



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग II - खण्ड I
PART II - Section I
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 1)
No. 1)

नई दिल्ली, सोमवार, जनवरी 1, 1996/पौष 11, 1917
New Delhi, Monday, January 1, 1996/Pausa 11, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 1st January, 1996/Pause 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 :-

**THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS
AND FULL PARTICIPATION) ACT, 1995.**

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 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.

Identification of posts which can be reserved for persons with disabilities.

33. Every appropriate Government shall appoint in every establishment such percent-age of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from -

Reservation of posts.

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy, in the posts identified for each disability.

Provided, that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

34. (1) The appropriate Government may, by notification, require that from such date as may be 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.

Special Employment Exchange

(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 such as may be prescribed.

35. Any person authorised 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.

Power to inspect record or document in possession of any establishment.

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 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 person 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;

Vacancies not filled up to be carried forward

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot 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.

Employers to maintain record.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such person as may be authorised 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 -

Schemes for ensuring employment of persons with disabilities

(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 persons by whom the cost of operating the schemes is to be defrayed; and

(f) constituting the authority responsible for the administration of the scheme.

All educational institutions to reserve seats for persons with disabilities.

39. All Government educational institution and other educational institution receiving aid from the Government, shall reserve not less than three per cent. seats for persons with disabilities.

40. The appropriate Governments and local authorities shall reserve not less than three percent in all poverty alleviation schemes for the benefit of persons with disabilities.

Vacancies to be reserved in poverty alleviation schemes

41. The appropriate Government 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 percent of their work force is composed of percent of their work force is composed of persons with disabilities.

Incentives to employers to ensure five percent of the 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 person with disabilities.
43. The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for -
- (a) house;
 - (b) setting up business;
 - (c) setting up of special recreation centres;
 - (d) establishment of special schools;
 - (e) establishment of research centres;
 - (f) establishment of factories by entrepreneurs with disabilities.

Aids and appliances to persons with disabilities

Schemes for preferential allotment of land for certain purposes.

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; vision;
 - (d) engraving on the edges of railway platform for the blind or for persons with low
 - (e) devising appropriate symbols or disability; warning signals at appropriate places.

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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) adaptation of toilets for wheel chair users;
- (c) braille symbols and auditory signals in elevators or lifts;
- (d) ramps in hospitals, primary health centres 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.