

Bill No. 180 of 2024

THE SPECIALLY ABLED CHILDREN
(WELFARE) BILL, 2024

By

SHRI BHARTRUHARI MAHTAB, M.P.

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BILL

*to provide for certain measures to be undertaken by the Central and
the State Governments for the welfare of specially abled children
and for matters connected therewith
or incidental thereto.*

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

1.(1) This Act may be called the Specially Abled Children (Welfare) Act, 2024.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

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

(ii) “child” means a boy or girl who is below the age of eighteen years;

(iii) “Committee” means the Residential Schools Management Committee constituted by the appropriate Government under section 6; 5

(iv) “prescribed” means prescribed by rules made under this Act.

(v) “residential school” means an institution or home which is run by private or Government aid for the education and protection of specially abled children; and 10

(vi) “specially abled child” means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

Census for specially Abled children.

3. The appropriate Government shall from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to specially abled children. 15

Setting up of residential Schools and providing Education and employment to specially abled children.

4. The appropriate Government shall,—

(i) establish residential school for specially abled children in every district;

(ii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost; 20

(iii) provide job oriented professional education and training for self-employment to specially abled children after they complete their school education according to their capability; and

(iv) pay subsistence allowance or financial assistance to such specially abled children as are not able to earn livelihood. 25

Monthly allowance to the guardian or caretaker of the specially abled children

5. The appropriate Government shall provide such monthly allowance to the guardian or caretaker of every specially abled child for his livelihood, healthcare and treatment, as may be prescribed.

Residential Schools Management Committee.

6.(1) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions specially abled children and management of residential schools for the purpose. 30

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and 35

(b) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare to be nominated by the Chairperson

Facilities to be provided in residential schools.

7. The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee. 40

8. (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching specially abled children and of addressing their special needs; and

5 (ii) such administrative personnel for better management of residential schools as it may be deem necessary.

(2) The salaries and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

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

Central Government to provide funds.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

15 11. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

20 (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 any such Modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

25 (3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The number of specially abled children is continuously increasing in the country. They become specially and physically dependent due to mental retardation. The families of specially abled children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of specially abled children in the country. The specially abled children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for specially abled children. Several guardians disown these children considered as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the specially abled children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Governments should come forward for welfare of specially abled children and take care of their life and livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these specially abled children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of specially abled children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to specially abled children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for the welfare measures of specially abled children in the country.

Hence this Bill.

NEW DELHI;
November 7, 2024

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a child census may be conducted to collect all relevant data of specially abled children. Clause 4 provides for setting up of residential schools to impart education and training to specially abled children. Clause 5 provides for monthly allowance to the guardian/caretaker of the specially abled children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 7 provides for appointment of teachers and non-teaching staff along with all basic facilities in residential schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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