. No</th>
<th>Schemes</th>
<th>Fully aware</th>
<th>Somewhat</th>
<th>Not at all</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Free travel in the state transport buses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Loans for self employment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Programmes for assistance in higher education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Reservation in jobs</td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td>Income tax Rebate</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6.</td>
<td>Health Insurance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1.3 Are you aware about provisions under Disability Act 2006 Australia

<table>
<thead>
<tr>
<th>Sri. No</th>
<th>Provisions under Legislations (Disability Act 2006)</th>
<th>Fully Aware</th>
<th>Somewhat</th>
<th>Not at All</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Disability Pension</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2.</td>
<td>Carer Pension</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>Case Management Services</td>
<td></td>
<td></td>
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<tr>
<td>4.</td>
<td>Assistance to purchase aids/appliances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Accommodation Support</td>
<td></td>
<td></td>
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<tr>
<td>6.</td>
<td>Futures for Young Adults</td>
<td></td>
<td></td>
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<tr>
<td>7.</td>
<td>Communication aids</td>
<td></td>
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<tr>
<td>8.</td>
<td>Community Health Centre’s</td>
<td></td>
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<tr>
<td>9.</td>
<td>Neighborhood services</td>
<td></td>
<td></td>
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<tr>
<td>10.</td>
<td>Recreation and leisure services</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>11.</td>
<td>Local Councils</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Family Intervention Support Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Education and Vocational Support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Outreach Services</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1.1.3 Are you aware about Schemes for persons with disability on Australia

<table>
<thead>
<tr>
<th>Sri. No</th>
<th>Schemes</th>
<th>Fully aware</th>
<th>Somewhat</th>
<th>Not at all</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Disability Parking Scheme</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Employment and Training Schemes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Home loans for low income families (one off)</td>
<td></td>
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<tr>
<td>4.</td>
<td>Multipurpose taxi Programme (half price taxi fare)</td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td>Ticket discount in public transport</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1.1.4 What is your perception about government disability related programmes

1. Good
2. Not Good
3. Satisfactory
4. Can’t Say
4.1.1.5 Do you find the services/schemes useful about utilization of services for persons with disability
   1. Completely
   2. Mostly
   3. Sometimes
   4. Rarely
   5. Never

4.1.1.6 What are the reasons for not availing some of the services/schemes
   1. Overwhelmed by the paper work
   2. Long wait list
   3. Disappointed from the staff
   4. Lack of Knowledge
   5. Inadequate information about the schemes
   6. Felt there is no need
   7. Family hasn’t got disability certificate
   8. Cost of hired help
   9. Children unmanageable and hence difficult to move with him
   10. Busy with other more important matters
   11. It brings label and stigma
   12. Do not know who to approach
ANNEXURE-II
PERSONS WITH DISABILITIES ACT 1995

PWD Act, 1995 The Persons With Disabilities
(EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

PUBLISHED IN PART II, SECTION 1 OF THE
EXTRAORDINARY GAZETTE OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)
New Delhi, the 1st January, 1996/Pausa 11, 1917 (Saka)
The following Act of Parliament received the assent of the President on the 1st January, 1996, and is hereby published for
general information:- No.1 OF 1996
[1st January 1996]
An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and
Pacific Region.
WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2002 convened by the Economic and
Social Commission for Asia and Pacific held at Beijing on 1st to 5th December,1992, adopted the Proclamation on the Full
Participation and Equality of People with Disabilities in the Asian and Pacific Region;
AND WHEREAS India is a signatory to the said Proclamation; AND WHEREAS it is considered necessary to implement the
Proclamation aforesaid.
Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:-

CHAPTER I - PRELIMINARY

Chapter II The Central Coordination Committee
Chapter III The State Coordination Committee
Chapter IV Prevention And Early Detection Of Disabilities
Chapter V Education
Chapter VI Employment
Chapter VII Affirmative Action
Chapter VIII Non-Discrimination
Chapter IX Research And Manpower Development
Chapter X Recognition Of Institutions For Persons With Disabilities
Chapter XI Institution For Persons With Severe Disabilities
Chapter XII The Chief Commissioner And Commissioners For Persons With Disabilities
Chapter XIII Social Security
Chapter XIV Miscellaneous

