

Bill No. 234 of 2019

THE MENTALLY RETARDED CHILDREN (WELFARE) BILL, 2019

By

SHRI RAVI KISHAN, M.P.

A

BILL

to provide for certain measures to be undertaken by the Union and the State Governments for the welfare of mentally retarded children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- 1.** (1) This Act may be called the Mentally Retarded Children (Welfare) Act, 2019.
(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.

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

Short title,
extent
and
commencement.

Definitions.

(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 under section 6; 5

(iv) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

(v) "residential school" means an institution or home which is run privately or with Government aid for the education and protection of mentally retarded children; and 10

(vi) "prescribed" means prescribed by rules made under this Act.

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

Census for
mentally
retarded
children.

Setting up of
residential
schools and
providing
education and
employment
to mentally
retarded
children.

4. The appropriate Government shall,—

(i) establish residential school for mentally retarded children in every district; 15

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

(iii) provide job oriented professional education and training for self-employment to mentally retarded children after they complete their school education according to their capability; and 20

(iv) pay subsistence allowance or financial assistance to such mentally retarded children as are not able to earn livelihood.

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

25

Monthly
allowance to
the guardian
or caretaker
of the
mentally
retarded
children.

Residential
Schools
Management
Committee.

6. (I) 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 and management of residential schools.

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and 30

(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.

(3) 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.

35

7. (I) The appropriate Government shall appoint—

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

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

40

Facilities to
be provided in
residential
schools.

(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.

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

Central
Government
to provide
funds.

9. 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.

10. (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.

(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.

20 (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 mentally retarded children is continuously increasing in the country. They become mentally and physically dependent due to mental retardation. The families of mentally retarded children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of mentally retarded children in the country. The mentally retarded 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 mentally retarded 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 mentally retarded 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 mentally retarded children and take care of their life term livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these mentally retarded children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of mentally retarded 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 mentally retarded 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 mentally retarded children in the country.

Hence this Bill.

NEW DELHI;

October 23, 2019

RAVI KISHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting a child census for collection of relevant data of mentally retarded children. Clause 4 provides for setting up of residential schools to impart education and training to mentally retarded children in every district. Clause 5 provides for monthly allowance to the guardian/caretakers of the mentally retarded 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 to cater needs of mentally retarded children 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 details only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to provide for certain measures to be undertaken by the Union and the State Governments
for the welfare of mentally retarded children and for matters connected therewith or
incidental thereto.

(*Shri Ravi Kishan, M.P.*)