

**LOK SABHA**

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**SYNOPSIS OF DEBATES  
(Proceedings other than Questions & Answers)**

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**Friday, December 16, 2016 / Agrahayana 25, 1938 (Saka)**

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**THE MERCHANT SHIPPING (AMENDMENT) BILL, 2015**

**THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS AND  
MINISTER OF SHIPPING (SHRI NITIN GADKARI )** moved that leave be granted to withdraw a Bill further to amend the Merchant Shipping (Amendment) Bill, 2015.

*The Bill was, by leave, withdrawn.*

**THE RIGHTS OF PERSONS WITH DISABILITIES BILL, 2016  
(As passed by Rajya Sabha)**

**THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT  
(SHRI THAAWAR CHAND GEHLOT)** *moving the motion for consideration of the Bill, said:* The Rights of Persons with Disabilities Bill, 2016 is meant for making effective the United Nations Convention on the rights of the disabled persons and matters related and subjects incidental thereto. The Rights of Persons with Disabilities Act was enacted in our country in the year 1995 and thereafter in

the year 2007 the United Nations Organization held consultations with a number of countries and suggested a number of measures for the empowerment of the disabled persons. The Government of India, too, signed this convention and as per that there is a need to take measures for empowerment of the disabled in our country as well. It was felt that the Act of 1995 which has been in force in our country, is not enough to empower them. As such, we have made an effort to bring about revolutionary changes in the Bill introduced by us as compared to the old Bill. Under this Bill, there are 21 categories of the disabled instead of 07 so that no disabled persons would remain deprived from getting the benefit of the Union or State Government and they could be empowered in an expeditious way. In this Bill, provision has been made for 04 per cent reservation for the disabled instead of 03 per cent. It is expected that similar provisions will be made in the States by the respective State governments as well. There will be an Advisory Board at the Union and State level for the empowerment of the disabled. There will be a system of commissioners at the Union and State level to deliberate upon the empowerment of the disabled. There will be a Chief Commissioner and two Commissioners out of which one will be from the disabled category. We have made enough provision in this Bill to remove the social, economic, educational, physical, mental and intellectual disabilities of the disabled persons. Provision for extending medical facility has also been made. There is provision to promote

sports activities for them. It would not be wrong if I state that every type of provision has been made in this Bill for the all round development of the disabled. I would like to urge the House to consider and pass this Bill.

**SHRI K.C. VENUGOPAL** *initiating said:* This piece of legislation, which is dealing with the rights of the disabled persons, is the most important legislation and needs a special consideration. This Bill addresses most of the issues of the disabled persons. But there are certain lacunae also. This Bill will benefit a large number of individuals with multiple impairments, who are the most disadvantaged sections of people amongst the citizens. But the quota of reservation has been reduced from 05 per cent to 04 per cent. I would request that it should be increased. As far as the concession of education is concerned, the unaided institutions should also be incorporated in the provision. Under many Government schemes stated in this Bill, the physically disabled persons will get 25 per cent benefit. It should be increased from 25 per cent to 30 per cent. For reservation in private sector, a condition has been imposed, 'within the limits of their economic capacity and development'. That is a real excuse for them. Therefore, that condition should be omitted. Every private institution or company should also come into the purview of this Bill. As far as the provision of Commissioner is concerned not much mandatory power is there for the Commissioner. I suggest that more powers should be given to the Commissioners. People's representatives

should be there in district level committees also. In the State level Committee, the representation of Members of Parliament should also be there. This Bill will create a remarkable change in the lives of the disabled people of India. I expect that these suggestions and amendments will be accepted by the Government of India. I am supporting this Bill.

**DR. MANOJ RAJORIA:** The Rights of Persons with Disabilities Bill, 2016 is a very good Bill. The number of disabled in the country is between 7 to 10 crore and this Bill has been introduced today in the Lok Sabha for the benefit of them. This Bill would prove a major mile-stone in enhancing the self respect of the disabled persons in the coming time. All provisions have been provided in this Bill to ensure the rights for disabled persons to enable them to lead an equal life in society. It has also been ensured in the Bill that the rights of such persons are not violated by any person or any institute. A provision of providing four per cent reservation for them in educational institutions has also been made. A provision is also there in the Bill to hone up their skill as per their talent to make them economically independent. The issues relating to their social security, health and rehabilitation have also been taken due care of in the Bill. Provision for their legal safety is also there in the Bill. Finally, it is also ensured that no atrocities are committed against them and justice is meted out to them.