CHAPTER - I - PRELIMINARY

1. (1) This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force on such date as the Central Government may, by notification, appoint.
2. In this Act, unless the context otherwise requires,-
(a) "Appropriate Government" means,-
(i) In relation to the Central Government or any establishment wholly or substantially financed by that Government, or a
Cantonment Board constituted under the Cantonment Act, 1924, the Central Government ;
(ii) In relation to a State Government or any establishment wholly or substantially financed by that Government, or any local
authority, other than a Cantonment Board, the State Government;
(iii) In respect of the Central Co-ordination Committee and the Central Executive Committee, the Central Government;
(iv) In respect of the State Co-ordination Committee and the State Executive Committee, the State Government;
(b) "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-
(i) Total absence of sight; or
(ii) Visual acuity not exceeding 6/160 or 20/200 (snellen) in the better eye with correcting lenses; or
(iii) Limitation of the field of vision subtending an angle of 20 degree or worse;
(c) "Central Co-ordination Committee" means the Central Co-ordination Committee constituted under sub-section (1) of section
3;
(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;
(e) "Cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture
resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
(f) "Chief Commissioner" means the Chief Commissioner appointed under subsection (1) of section 57;
(g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;
(h) "Competent authority" means the authority appointed under section 50;
(i) "Disability" means-
(I) Blindness;
(ii) Low vision;
(iii) Leprosy-cured;
(iv) Hearing impairment;
(v) Loco motor disability;
(vi) Mental retardation;
(vii) Mental illness;
(j) "Employer" means,-
(i) In relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is
notified, the Head of the Department; and
(ii) In relation to an establishment, the chief executive officer of that the establishment;
(k) "Establishment" means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government;
(l) "Hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies;
(m) "Institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;
(n) "Leprosy cured person" means any person who has been cured of leprosy but is suffering from—
(i) Loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
(ii) Manifest deformity and paresis; but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
(iii) Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;
(o) "Loco motor disability" means disability of the bones, joints muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
(p) "Medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;
(q) "Mental illness" means any mental disorder other than mental retardation;
(r) "Mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;
(s) "Notification" means a notification published in the Official Gazette;
(t) "Person with disability" means a person suffering from not less than forty per cent. of any disability as certified by a medical authority;
(u) "Person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
(v) "Prescribed" means prescribed by rules made under this Act;
(w) "Rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
(x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting—
(i) Persons who seek to engage employees from amongst the persons suffering from disabilities;
(ii) Persons with disability who seek employment;
(iii) Vacancies to which person with disability seeking employment may be appointed;
(y) "State Co-ordination Committee" means the State Co-ordination Committee constituted under sub-section (1) of section 19;
(z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19

CHAPTER II THE COORDINATION COMMITTEE

3. (1) The Central Government shall by notification constitute a body to be known as the Central Co-ordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.
(2) The Central Co-ordination Committee shall consist of—
(a) The Minister in charge of the Department of Welfare in the Central Government, Chairman, ex officio;
(b) The Minister of State in-charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex officio;
(d) Chief Commissioner, Member, ex officio;
(e) Chairman Railway Board, Member, ex officio;
(f) Director-General of Labour, Employment and Training, Member, ex officio;
(g) Director, National Council for Educational Research and Training, Member, ex officio;
(h) Three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;
(i) Three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;
(j) Directors of the—
(l) National Institute for the Visually Handicapped, Dehradun;
(ii) National Institute for the Mentally Handicapped, Secunderabad;
(iii) National Institute for the Orthopaedically Handicapped, Calcutta;
(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Bombay, Members, ex officio;
(k) Four Members to be nominated by the Central Government by rotation to represent the States and the Union territories in such manner as may be prescribed by the Central Government:
Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union territory;
(l) Five persons as far as practicable, being persons with disabilities, to represent non-governmental Organizations or associations which are concerned with disabilities, to he nominated by the Central Government, one from each area of disability, Members:
Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;
(m) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio;
(3) The office of the Member of the Central Co-ordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament,
4. (1) Save as otherwise provided by or under this Act a Member of Central Co-ordination Committee nominated under clause (i) or clause (l) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination:
Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters his office.

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(2) The term of office of an ex officio Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (1) of subsection (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (1) of subsection (2) of section 3 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the Central Co-ordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so Dominated.

