

श्रेणी : I  
SERIES : I

Daman 1<sup>st</sup> November, 2013, 10 Kartika 1935 (Saka)

सं. : 09  
No.

# सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते  
भारत सरकार  
Government of India

## संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित  
PUBLISHED BY AUTHORITY

No. SW/618/2013-2014/652  
UT Administration of Daman & Diu,  
Social Welfare Department,  
Collectorate, Dholar,  
Moti Daman – 396 220.

Dated : 28/10/2013

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 issued by the Secretary to the Government of India, Ministry of Law, Justice and Company Affairs, New Delhi. The said Act is hereby republished in the Official Gazette of this U.T. Administration of Daman & Diu for general information.

This issues with the approval of Secretary (SW) vide diary No. 46 dated 24/10/2013 & Secretary (Law) vide diary No. 250 dated 23/10/2013.

Sd/-  
( Seema Bawa )  
Director (Social Welfare)

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**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 I

### PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

Definitions.

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

(a) "appropriate Government" means, —

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority other than a Cantonment Board, the State Government;

(iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;

(iv) in respect of the State Coordination Committee and the State Executive Committee, the State Government;

(b) "blindness" refers to a condition where a person suffers from any of the following conditions, namely :—

(i) total absence of sight; or

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses ; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse ;

(c) "Central Coordination Committee" means the Central Coordination Committee constituted under sub-section (1) of section 3;

(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;

(e) "Cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

(f) "Chief Commissioner" means the Chief Commissioner appointed under sub-section (1) of section 57;

(g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;

(h) "Competent authority" means the authority appointed under section 50;

(i) "disability" means —

(i) blindness;

(ii) low vision;

- (iii) leprosy - cured;
- (iv) hearing impairment;
- (v) locomotor disability;
- (vi) mental retardation;
- (vii) mental illness;

(j) "employer" means,—

(i) in relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and

(ii) in relation to an establishment, the Chief Executive Officer of that establishment ;

(k) "Establishment" means a corporation established by or-under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government ;

1 of 1956

(l) "hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies ;

(m) "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from —

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "Leprosy Cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(q) "mental illness" means any mental disorder other than mental retardation;

(r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;

(s) "notification" means a notification published in the Official Gazette;

(t) "person with disability" means a person suffering from not less than forty percent of any disability as certified by a medical authority;

(u) "person with low vision" means a person with impairment of visual functioning even after treatment of standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;

(v) "prescribed" means prescribed by rules made under this Act;

(w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

(x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting —

(i) persons who seek to engage employees from amongst the persons suffering from disabilities;

(ii) persons with disability who seek employment;

(iii) vacancies to which person with disability seeking employment may be appointed;

(y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section (1) of section 13;

(z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

## CHAPTER II

### THE CENTRAL COORDINATION COMMITTEE

Central  
Coordination  
Committee.

3. (1) The Central Government shall by notification constitute a body to be known as the Central Coordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Coordination Committee shall consist of —

(a) the Minister in charge of the Department of Welfare in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in-Charge of the Department of Welfare in the Central Government, Vice-Chairperson, *ex officio*;

(c) Secretaries to the Government of India in-charge of the Department of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, *ex officio*;

(d) Chief Commissioner, Member, *ex officio*;

(e) Chairman Railway Board, Member, *ex officio*;

(f) Director - General of Labour, Employment and Training, Member, *ex officio*;

(g) Director, National Council for Educational Research and Training, Member, *ex officio*;

(h) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;

(i) three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;

(j) Directors of the —

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(iii) National Institute for the Orthopedically Handicapped, Calcutta;

(iv) All Yavar Jung National Institute for the Hearing Handicapped, Mumbai;  
Members, *ex officio*;

(k) four Members to be nominated by the Central Government by rotation to represent the States and the Union Territories in such manner as may be prescribed by the Central Government;

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union Territory;

(l) five persons as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities; to be nominated by the Central Government, one from each area of disability, Members :

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(m) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*;

(3) The office of the Member of the Central Coordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

4. (1) Save as otherwise provided by or under this Act a Member of Central Coordination Committee nominated under clause (i) or clause (l) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination:

Term of office  
of Members.