**PROF. SAUGATA ROY:** There is no doubt that this Bill has very many improved features for which we must commend the Government that for the first time a comprehensive legislation has been brought forward for the aid of those who are disadvantaged- some from birth, some through accidents or diseases acquired later. Now, there are certain things. The main thing is that they have included 21 disabilities as part of disabilities. For instance, for the first time, autism and intellectual problem of learning disorders has been included. And for the first time, acid attack victims who are a big problem to society have also been included. Now Parkinson's disease has also been included as a disability. Blood disorders like thalassemia and haemophilia have been included. I also support that reservation should be increased to five per cent instead of four per cent as promised in the Bill. Now the Central and State Advisory Boards are being formed, and our Parliament will also elect Members to the Central Board. The District Advisory Boards should also have representatives of the people. Members or some representative people should be kept in the District Advisory Boards. A national fund for persons with disabilities is being created and I do hope that the Finance Ministers in future allot sufficient funds to help the persons with disabilities. Now, I want to mention two points in brief. Our country is not disabled friendly. We have not been able to introduce ramp in our trains and in our buses, and even in some Government buildings as in the Western countries. These

ramps have not been put for the handicapped people. That should be strictly implemented. The National Institute for the Orthopaedically Handicapped in my constituency is very badly maintained and very badly managed. There is a big rush of patients there. There is not sufficient doctors, particularly doctors who can perform surgery on orthopaedically disabled. I want the Minister to give personal attention. This is my last point. Many people do not know that the Central Government has a scheme to give free appliances to the handicapped. Wheelchairs, tricycles, blind sticks and hearing aids - all this is distributed free. But we have to organize camps. Now to organize the camps for thousand or two thousand people takes a lot of money. There is no help from the Government. Then, again in camps there is a problem that unless they have the disability certificate, they will not get these aids from the Government of India. So, I would request the Minister to make this problem of having certificates not compulsory, not mandatory but optional so that more people get benefited. Rules in respect of camps should be made simple.

**SHRI VINAYAK BHAURAO RAUT:** The Government provides help to the persons with disabilities in many ways. The Government has tried to do justice to such people in all areas. When I arranged a camp in my constituency Sindhudurg through the Government, 6,500 persons attended the camp in a single district. We got an opportunity to provide different appliances to the people with

the help of Central Government. Even bed-ridden handicapped persons were able to move out of their homes when they were provided with motorised tri-cycles. There should be arrangements to issue disability certificates without harassing them. I urge the Government to arrange medical camps for the persons with disabilities in every district.

**SHRI TATHAGATA SATPATHY:** We support this Bill on behalf of my leader and Biju Janata Dal. In India, we are still at a very rudimentary level as far as prosthetics and connected development is concerned. In the West, they are developing limbs which can be connected to the nerves which eventually get connected to the brain. The people who should be benefited by this Bill should actually become a part of society and are truly and honestly accepted by their peers as normal human beings. That is the most important part. Locomotory problems, rheumatoid arthritis and osteoarthritis; neurological problems; brain tumour etc diseases, which are not included in this and they need to be addressed. There is no mention as to how the District-Level Committee would be formed. I do not know where this one per cent reservation will come from. I would like to have some clarifications from the hon. Minister.

**SHRI MULAYAM SINGH YADAV:** A number of welfare schemes are being implemented in Uttar Pradesh without any discrimination. A law has been enacted in U.P. by which land of the farmers cannot be auctioned. There are

schemes like *Kanya Vidya Dhan Yojana*, Pension for Women. Unemployment allowance is being given to the unemployed. Empowerment of all should be done without any discrimination.

**DR. RAVINDRA BABU:** I, not only support this Bill on behalf of the Telugu Desam party, but also we congratulate the Minister for having conducted a lot of Handicap Camps in Andhra Pradesh. There are certain glaring omissions in this Bill. Motor Neuron Disorder is one such disease. The famous scientist, Mr. Stephen Hawking, used to suffering from this disease, yet he had achieved a lot of things. Schizophrenia and Depressive psychosis has also not been mentioned here. Excepting those who are visually-handicapped, hearing-handicapped, locomotor-handicapped, they are unfit to use the reservation. There are persons who are 40 years or fifty years of age but they behave as though they are two year or three year old children. Instead of giving reservations to those handicapped persons, let us give financial support to those families. My another suggestion is that instead of giving reservations to the handicapped person, the brother or sister or any of the persons who are taking care of these persons can be given reservation. We are giving pension of Rs. 1500 to all the handicapped persons in Andhra Pradesh.