(6) A Member nominated under clause (i) or clause (l) of subsection (2) of section 3 shall be eligible for (7) Members nominated under clause (i) and clause (1) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Take up the cause of persons with disabilities with the concerned authorities and the international organizations;

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

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

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

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

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

(2) The Central Executive Committee shall consist of-

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

(b) The Chief Commissioner, Member, ex officio;

(c) The Director-General for Health Services, Member, ex officio;

(d) The Director-General, Employment and Training, Member, ex officio;

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

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

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

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

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

(j) Five persons, as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members: Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

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

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

(4) A Member nominated under clause (i) or clause (i) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee.
(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

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

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

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

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

CHAPTER III THE STATE COORDINATION COMMITTEE

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

(2) the State Coordination Committee shall consist of-

(a) The Minister in-charge of the Department of Social Welfare in the State Government, Chairperson, ex officio;
(b) the Minister of State in-charge of the Department of Social Welfare, if any, Vice-Chairperson, ex officio;
(d) Secretary of any other Department, which the State Government considers necessary, Member, ex officio;
(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, ex officio;
(f) Five persons, as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

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

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

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

(i) The Commissioner, Member, ex officio;

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

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

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

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

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an ex officio Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The State Government may, if it thinks fit, remove any? Member nominated under clause (f) or clause (h) of sub-section (2) of section 13, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

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

(5) A casual vacancy in the State Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A Member nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

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

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

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

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

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

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

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

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

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

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

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

18. (1) Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.
(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely:-

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

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

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

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

(e) Take such other steps to ensure barrier free environment in pupil’s places. Work places, public utilities, schools and other institutions;

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

(g) To perform such other functions as may be prescribed by the State Government

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

(2) The State Executive Committee shall consist of:

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

(b) The Commissioner, Member, ex officio;

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

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

(e) Five persons, as far as practicable being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members; Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

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

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

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

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

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

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

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

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

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

23. In the performance of its functions under this Act,-

(a) The Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and

(b) The State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State, Government may give to it; Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

24. No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees.

CHAPTER IV PREVENTION AND EARLY DETECTION OF DISABILITIES

25. Within the limits of their economic capacity and development, the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall-

(a) Undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) Promote various methods of preventing disabilities;

(c) Screen all the children at least once in a year for the purpose of identifying “at-risk” cases;

(d) Provide facilities for training to the staff at the primary health centers;

(e) Sponsor or cause to be sponsored awareness campaigns and is disseminated or cause to be disseminated information for general hygiene, Health and sanitation;

(f) Take measures for pre-natal, parental and post-natal care of mother and child;

(g) Educate the public through the pre-schools, schools, primary health Centers, village level workers and anganwadi workers;

(h) Create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

CHAPTER V EDUCATION

26. The appropriate Governments and the local authorities shall
(a) Ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
(b) Endeavor to promote the integration of students with disabilities in the normal schools;
(c) Promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
(d) Endeavor to equip the special schools for children with disabilities with vocational training facilities.

27. The appropriate Governments and the local authorities shall by notification make schemes for-
(a) Conducting part-time classes in respect of children with disabilities who have completed education up to class fifth and could not continue their studies on a whole-time basis;
(b) Conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
(c) Imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;
(d) Imparting education through open schools or open universities;
(e) Conducting class and discussions through interactive electronic or other media;
(f) Providing every child with disability free of cost special books and equipments needed for his education.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

30. Without prejudice to the foregoing provisions, (be appropriate Governments shall by notification prepare a comprehensive education scheme which shall make Provision for-
(a) Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.
(b) The removal of architectural barriers from schools, colleges or other institution, imparting vocational and professional training;
(c) The supply of books, uniforms and other materials to children with disabilities attending school.
(d) The grant of scholarship to students with disabilities;
(e) Setting up of appropriate fora for the redressal of grievances of parent, regarding the placement of their children with disabilities;
(f) Suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
(g) Restructuring of curriculum for the benefit of children with disabilities;
(h) Restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

31. All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.

CHAPTER VI EMPLOYMENT

32. Appropriate Governments shall—
(a) Identify posts, in the establishments, which can be reserved for the persons with disability;
(b) At periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

33. Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent. for persons or class of persons with disability of which one per cent. each shall be reserved for persons suffering from-
(i) Blindness or low vision;
(ii) Bearing impairment;
(iii) Loco motor disability or cerebral palsy, in the posts identified for each disability;

34. (1) The appropriate Government may, by notification. Require that from such date as May he specified. By notification. The employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for person, with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.
(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be as may be prescribed.

