

Bill No. 134 of 2022

THE VISUALLY IMPAIRED PERSONS (PROTECTION
OF RIGHTS) BILL, 2022

By

SHRI JANARDAN SINGH 'SIGRIWAL', M.P.

A

BILL

*to provide rights to visually impaired persons, enabling them to avail employment,
social and financial security, civil and other services, to live with human
dignity, self respect as independent citizens and for matters
connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1.(1) This Act may be called the Visually Impaired Persons (Protection of Rights) Act, 2022.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “Board” means the Employment Advisory Board constituted under section 6;

(c) “family” includes wife, husband and minor children;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “visually impaired person” means a person with decreased ability to see to a degree or with blindness which causes difficulties in normal activities such as driving, reading, socializing and walking.

Central Government to frame a national policy.

3. Notwithstanding anything contained in any Act for the time being in force, the Central Government shall as soon as may be, but within six months of the commencement of the Act, by notification in the official Gazette, frame a national policy for protection and welfare of the rights of the visually impaired persons.

Appropriate Government to provide employment to visually impaired persons.

4. It shall be the duty of the appropriate Government to provide employment to unemployed visually impaired persons in such manner as may be prescribed.

Grant of unemployment allowance.

5. (1) Every unemployed, underemployed, aged visually impaired person shall be entitled to receive such monthly unemployment allowance as may be prescribed till such time he is gainfully employed.

(2) While fixing the rate of unemployment allowance, the Central Government shall take into account the age, educational qualifications, technical skills, visual difficulties and such other factors as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for different categories of visually impaired persons and for such persons living in different States or parts of States.

Constitution of Employment Advisory Board.

6. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute an Employment Advisory Board for carrying out the purposes of this Act.

(2) The Board shall consist of the following persons, namely:—

(a) a retired judge of the Supreme Court of India — Chairperson;

(b) two representatives of the rank of the Secretary to the Government of India to be appointed by the Central Government—Members;

(c) one representative from Union Ministry of Social Justice and Empowerment — Member Secretary;

(d) two representatives from the National Association for the Blind having experience in providing rehabilitation to the Blind, to be appointed by the Central Government in such manner as may be prescribed — Members;

(e) one representative of the rank of Joint Secretary from NITI Aayog — Member;

(f) one woman representative having experience in the field of rehabilitation of Blind Women and Children, to be appointed by the Central Government—Member; and

5 (g) one representative from the National Institute for the Visually Handicapped (NIVH) Dehradun to be appointed by the Central Government—Member.

(3) The salary and allowances payable to and other terms and conditions of services of Chairperson, members, officers and staff of the Board shall be such as may be prescribed.

10 7. The Board shall meet at such places and times and observe such rules of procedures in regard to transaction of business at its meetings including quorum as may be prescribed:

Meeting of the Board.

Provided that Board shall meet at least once in a month.

8. The powers and functions of the Board shall *inter alia* include to, —

Powers and functions of the Board.

(a) advise the Central Government on policy matters pertaining to the visually impaired persons;

15 (b) review existing policies, rules, regulations and procedures with a view to encompassing values, needs and aspirations of the visually impaired persons;

(c) provide intensive individualized and personalized education and free vocational training to all employable visually impaired youth;

20 (d) setting up training centres along with hostel facilities by the appropriate Government for the adult blind to provide Light Engineering/Fitter, Steno Training, Recanting, Book Binding, Computer Training, Hand works, weaving etc.;

(e) modernize all vocational training institutes and services for the visually impaired persons in coordination with the appropriate Government;

25 (f) co-ordinate with the appropriate Government to ensure professional rehabilitation of the visually impaired persons by specialist qualified staff;

(g) co-ordinate with the appropriate Government to introduce modern management techniques;

(h) co-ordinate with the appropriate Government to substantially upgrade standards of vocational training to the visually impaired persons;

30 (i) co-ordinate with the appropriate Government to develop multiplicity of skills in the visually impaired persons;

(j) co-ordinate with the appropriate Government to make training for the visually impaired persons work/employment/job oriented;

35 (k) co-ordinate with the appropriate Government to train, and continue to upgrade staff members training;

(l) co-ordinate with the appropriate Government to instill good work habits and

work tolerance among the visually impaired persons;

(m) co-ordinate with the appropriate Government to ensure full capacity utilization;

(n) co-ordinate with the appropriate Government to use all normal community resources fully;

(o) co-ordinate with the appropriate Government to promote employment among the visually impaired persons by all known channels, such as self-employment, rural employment, industrial employment, co-operatives etc.;