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (l) of sub-section (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (l) of sub-section (2) of section 3 may at any time resign his office by writing under his hand, addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the Central Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A member nominated under clause (i) or clause (l) of sub-section (2) of section 3 shall be eligible for renomination.

(7) Members nominated under clause (i) and clause (l) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

5. (1) No person shall be a Member of the Central Coordination Committee, who —

Disqualifica-  
tions

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act, or

(e) has so abused in the opinion of the Central Government his position as a Member as to render his continuance in the Central Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 4, a Member who has been removed under this section shall not be eligible for renomination as a Member.

6. If a Member of the Central Coordination Committee becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant.

7. The Central Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

8. (1) Subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely:—

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities.

(b) develop a national policy to address issues faced by persons with disabilities;

(c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies;

(e) review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;

(f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

9. (1) The Central Government shall constitute a Committee to be known as the Central Executive Committee to perform the functions assigned to it under this Act.

(2) The Central Executive Committee shall consist of —

(a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson, *ex officio*;

(b) the Chief Commissioner, Member, *ex officio*;

Vacation of  
seat by  
Members.

Meetings of the  
Central  
Coordination  
Committee.

Functions of the  
Central  
Coordination  
Committee.

Central  
Executive  
Committee.

- (c) the Director - General for Health Services, Member, *ex officio*;
- (d) the Director - General, Employment and Training, Member, *ex officio*;
- (e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension, Urban Affairs and Employment, Science and Technology, Members, *ex officio*;
- (f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, *ex officio*;
- (g) Advisor (Tariff) Railway Board, Member, *ex officio*;
- (h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government;
- (i) one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;
- (j) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisation or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members.
- Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;
- (k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.
- (3) Members nominated under clause (i) and clause (j) of sub-section (2) shall receive such allowances as may be prescribed by the Central Government;
- (4) A Member nominated under clause (i) or clause (j) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee,

(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

11. The Central Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

12. (1) The Central Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the Central Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Central Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the Central Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be member for any other purpose.

Functions of  
the Central  
Executive  
Committee.

Meetings of  
the Central  
Executive  
Committee.

Temporary  
association of  
persons with  
Central  
Executive  
Committee for  
particular  
purposes.

(3) A person associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the Central Government.

### CHAPTER III

#### THE STATE COORDINATION COMMITTEE

State  
Coordination  
Committee.

13. (1) Every State Government shall, by notification, constitute a body to be known as the State Coordination Committee to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) the State Coordination Committee shall consist of—

(a) The Minister in - charge of the Department of Social Welfare in the State Government, Chairperson, *ex officio*;

(b) the Minister of State in - charge of the Department of Social Welfare, if any, Vice-Chairperson, *ex officio*;

(c) Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called Members, *ex officio*;

(d) Secretary of any other Department which the State Government considers necessary, Members, *ex officio*;

(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, *ex officio*;

(f) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, *ex officio*;

(i) the Commissioner, Member, *ex officio*;

(j) Secretary to the State Government dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Notwithstanding anything contained in this section, no State Coordination Committee shall be constituted for a Union Territory and in relation to a Union Territory, the Central Coordination Committee shall exercise the functions and perform the functions of a State Coordination Committee for the Union Territory:

Provided that in relation to a Union Territory, the Central Coordination Committee may delegate all or any of its powers and functions as under this sub-section to such person or body of persons as the Central Government may specify.

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DATED : 1<sup>ST</sup> NOVEMBER, 2013.

14. (1) Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause (f) or clause (h) of sub-section (2) of section 13 shall hold office for a term of three years from the date of his nomination :

Terms and conditions of service of Members.

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The State Government may, if it thinks fit, remove any Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 may at any time, resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the State Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A Member nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

(7) Members nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall receive such allowances as may be prescribed by the State Government.

15. (1) No person shall be a Member of the State Coordination Committee, who —

Disqualifications.

(a) is, or at any time, has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which in the opinion of the State Government involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act, or

(e) has so abused, in the opinion of the State Government, his position as a member as to render his continuance in the State Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

16. If a Member of the State Coordination Committee becomes subject to any of the disqualifications specified in section 15, his seat shall become vacant.

Vacation of seats.

17. The State Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Meetings of the State Coordination Committee.

Functions of  
the State  
Coordination  
Committee.