35. Any person authorized by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment, and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

36. Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no parson with disability available for the post in that Year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:
Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

37. (1) Every employer shall maintain such record in relation to the person. With disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.
(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorized in this behalf by general or special order by the appropriate Government.

38. (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for-
(a) The training and welfare of persons with disabilities;
(b) The relaxation of upper age limit;
(c) Regulating the employment;
(d) Health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;
(e) The manner in which and the person by whom the cost of operating the schemes is to be defrayed; and
(f) Constituting the authority responsible for the administration of the scheme.
39. All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seat for persons with disabilities.
40. The appropriate Governments and local authorities shall reserve not less than three per cent. in all poverty alleviation schemes for the benefit of persons with disabilities.
41. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent. of their work force is composed of persons with disabilities.

CHAPTER VII AFFIRMATIVE ACTION
42. The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.
43. The appropriate Governments and local authorities shall by notification frame schemes in favor of persons with disabilities, for the preferential allotment of land at concession] rates for-
(a) House;
(b) Setting up business;
(c) Setting up of special recreation centers;
(d) Establishment of special schools;
(e) Establishment of research centers;
(f) Establishment of factories by entrepreneurs with disabilities

CHAPTER VIII NON-DISCRIMINATION
44. Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to-
(a) Adapt rail compartments, buses, Vessels and aircrafts in such a way as to permit easy access to such persons;
(b) Adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.
45. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for-
(a) Installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;
(b) Causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;
(c) Engraving on the surface of the zebra crossing for the blind or for persons with low vision;
(d) Engraving on the edges of railway platforms for the blind or for persons with low vision;
(e) Devising appropriate symbols of disability;
(f) Warning signals at appropriate places.
46. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for-
(a) Ramps in public buildings;
(b) Braille symbols and auditory signals in elevators or lifts;
(c) Braille symbols and auditory signals in elevators or lifts;
(d) Ramps in hospitals, primary health centers and other medical care and rehabilitation institutions.
47. (1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service. Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits.
Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.
(2) No promotion shall be denied to a person merely on the ground of his disability: Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

CHAPTER IX RESEARCH AND MANPOWER DEVELOPMENT
48. The appropriate Governments and local authorities shall promote and sponsor research, inter alia, in the following areas-
(a) Prevention of disability;
(b) Rehabilitation including community based rehabilitation;
(c) Development of assistive devices including their psychosocial aspects;
(d) Job identification;
(e) On site modifications in offices and factories.
49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research- units or institutions, for undertaking research for special education rehabilitation and manpower development.

CHAPTER X RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES
50. The State Government shall appoint any authority, as it deems fit to be a competent authority for the purposes of this Act.
51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority:
Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for such certificate under this section within the said period of six months, till the disposal of such application.
52. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.
(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant
a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for: Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall he communicated to the applicant in such manner as may be prescribed by the State Government.  
(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.  
(4) A certificate of registration granted under this section—  
(a) Shall, unless revoked under section 53, remain in force for such period as may, be prescribed by, the State Government.  
(b) May be renewed from time to time for a like period; and  
(c) Shall be in such form and shall be subject to such conditions as may be prescribed by the State Government  
(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.  
(6) The certificate of registration shall be displayed by the institution in a conspicuous place.  
53. (1) the competent authority may, if it has reasonable cause to believe that the  
Holder of the certificate of registration granted under sub-section (2) of section 52 has -  
(a) Made a statement in relation to any application for the issue of renewal of the certificate which is incorrect or false in material particulars; or  
(b) Committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may after making such inquiry, as it deems fit, by order, revoke the certificate: Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.  
(2) Where a certificate in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation. Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function—  
(a) Where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or  
(b) Where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.  
(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be-  
(a) Restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or  
(b) Transferred to any other institution specified by the competent authority.  
(4) Every institution, which holds a certificate of registration, which is revoked, under this section shall, immediately after such revocation. Surrender such certificate to the Competent authority.  
54. (1) Any person aggrieved by the order of the competent authority, refusing to grant a certificate or revoking a certificate may, within such period as may he prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.  
(2) The order of the State Government on such appeal shall he final.  
55. Nothing contained in this Chapter shall apply, to an institution for persons with disabilities established or maintained by the Central Government or State Government.  
CHAPTER XI INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES  
56. The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.  
(2) Where, the appropriate Government is of opinion that any institution other than an institution. Established under sub-section (1), is fit for the rehabilitation of the persons with severe disabilities, the Government may recognize such institution as an institution for persons with severe disabilities for the purposes of this Act: Provided that no institution shall be recognized under this section unless such institution has complied with the requirements of this Act and the rules made there under.  
(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed b), the appropriate Government.  
(4) For the purposes of this section "person with severe disability" means a person with eighty per cent. or more of one or more disabilities.  
CHAPTER XII THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES  
57. (1) The Central Government may, by notification appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.  
(2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.  
(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits of the Chief Commissioner shall be such as may be prescribed by the Central Government.  
(4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.  
(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.  
58. The Chief commissioner shall ---  
(a) Coordinate the work of the Commissioners;  
(b) Monitor the utilization of funds disbursed by the Central Government;  
(c) Take steps to safeguard the rights and facilities made available to Persons with disabilities;  
(d) Submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.  
59. Without prejudice to the provisions of section 58 the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to --  
(a) Deprivation of rights of persons with Disabilities.
(b) Non-implementation of laws, rules, byelaws, regulations. Executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights or persons with disabilities. And take up the matter with the appropriate authorities.