**SHRIMATI KAVITHA KALVAKUNTLA:** I congratulate the Government for bringing in such a wonderful legislation. The Government has accepted majority of the recommendations made by the Committee. I truly

appreciate the efforts made by all the activists who said that the disability as a result of acid attack also should be considered. Percentage of reservation for the persons with disabilities should be increased to five per cent. This should not be considered a charity rather we should have right-based approach. They should have dignity of life. For this, we should form a Commission both at national and State levels. Instead of making separate identity cards, some provision should be made in AADHAR cards only. There is a need to provide budgetary support as well as good monitoring system for the Institute of Mental Health at Secunderabad, Telangana. Last but not the least, I would like to add that if we work with a right based approach then all the persons with disabilities in our country will feel that it is not our disability that counts but it is our ability that counts. I sincerely believe that this Bill will create such an ecosystem in the country.

**SHRI MOHAMMAD SALIM:** I salute the organizations working for the cause of disability. The most important aspect before us was regarding discrimination. Definition of discrimination was missing in the legislation but the Government defined this in this Bill. It is a welcome step. Similar is the case with sign language, audio visual and visual. It is a good thing that the private entities have also been brought under the ambit of this Bill. There is no coordinated move regarding certificate. There should be a universal certificate valid all over the country so that the handicapped do not face problem. There was five percent

reservation in the original Bill. This has now been reduced to four percent. There was provision of punishment for bureaucrats and those in the administration regarding appointment in Civil Services as well as in lower administration. This has been diluted. The punishment should be restored otherwise the handicapped would continue to face problems. There should be a branch of National Institute of Mental Health in Bengal for Eastern India and also for North India. Patients from Eastern and North-Eastern states have to go to Bengaluru. The patients of autism and such other patients should be empowered.

**SHRI VARAPRASAD RAO VELAGAPALLI:** India is among the first countries to adopt the United Nation's convention on Rights of Persons with Disabilities. But unfortunately we do not have even a single building in States or at national level which is disabled friendly. In fact, the Supreme Court has pointed out that even the private sector people are doing better than the Centre and the States and has directed the Government of India to identify at least 50 buildings to make them totally disabled friendly. Although we are trying for four per cent reservation for the disabled, we do not have a monitoring mechanism to ensure that whatever percentage is earmarked will go to the disabled persons. This is more important than earmarking the percentage itself. Moreover, we should have a clear-cut policy for disabled persons who are living in rural areas. Special schemes are very much required for social and economic development of these people. I

earnestly request the hon. Minister to provide some sports infrastructure at the district level so that those people can also feel a part of that.

**SHRI KAUSHALENDRA KUMAR:** I would like to congratulate the hon. Minister for bringing the Bill for the persons with disabilities. Five per cent reservation should be provided for them keeping in view their increasing numbers. I would also like to state that a National Commission for the disabled should be constituted. A nationwide survey on them should be conducted and at the same time all of their difficulties should be addressed too. Moreover, I would like to request that they should be provided monthly pension of Rs.3000. There should be separate arrangements for them at hospitals and railway stations so that they can avail the facilities meant for them without any inconvenience.

**SHRI DUSHYANT CHAUTALA:** The proper implementation of the Bill would bring a radical change in the system. I would like to suggest the hon. Minister as to why should not we start it at the level of primary and secondary schools. There is a need to provide reservation for at least 5 percent seats for the disabled kids in private schools. The disabled persons should be provided facilities at the public places. The Bill should also provide facilities to the parents of disabled children in the public transportation system.

**SHRI RAJESH RANJAN:** Until the education is made employment oriented the social and economic backwardness of the disabled persons cannot be

removed. The Government should have proper monitoring over the activities of those NGOs which are indulging in loot in the name of the disabled persons. The guaranteed pension of at least three or five thousand should be provided to the disabled which will go a long way in ensuring social and economic development of these people. Besides, there is a need to setup a commission for them and the public representatives should be given representation in them at the district level.

**SHRI THAAWAR CHAND GEHLOT** *replying said:* The Bill contains provisions at every level to ensure the all round development of the disabled people. An hon. Member have suggested that the provisions of the Bill should also have private institutions under its ambit. I would like to say that the provisions of Bill would also be implemented in those private institution which are recognized by the government. A suggestion for enhancing the reservation has been made. As per the Census of 2011 the number of disabled persons in India comes to 2 crore and 68 lakhs which is 2.2 per cent of the population of the country. So far there was a provision of 3 per cent reservation for disabled persons. We have increased it to four per cent. I think it would be a pragmatic limit. We have made such provisions in the Bill that no disabled person would be deprived of the benefits of the welfare schemes being operated by the Government of India or the State Governments. Besides the point of setting up a Commission was also made. I would like to state that the Commissions are meant to play advisory role to the