18. (1) Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely : —

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-governmental Organisations which are dealing with matters relating to persons with disabilities;

(b) develop a State policy to address issues faced by persons with disabilities;

(c) advise the State Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;

(e) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(g) to perform such other functions as may be prescribed by the State Government;

19. (1) The State Government shall, constitute a committee to be known as the State Executive Committee to perform the functions assigned to it under this Act.

(2) The State Executive Committee shall consist of —

(a) the Secretary, Department of Social Welfare, Chairperson, *ex officio*;

(b) the Commissioner, Member, *ex officio*;

(c) nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs, Labour and Employment, Science and Technology, Members *ex officio*;

(d) one person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;

(e) five persons, as far as practicable being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member - Secretary, *ex officio*;

(3) Members nominated under clause (d) or clause (e) of sub-section (2) shall receive such allowances as may be prescribed by the State Government.

(4) A Member nominated under clause (d) or clause (e) may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

State Executive  
Committee.

20. (1) The State Executive Committee shall be the executive body of the State Coordination Committee and shall be responsible for carrying out the decisions of the State Coordination Committee.

Functions of the State Executive Committee.

(2) Without prejudice to the provisions of sub-section (1) the State Executive Committee shall also perform such other function as may be delegated to it by the State Coordination Committee.

21. The State Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Meetings of the State Executive Committee.

22. (1) The State Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the State Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

Temporary association of persons with State Executive Committee for particular purposes.

(2) A person associated with the State Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the State Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee and shall not be a member for any other purpose.

(3) A persons associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the State Government.

23. In the performance of its functions under this Act,—

Power to give directions.

(a) the Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and

(b) the State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

24. No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees;

Vacancies not to invalidate proceedings.

#### CHAPTER IV

##### PREVENTION AND EARLY DETECTION OF DISABILITIES

25. Within the limits of their economic capacity and development; the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall—

Appropriate Governments and local authorities to take certain steps for the prevention of occurrence of disabilities.

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities.

(b) promote various methods of preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

#### CHAPTER V EDUCATION

26. The appropriate Governments and the local authorities shall --

(a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;

(b) endeavour to promote the integration of students with disabilities in the normal schools;

(c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;

(d) endeavour to equip the special schools for children with disabilities with vocational training facilities;

27. The appropriate Governments and the local authorities shall by notification make schemes for --

(a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole - time basis;

(b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;

(c) imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;

(d) imparting education through open schools or open universities;

(e) conducting class and discussions through interactive electronic or other media;

(f) providing every child with disability, free of cost special books and equipment needed for his education.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching material or such other items as are necessary to give a child with disability equal opportunities in education.

29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

Appropriate Governments and local authorities to provide children with disabilities free education etc.

Appropriate Governments and local authorities to make schemes and programmes for non-formal education etc.

Research for designing and developing new assistive devices, teaching aids etc.

Appropriate Governments to set up, teachers' training institutions to develop trained manpower for schools for children with disabilities.

30. Without prejudice to the foregoing provisions, the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for —

- (a) transport facilities to the children with disabilities or in the alternative financial incentives to parents to guardians to enable their children with disabilities to attend schools;
- (b) the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;
- (c) the supply of books, uniforms and other materials to children with disabilities attending school;
- (d) the grant of scholarship to students with disabilities;
- (e) setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;
- (f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
- (g) restructuring of curriculum for the benefit of children with disabilities;
- (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books etc.

31. All educational institutions shall provide or cause to be provide amanuensis to blind students and students with or low vision.

Educational institutions to provide amanuensis to students with visual handicap.

#### 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 per cent. for persons or class of persons with disability of which one per cent 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.

Special  
Employment  
Exchange.

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 persons 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.

(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.

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

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.

Vacancies not  
filled up to be  
carried  
forward.

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 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:

Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

Employers to  
maintain  
records.

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.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

Schemes for  
ensuring  
employment of  
persons with  
disabilities.

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—

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

Vacancies to be  
reserved in  
poverty  
alleviation  
schemes.

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

41. The appropriate Governments 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 per cent 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 persons with disabilities.

Aids and appliances to persons 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—

Schemes for preferential allotment of land for certain purposes.

- (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.

#### 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—

Non-discrimination in transport.

(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—

Non-discrimination in the road.