60. (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.
(2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.
(3) The salary and allowances payable to and other terms and conditions of service (including pension gratuity and other retirement benefits) of the Commissioner shall be such as may he prescribed by the State Government.
(4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.
(5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.
(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.

61. The Commissioner within the State shall—
(a) Coordinate with the departments of the State Government for the programmes and schemes, for the benefit of persons with disabilities;
(b) Monitor the utilization of funds disbursed by the State Government;
(c) Take steps to safeguard the rights and facilities made available to persons with disabilities.
(d) Submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—
(a) Deprivation of rights of persons with disabilities;
(b) Non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, And take up the matter with the appropriate authorities.

63. The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely—
(a) Summoning and enforcing the attendance of witnesses;
(b) Requiring the discovery and production of any documents;
(c) Requisitioning any public record or copy thereof from any court or office;
(d) Receiving evidence on affidavits; and
(e) Issuing commissions for the examination of witnesses or documents.

64. (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.
(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

65. (1) The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.
(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

66. (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.
(2) For purposes of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organizations.

67. (1) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organizations working for the cause of persons with disabilities.
(2) Notwithstanding anything contained in this section, the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

CHAPTER XIV MISCELLANEOUS

69. Whoever fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.
70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made there under.
72. The provisions of this Act, or the rules made there under shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued there under, enacted or issued for the benefit of persons with disabilities.

73. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) The manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;
(b) Allowances, which members shall receive under subsection (7) of section 4;
(c) Rules of procedure, which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;
(d) Such other functions, which the Central Coordination Committee may perform under clause (b) of sub-section (2) of section 8;
(e) The manner in which a State Government or a Union Territory shall be chosen under clause (h) of sub-section (2) of section 9;
(f) The allowances, which the Members shall receive under sub-section (3) of section 9;
(g) Rules of procedure, which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;
(h) The manner and purposes for which a person may be associated under sub-section (1) of section 12;
(i) Fees and allowances which a person associated with the Central Executive Committee may receive under sub-section (3) of Section 12;
(j) Allowances which members shall receive under sub-section (7) of section 14;
(k) Rules of procedure, which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;
(l) Such other functions, which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;
(m) The allowances, which Members shall receive under sub-section (3) of section 19;
(n) Rules of procedure, which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;
(o) The manner and purposes for which a person may be associated under sub-section (1) of section 22;
(p) Fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of Section 22;
(q) Information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;
(r) The form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;
(s) The form and manner in which an application shall be made under sub-section (1) of section 52;
(t) The manner in which an order of refusal shall be communicated under sub-section (2) of section 52;
(u) Facilities or standards required to be provided or maintained under sub-section (3) of section 52;
(v) The period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;
(w) The form in which and conditions subject to which a certificate of registration shall be granted under clause (c) of sub-section (4) of section 52;
(x) Period within which an appeal shall lie under sub-section (1) of section 54;
(y) The manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;
(z) The salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (6) of section 57;
(za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;
(zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;
(zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section (3) of section 60;
(zd) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 60;
(ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;
(zf) the form and time in which annual report shall be prepared under sub-section (1) of section 64;
(zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;
(zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under die proviso to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid. as soon as may be after it is made, before each House of Parliament, while it is in session for a tow period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, notification or scheme, both Houses agree that the rule, notification or scheme should not be Made, the rule, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. Notification or scheme, as the case may be.