(p) co-ordinate with the appropriate Government to follow principles of selective placement to match job demands with client's abilities for the benefit of the visually impaired persons;

(q) co-ordinate with the appropriate Government to promote on-the-job training programmes and multi-disciplinary assembly lines in large industrial plants;

(r) co-ordinate with the appropriate Government to provide vocational guidance, vocational assessment, evaluation and career-planning services to the visually impaired persons;

(s) involve high-level technicians, techno-crafts, trade unions, and employers' organizations;

(t) conduct research with the help of international and national level research laboratories and research and development departments of industries and eminent scientists especially research in developing or adapting aids, appliances, equipment or techniques;

(u) organize resource cells in all National and State level organizations which may provide or supervise community-based services to the visually impaired persons;

(v) set up clearing houses for dissemination of information and knowledge of latest advancements in technology for the benefit of the visually impaired persons;

(w) promote regional co-operation and spare experts for staff training for the benefit of the visually impaired persons;

(x) launch intensive mass-media publicity for raising public awareness towards needs of the visually impaired persons;

(y) create community awareness through the mass-media;

(z) recommend to the appropriate Government to accept full responsibility for meeting all the special needs of the blind and visually-impaired persons;

(aa) recommend to the appropriate Government to provide the special needs for employment mobility and integration of the blind and visually-impaired persons;

(ab) recommend to the appropriate Government to set up exclusive commissions or Directorate for the rehabilitation of the disabled, with specialist representation for each of the major disabilities including visually impaired persons;

(ac) recommend to the appropriate Government to grant tax-deductions and other benefits to employers who employ the disabled, including the blind and visually

impaired persons;

(ad) recommend to the appropriate Government to give top priority to the rehabilitation of the visually impaired persons with multiple visual impairment, visually impaired women and children, visually impaired persons in rural areas, and the elderly; and

(ae) recommend to the appropriate Government to formulate comprehensive social security schemes, subsidize blind people not able to earn a living wage, provide pension schemes for the elderly and multiple handicapped and to comprehensively cover the disabled in all social and pension schemes.

10 **9. (1)** The Board shall prepare once every year, as may be prescribed, an annual report giving summary of its activities including schemes and recommendations to the appropriate Governments during the previous year and shall contain statement of the annual accounts of the Board. Annual Report.

15 (2) A copy of the report shall be forwarded to the Central Government and the Central Government shall lay the report before each House of the Parliament as soon as it is received.

10. The Central Government shall after due appropriation made by the Parliament by law in this behalf, provide adequate funds to the State Governments for the purposes of this Act. Central Government to provide funds.

20 **11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but same as aforesaid the provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force. Act to have overriding effect.

12. (1) The Central Government in consultation with the State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

25 (2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total 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 or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that
30 any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Blind people living in rural areas constitute 80% of the blind population in developing countries like India. They are scattered throughout millions of isolated and remote villages. For lack of an adequate and well organized delivery system of services, it is going to be extremely difficult to ensure that the fundamental human rights to the rural visually impaired and to ensure that they all definitely receive the relevant services according to their specific disabilities.

Unemployment is one of the biggest problems in India. Lyndon B. Johnson said, “We must open the doors of opportunity, but we must also equip our people to walk through those doors.” We must aim at total rehabilitation of the visually impaired and equip them with a multiplicity of skills, so as to enable them to face the challenges ahead in the life.

Since nature has denied to the blind its most precious gift-vision-the State and the community should go all out to ensure that they are not further denied fundamental human rights and that they are enabled and assisted to get facilities like health care, education, employment, civic and other services like other citizens in order to live with human dignity and as self-respecting, independent citizens.

It is estimated that the world’s blind population was in the order of 100 million in 2020. The visually challenged form 18.6 per cent of India’s 26.8 million disabled population of whom 15.7 million are in the employable age of 15 to 59 years. Yet 60.4 per cent of India’s disabled people are either without work or are marginally employed according to 2011 census. Therefore there is an urgent need to provide gainful employment to the visually impaired persons.

Hence this Bill.

NEW DELHI;
4 July, 2022.

JANARDAN SINGH ‘SIGRIWAL’

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for grant of unemployment allowance to visually impaired persons. Clause 6 of the Bill provides for constitution of the Employment Advisory Board. Clause 10 provides that the Central Government shall provide funds for the purpose of this Act. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible to estimate at this stage as to the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to provide rights to visually impaired persons, enabling them to avail employment, social and financial security, civil and other services, to live with human dignity, self respect as independent citizens and for matters connected therewith or incidental thereto.

(Shri Janardan Singh 'Sigrival', M.P.)