(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;

(d) engraving on the edges of railway platform for the blind or for persons with low vision;

(e) devising appropriate symbols of disability;

(f) warning signals at appropriate places.

Non-discrimination in the built environment.

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;

Non-discrimination in Government employment.

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.

#### CHAPTER IX

##### RESEARCH AND MANPOWER DEVELOPMENT

Research

48. The appropriate Governments and local authorities shall promote and sponsor research, *inter alia*, in the following areas —

- (a) prevention of disability;
- (b) rehabilitation including community based rehabilitation;
- (c) development of assistive devices including their psycho-social aspects;
- (d) job identification;
- (e) on site modification in offices and factories;

Financial incentives to Universities to enable them to undertake research.

49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research-units or institutions, for undertaking research for special education, rehabilitation and manpower development.

#### CHAPTER X

##### RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

Competent authority.

50. The State Government shall appoint any authority as it deems fit to be a competent authority for the purposes of this Act.

51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority :

No person to establish or maintain an institution for persons with disabilities except in accordance with a certificate of registration.

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for

such certificate under this section within the said period of six months, till the disposal of such application.

52. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

Certificate of registration.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for :

Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.

(4) A certificate of registration granted under this section,—

(a) shall, unless revoked under section 53, remain in force for such period as may be prescribed by the State Government.

(b) may be renewed from time to time for a like period: and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.

(6) The certificate of registration shall be displayed by the institution in a conspicuous place.

Revocation of certificate.

53. (1) the competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section (2) of section 52 has—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate :

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

(2) Where a certificate in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

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DATED : 1<sup>ST</sup> NOVEMBER, 2013.

(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be --

(a) restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

Appeal.

54. (1) Any person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.

(2) The order of the State Government on such appeal shall be final.

55. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

Act not to apply to institutions established or maintained by the Central or State Government.

## CHAPTER XI

### INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

56. The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.

(2) Where, the appropriate Government is of opinion that any institution other than an institution, established under sub-section (1), is fit for the rehabilitation of the persons with severe disabilities, the Government may recognise such institution as an institution for persons with severe disabilities for the purposes of this Act:

Provided that no institution shall be recognised under this section unless such institution has complied with the requirements of this Act and the rules made thereunder.

(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by the appropriate Government.

(4) For the purposes of this section "person with severe disability" means a person with eighty per cent or more of one or more disabilities.

Institutions for persons with severe disabilities.

## CHAPTER XII

### THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

57. (1) The Central Government may, by notification, appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.

(2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner shall be such as may be prescribed by the Central Government.

(4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

Appointment of Chief Commissioner for persons with disabilities.

(5) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.

58. The Chief Commissioner shall—

- (a) coordinate the work of the Commissioners;
- (b) monitor the utilisation of funds disbursed by the Central Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

Functions of the Chief Commissioner.

59. Without prejudice to the provisions of section 58 the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—

- (a) deprivation of rights of persons with disabilities;
- (b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

Chief Commissioner to look into complaints with respect to deprivation of rights of persons with disabilities.

60. (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.

Appointment of Commissioners for persons with disabilities.

(2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.

61. The Commissioner within the State shall—

- (a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities;
- (b) monitor the utilisation of funds disbursed by the State Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

Powers of the Commissioner.

Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to---

(a) deprivation of rights of persons with disabilities;

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

Authorities and officers to have certain powers of civil court.

63. (1) The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :—

5 of 1908

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner and Commissioners shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner, the Commissioner, the competent authority, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860

2 of 1974

Annual report to be prepared by the Chief Commissioner.

64. (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

Annual reports to be prepared by the Commissioners.

65. (1) The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

### CHAPTER XIII SOCIAL SECURITY

Appropriate Governments and local authorities to undertake rehabilitation.

66. (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.

(2) For purpose of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organisations.

(3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organisations working for the cause of persons with disabilities.

67. (1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

Insurance scheme for employees with disabilities.

(2) Notwithstanding anything contained in this section, the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to person with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

Unemployment allowance

#### CHAPTER XIV MISCELLANEOUS

69. Whoever, fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.

Punishment for fraudulently availing any benefit meant for persons with disabilities.

70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chief Commissioners, Commissioners, officers and other staff to be public servants.

45 of 1860

71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

Protection of action taken in good faith.

72. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities.

Act to be in addition to and not in derogation of any other law.

73. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;

(b) allowances which members shall receive under sub-section (7) of section 4;

(c) rules of procedure which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;

(d) such other functions which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;

(e) the manner in which a State Government or a Union territory shall be chosen under clause (h) or sub-section (2) of section 9;

(f) the allowances which the Members shall receive under sub-section (3) of section 9.

(g) rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;

(h) the manner and purposes for which a person may be associated under sub section (1) of section 12;

(i) fee and allowances which a person associated with the Central Executive Committee shall receive under sub-section (3) of section 12;

(j) allowances which members shall receive under sub-section (7) of section 14;

(k) rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;

(l) such other functions which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;

(m) the allowances which Members shall receive under sub-section (3) of section 19;

(n) rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;

(o) the manner and purposes for which a person may be associated under sub section (1) of section 22;

(p) fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of section 22;

(q) information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;

(r) the form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;

(s) the form and manner in which an application shall be made under sub-section (1) of section 52;

(t) the manner in which an order of refusal shall be communicated under sub-section (2) of section 52;

(u) facilities or standards required to be provided or maintained under sub-section (3) of section 52;

(v) the period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;

(w) the form in which and conditions subject to which a certificate of registration shall be granted under clause (c) or sub-section (4) of section 52;

- (x) period within which an appeal shall lie under sub-section (1) of section 54;
- (y) the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;
- (z) the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (3) of section 57;
- (za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;
- (zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;
- (zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section (3) of section 60;
- (zd) the salary - allowances and other conditions of service of officers and employees under sub-section (6) of section 60;
- (ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;
- (zf) the form and time in which annual report shall be prepared under sub-section (1) of section 64;
- (zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;
- (zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), 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, notification or scheme, both houses agree that the rule, notification or scheme should not be made, the rule, notification or scheme 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, notification or scheme, as the case may be.

(4) Every notification made by the State Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House.

Amendment of  
of 1987

74. In section 12 of the Legal Services Authorities Act, 1987, for clause (d), the following clause shall be substituted namely :—

(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995."

K.L. Mohanpuria  
Secy, to the Govt. of India.

SERIES - I No. : 09

DATED : 1<sup>ST</sup> NOVEMBER, 2013.

**No. 1/113/CSD/DMN/NFSO/2013-14/2958**  
**U. T. Administration of Daman & Diu,**  
**Office of the Collector,**  
**Civil Supply Department,**  
**Collectorate, Dholar,**  
**Moti Daman - 396 220.**

**Dated : 29/10/2013**

The National Food Security Act, 2013 No. 20 of 2013 published in the Gazette of India Extraordinary Part II-Section I New Delhi dated September 10, 2013. The said Act is hereby republished in the Official Gazette of this U.T. Administration of Daman & Diu for general information.

Sd/-  
**( Gaurav Singh Rajawat, IAS )**  
Civil Supply Officer,  
Collectorate, Daman.

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SERIES - I No. : 09  
DATED : 1<sup>ST</sup> NOVEMBER, 2013.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 10th September, 2013/Bhadra 19, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 10th September, 2013, and is hereby published for general information:—

THE NATIONAL FOOD SECURITY ACT, 2013

No. 20 OF 2013

[10th September, 2013.]

An Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Food Security Act, 2013.

(2) It extends to the whole of India.

(3) Save as otherwise provided, it shall be deemed to have come into force on the 5th day of July, 2013.

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

(1) "anganwadi" means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6;

Short title,  
extent and  
commencement

Definitions

- (2) "central pool" means the stock of foodgrains which is,---
- (i) procured by the Central Government and the State Governments through minimum support price operations;
  - (ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;
  - (iii) kept as reserves for schemes referred to in sub-clause (i);
- (3) "eligible households" means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;
- (4) "fair price shop" means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Targeted Public Distribution System;
- (5) "foodgrains" means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;
- (6) "food security" means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;
- (7) "food security allowance" means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;
- (8) "local authority" includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;
- (9) "meal" means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;
- (10) "minimum support price" means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;
- (11) "notification" means a notification issued under this Act and published in the Official Gazette;
- (12) "other welfare schemes" means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;
- (13) "person with disability" means a person defined as such in clause (1) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- (14) "priority households" means households identified as such under section 10;
- (15) "prescribed" means prescribed by rules made under this Act;
- (16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;
- (17) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

10 of 1955

1 of 1996.