(4) Every notification made by the State Government under the provison to section 33 proviso to sub-section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67. section 68 and every rule made by it under sub-section (1), shall be laid. as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House. 74. In section 12 of the Legal Services Authorities Act, 1987, for clause (d), the following clause shall be substituted, namely:-

"(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act. 1995."

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ANNEXURE- III

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

SUMMARY

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act was passed by Parliament in 1999. This act covers the following disability areas and is defined by the National Trust as follows:

- "Autism means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior."
- "Cerebral Palsy means a group of non-progressive condition of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development."
- "Multiple disabilities means a combination of two or more disabilities as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- Severe Disability means disability with eighty present or more of one or more multiple disabilities

OBJECTIVES OF THE TRUST:

The objectives of the National Trust are:

- To enable and empower persons with disability (persons covered by the National Trust) to live as independently and as fully as possible within and as close to the community to which they belong.
- To strengthen facilities to provide support to persons with disabilities to live within their own families and to help persons with disabilities who have no family support.
- To extend support to registered organizations that provides need-based services to family of persons with disabilities.
- To promote measures of care for persons with disabilities in the event of a death of their parent or guardian.
- To evolve procedure for the appointment of guardians and trustees for persons with disability requiring protection.
- To facilitate the realization of equal opportunities, protection of right, and full participation of persons with disability.
- To do any other act which is incidental to the objectives mentioned above.
POWERS AND DUTIES OF THE BOARD

- The Board shall receive funds from the Central Government in each financial year, which may be considered necessary; to provide financial assistance to registered organizations for carrying out "approved programs."

- Approved programs means:
  - Any program which promotes independent living in the community for persons with a disability by creating a conducive environment or by counselling and training of family members, or by setting up adult training units, individual or group homes.
  - Any program which promotes respite care, foster family care or day care service for persons with disability.
  - Setting up of residential hostels and residential homes for persons with disability.
  - Development of self-help groups for persons with disability that pursue the realization of their rights.
  - Setting up local committee to grant approval for guardianship.
  - Other programs which promote the objective of the Trust.

- Regarding allocations for funds for programs, preference shall be given to women with disability, or to persons with severe disability and to senior citizens with disability (i.e. person above the age of 65 years).

PROCEDURE FOR REGISTRATION

- Any association of persons with disability or any association of parents of persons with disability or any voluntary organization whose main objective is promotion of welfare of persons with disability may make an application for registrations to the Board.

GUARDIANSHIP

- A parent of a person with a disability or his or her relative may make an application to the local level committee to appoint any person of choice to act as a guardian of the person with disability.

- Any registered organization may make an application to the local committee for appointment of guardian for a person with disability.

- The local committee will decide whether the person with disability needs a guardian and the purpose for guardianship.

- The appointed person or people as guardian would have to either care for the person with disability and his property or be responsible for the maintenance of the person with disability.
• Every person appointed as a guardian of a person with disability, within a period of six months from the date of his appointment, will deliver to the authority that appointed him:
  - An inventory of immovable property.
  - All assets and other moveable property received on behalf of the person with disability.
  - And a statement of all claims and liabilities due by the person with disability.
• Every guardian will also provide to the appropriate authority within a period of three months at the close of every financial year:
  - An account of the property and assets in his charge.
  - The sums received and disbursed on account of the person with disability and the balance remaining.
• A parent, relative of a person with disability or registered organization may apply to the committee for the removal of guardian if they find that:
  - The guardian is abusing or neglecting a person with a disability.
  - Or misappropriating or neglecting the property.

ACCOUNTABILITY AND MONITORING

• Any registered organization can submit a written requisition to the Board to access any book or document maintained by them.
• This act aims to provide guardianship rights to persons with disabilities and aims at protecting persons with disabilities in the event of death of their parent or guardian.
ANNEXURE-IV
DISABILITY ACT 2006 AUSTRALIA


The Act provides for:
- a stronger whole-of-government, whole-of-community response to the rights and needs of people with a disability, and
- a framework for the provision of high quality services and supports for people with a disability.


Understanding people’s rights under the Act

The Act requires that people with a disability be given information that explains their rights.