Governments and it is always upto the government to accept or reject the recommendations. Therefore, we have decided to provide this facility at the commissionerate level. We have also made provision to setup the Advisory Boards at the Central and State levels. Several hon. Members have suggested that body at the district level should also be formed. The intention of the Bill is very much in line with this suggestion. We will try to ensure the formation of such committees while we frame our regulations in consultations with state governments. As far as the question of including the public representatives is concerned we have decided that there would be three MPs who find representation in it out of which two will be from the Lok Sabha and one Member will be from the Rajya Sabha. As far as providing the representation to the MLAs is concerned we will try to include them in the state level boards when we coordinate with the state governments in this regard. In addition, there is an issue of raising the number of doctors under the NIOH Act. This Bill already contains provisions in this regard. Presently, the disability certificate issued by one district is not recognized by the other and one issued by a particular state is not recognized in another. We have decided to provide universal identity card at the All India level. Besides, the issue of ALIMCO has also been raised. ALIMCO was about to fall into losses but we have provided approximately 275 crore rupees for its expansion. Some suggestions for expanding the ambit of disability have also been made. Presently,

it is the medical experts and other experts related to the field of disability who decide the nature and quantum of disability. We have provided under the Bill that a decision to include particular disabilities could be made without having to fulfill the requirement of getting Parliamentary nod and we are making rapid progress on this front. I urge upon the House to pass the Bill.

**SHRI N.K. PREMACHANDRAN** *speaking on the Motion to pass the Bill said:* It is a landmark legislation in the history of Parliament legislative mechanism in India. I fully support the Bill and it will definitely comply with the provisions of the UN Convention. I have only one suggestion. At the time of implementation, some monitoring mechanism should be there because almost all the provisions in the Bill are important.

*The discussion was concluded.*

*The Bill was passed.*

## **VALEDICTORY REFERENCE**

**HON'BLE SPEAKER:** Hon. Members, the tenth Session of the Sixteenth Lok Sabha, which commenced on 16<sup>th</sup> November, 2016 is coming to a close today.

During this Session, we had 21 sittings spread over 19 hours and 26 minutes.

The Session saw the disposal of important Financial, Legislative and other Business. The House had a Combined Discussion on Supplementary Demands for

Grants (General) for 2016-17 and Demands for Excess Grants (General) for 2013-14 before the demands were voted and the related Appropriation Bill passed.

During the current Session, 9 Government Bills were introduced while the Taxation Laws (Second Amendment) Bill, 2016 and the Persons with Disability Bill, 2016 were passed.

During the Session, 449 Starred Questions were listed, out of which 49 Questions were answered orally. Thus, on an average, about 2.3 Questions were answered per day. Written replies to the remaining Starred Questions along with 5060 Unstarred Questions were laid on the Table.

About 124 matters of urgent public importance were raised by the Members after the Question Hour. Hon. Members also raised 311 matters under rule 377.

The Standing Committees presented 50 Reports to the House.

One short duration discussion under rule 193 on the subject of demonetization of currency notes was listed. The discussion, however, remained part-discussed.

As many as 47 statements were made by the Ministers on various other important subjects and 4 statements were made by Hon'ble Minister of Parliamentary Affairs on Government Business.

During the Session, as many as 1772 papers were laid on the Table of the House by the Ministers concerned.

In this Session, while we lost over 91 hours 59 minutes of time due to interruptions followed by forced adjournments, which does not augur well for all of us and also dents our image before the public as well.

It is my fond hope that in the coming Sessions, there would be no disruptions and we would all work better resulting in fruitful discussions and constructive deliberations. I am confident of support from Leaders and Members from all sections of the House.

I would like to thank the Hon. Deputy Speaker and my colleagues in the Panel of Chairmen for their co-operation in the smooth conduct of the House. I am extremely grateful to the Hon'ble Prime Minister, Minister of Parliamentary Affairs, Leaders and Chief Whips of various parties and groups and the Hon'ble Members for their cooperation.

I would also like to thank, on behalf of all of you, our friends in the Press and the Media. I take this opportunity to thank the Secretary-General and the officers and staff of the Lok Sabha Secretariat for their dedicated and prompt service to the House. I also thank the allied agencies for their able assistance in the conduct of the proceedings of the House.

I also take this opportunity to wish you all a Merry Christmas and Happy New Year to you and all your family members. I hope this coming new year harbingers new hope and new energy in our lives and we more meaningfully

reflect with resolve that in the new year we will take a conscious decision while using all available parliamentary instruments, to forcefully register our dissent and disagreement, if any, and will attempt to ensure less disruptions and more debates and discussions in the House.

## **NATIONAL SONG**

*The National Song was played.*

*The Lok Sabha, then, adjourned sine die.*

**ANOOP MISHRA**  
*Secretary General*

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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