For example, when a person starts to use a disability service, the disability service provider must give them information about the services to be provided and their rights under the Act. The information given to a person under the Act must:
- use the language and type of communication they are most likely to understand
- where possible, be both explained to the person and given in writing. If the person with a disability cannot understand the information, it can be given to another person of their choosing, who can assist them with understanding their rights.

Being included in the community

The Act has three key areas that focus on the inclusion and participation of people with a disability in the community:

**Victorian Disability Advisory Council**

The Victorian Disability Advisory Council provides advice to the Minister for Community Services on issues that affect people with a disability across all government services. The Victorian Disability Advisory Council is a way for people with a disability to have a say in decision making on whole-of-government policy issues.

Most Council members must be people with a disability and they must come from a range of different backgrounds.

**Disability Advisory Council**

The Victorian State Disability Plan 2002–2012 emphasises the importance of people with a disability being included and participating in their local communities.

The Act says that the current plan will continue until a new plan is required in January 2013.

**Disability Action Plans**

A Disability Action Plan is a plan to:
- reduce barriers for people with a disability as community members
- make it easier for people with a disability to use services available to all

The Act says that all public services—government departments, statutory authorities and statutory corporations—must have a Disability Action Plan. Statutory authorities and statutory corporations will be identified before the Act commences.

Public services must report on their Disability Action Plan every year, to make sure the plans are put into practice.

**Access to disability services**

The Act states that people who have a physical, sensory or neurological impairment, an acquired brain injury, intellectual disability or developmental delay may access disability services.

The Act changes the way people access disability services, by allowing for a simpler and more consistent system for all people with a disability.

The Act says a person with a disability, or a person on their behalf, may request services from a disability service provider. This may be the Department of Human Services, or another disability service provider.

If a person is refused services because the disability service provider does not think the person has a disability, the person can request the Secretary of the
Department of Human Services (‘the Secretary’) to decide whether they have a disability.

If the Secretary decides that the person does not have a disability, the person may ask the Victorian Civil and Administrative Tribunal (VCAT) to make a decision.

The Act does not change the Disability Support Register requirements for people who want to access some ongoing services, such as accommodation in community residential units.

**Planning for people**

The Act has guiding principles for planning, which include that planning should:
- be individualised
- be directed by the person with a disability
- consider and respect the person’s family and other people who are important to the person with a disability
- be underpinned by the right of the person with a disability to have control over their own life.

The Act outlines a process for planning, which includes that:
- A person with a disability (or a person on their behalf) may ask a disability service provider to assist them with planning.
- People who receive ongoing disability services must have a support plan.
- A support plan must be reviewed at least once every three years, but can be reviewed earlier if requested.
- People with an intellectual disability who request a service must be offered assistance with planning.

Now the Act has commenced, any existing plans will continue until they are reviewed. When a person’s plan is reviewed, the new planning processes will start.

**Strengthening rights in residential services**

A residential service is accommodation with staff support provided by a disability service provider.

The Act includes rights and duties for people living in residential services and obligations for disability service providers.

Disability service providers must provide a residential statement to a person with a disability when they start living at a residential service. The residential statement must include the type and cost of the service and other information such as a person’s right to make a complaint.

The Act has duties for disability service providers, including making sure there is a balance between the rights of a person and the safety of all people living in the residential service.

The Act outlines duties for people living in the residential service, such as paying fees and keeping their room free from fire and safety hazards.

The Act protects the rights and privacy of people living in a residential service by providing guidance about when a disability service provider can enter a person’s room.

**Community residential units**

The Act has extra requirements for community residential units in relation to fees and what needs to happen if people who live in the service need to move.

If a person is given notice of a fee increase, or notice to move permanently from the community residential unit, the person can apply to VCAT to review the decision.

**Residential institutions**

The Act outlines reasons for when a person with an intellectual disability may be admitted to a residential institution.

If a person is admitted to a residential institution, they can apply to VCAT for a review of this decision.

**Managing money**

The Act says a disability service provider cannot manage the money of a person with a disability using their service.

However, a residential service may manage a limited amount of money for a resident in specific circumstances.

**Providing better complaint and review systems**

The Act provides for better and clearer complaints and review systems.
Disability service providers
The Act says that disability service providers must:
• have a clear process for managing complaints about their services
• make sure that people who use their service know how to make a complaint
• report every year to the Disability Services Commissioner about the number of complaints they receive and how they managed these complaints.

Disability Services Commissioner
The Act creates Victoria’s first Disability Services Commissioner, who will work with people with a disability and disability service providers to resolve complaints.

The Disability Services Commissioner will be independent of government and disability service providers and will report annually to Parliament.

Any person can make a complaint to the Disability Services Commissioner about disability services. The Disability Services Commissioner can also investigate complaints and has broad powers to look into complaints across a wide range of issues.

The Act makes it clear that it is an offence to threaten or intimidate a person who has made a complaint to the Disability Services Commissioner.

Disability Services Commissioner

Victorian Civil and Administrative Tribunal (VCAT)
Under the Act a number of decisions can be made or reviewed by VCAT. This increases protections for people with a disability, who will be able to apply for review of certain decisions by a disability service provider.

VCAT is able to accept, modify or change the decision of the disability service provider, depending on the situation.

Victorian Civil and Administrative Tribunal

Providing high quality services
The Act has a number of mechanisms to improve the quality of disability services:

Registration
The Secretary may register a service provider as a disability service provider, if they can meet the requirements of the Act when providing a service to people with a disability.

The Secretary must keep a register of disability service providers, which can be viewed by the public.

Standards and performance measures
The Act will make sure services are of high quality and accountable to people with a disability, by ensuring standards and performance measures for disability services are set and monitored.

The Act states that the Minister must determine standards to be met by disability service providers. It is an offence if a disability service provider does not comply with these standards.

The Act states that the Secretary must specify performance measures in relation to the standards. The Secretary may monitor how disability service providers are meeting the performance measures.

If a disability service provider does not meet the performance measures, conditions of their funding or any other requirement of the Act, the Secretary has the power to take action.

Community visitors
Community visitors are volunteers who are able to inspect and make inquiries in relation to residential services. The Act outlines how community visitors are appointed and what they can do when visiting a residential service.

If a person living in a residential service asks to see a community visitor, the disability service provider must notify the community visitors within 72 hours.

Community visitors can, through the Community Visitors Board, provide reports to the Minister for Community Services. Community visitors can also refer a matter to a more appropriate person such as the Disability Services Commissioner.

Office of the Public Advocate

Protecting the rights of people subject to restrictive interventions and compulsory treatment
A small number of people with a disability are subject to restrictive interventions (such as restraint or seclusion) or to compulsory treatment, due to the harm they pose to
themselves or others. The Act provides strong requirements to ensure that the rights of these people are protected.

**Senior Practitioner**

The appointment of a Senior Practitioner is a key part of the Act to ensure that people’s rights are protected when these practices are used. The Senior Practitioner will also ensure that appropriate standards are met in relation to these practices. The Senior Practitioner has extensive powers and can investigate and direct disability service providers to either stop or undertake a practice.

**Restrictive interventions**

The Act has specific requirements for the use of restraint and seclusion. The Act says that restraint and seclusion cannot be used unless the following criteria are met:

- The disability service provider is approved to use restrictive interventions.
- The use of restraint or seclusion is included in a behaviour management plan.
- A person who is independent of the disability service provider has explained the use of restraint or seclusion to the person with a disability and that the person has the right to seek a review of the decision by VCAT.
- The behaviour management plan has been given to the Senior Practitioner.

The Senior Practitioner is responsible for monitoring the use of restraint and seclusion. The Senior Practitioner may also monitor or set guidelines about the use of other restrictive interventions.

**Compulsory treatment**

The Act provides regulation of two types of compulsory treatment for people with an intellectual disability: criminal and civil.

**Criminal**

Residential treatment facilities provide compulsory treatment for people who have a criminal order which allows for treatment in these facilities. The Statewide Forensic Service is identified in the Act as a residential treatment facility and the Act provides new protections for people who have treatment in this service. These include that:

- the person must have a treatment plan
- the treatment plan must be reviewed by VCAT
- the Senior Practitioner must monitor the treatment of people in these facilities

**Civil**

The Act creates a new civil order, a Supervised Treatment Order. This order applies where a person:

- has an intellectual disability
- is living in a residential service
- has restrictions on their freedom, because there is a great risk of them causing serious harm to another person.

The Act provides protection for the rights of these people, by ensuring that:

- treatment plans must be developed
- an application must be made to VCAT for a Supervised Treatment Order
- the Senior Practitioner must supervise the Supervised Treatment Order
- the person can apply to VCAT for review of the order at any time.

**For more information**