56 of 2007.

(18) "Schedule" means a Schedule appended to this Act;

(19) "senior citizen" means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;

(20) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;

(21) "State Commission" means the State Food Commission constituted under section 16;

(22) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(23) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;

(24) "Vigilance Committee" means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;

10 of 1955.

(25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts,

## CHAPTER II

### PROVISIONS FOR FOOD SECURITY

3. (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System;

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

*Explanation.*— For the purpose of this section, the "Antyodaya Anna Yojana" means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government;

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System

Nutritional support to pregnant women and lactating mothers

Nutritional support to children

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely: -

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

Prevention and management of child malnutrition.

6. The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

### CHAPTER III

#### FOOD SECURITY ALLOWANCE

Right to receive food security allowance in certain cases.

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

### CHAPTER IV

#### IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

Coverage of population under Targeted Public Distribution System

9. The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

State Government to prepare guidelines and to identify priority households

10. (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify—

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of

the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

Publication and display of list of eligible households.

CHAPTER V

REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

12. (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

Reforms in Targeted Public Distribution System.

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging "aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

CHAPTER VI

WOMEN EMPOWERMENT

13. (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

14. Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

Internal grievance redressal mechanism

District  
Grievance  
Redressal  
Officer.

15. (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

State Food  
Commission.

16. (1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons—

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission

Designation of any Commission or body to function as State Commission

18. The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

Joint State Food Commission

19. Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

Powers relating to inquiries.

20. (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Vacancies, etc., not to invalidate proceedings of State Commission.

21. No act or proceeding of the State Commission shall be invalid merely by reason of:—

- (a) any vacancy in, or any defect in the constitution of, the State Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or
- (c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

### CHAPTER VIII

#### OBLIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY

Central Government to allocate required quantity of foodgrains from central pool to State Governments.

22. (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,--

- (a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;
- (b) allocate foodgrains to the States;

(e) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;

(d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

(e) create and maintain required modern and scientific storage facilities at various levels.

23. In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

Provisions for funds by Central Government to State Government in certain cases

#### CHAPTER IX

##### OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

24. (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

Implementation and monitoring of schemes for ensuring food security.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—

(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and

(b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—

(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

(b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;

(c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

CHAPTER X

OBLIGATIONS OF LOCAL AUTHORITIES

Implementation of Targeted Public Distribution System by local authority in their areas

25. (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

Obligations of local authority.

26. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

CHAPTER XI

TRANSPARENCY AND ACCOUNTABILITY

Disclosure of records of Targeted Public Distribution System.

27. All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

Conduct of social audit.

28. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

Setting up of Vigilance Committees.

29. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

10 of 1955.

(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

CHAPTER XII

PROVISIONS FOR ADVANCING FOOD SECURITY

Food security for people living in remote, hilly and tribal areas

30. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

31. The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

Steps to further advance food and nutritional security

CHAPTER XIII

MISCELLANEOUS

32. (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

Other welfare schemes

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Penalties.

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

Power to adjudicate.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

Power to delegate by Central Government and State Government

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

36. The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

Act to have overriding effect.

37. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

Power to amend Schedules

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

38. The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions

Power of Central Government to give directions.

Power of  
Central  
Government  
to make rules.

39. (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act 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 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.

Power of  
State  
Government  
to make rules.

40. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;

(j) composition of Vigilance Committees under sub-section (1) of section 29;

(k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Transitory provisions for schemes, guidelines, etc.

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

Utilisation of institutional mechanism for other purposes.

44. The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Force Majeure.

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

Ord 7 of 2013.

45. (1) The National Food Security Ordinance, 2013 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal,--

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,—

(i) the minimum support price for wheat and coarse grains; and

(ii) the derived minimum support price for rice,

as the case may be.

## SCHEDULE II

[See sections 4(a), 5(I) and 6]

## NUTRITIONAL STANDARDS

*Nutritional standards:* The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing "Take Home Rations" or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of meal <sup>1</sup>	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

SCHEDULE III

(See section 31)

PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture—

- (a) agrarian reforms through measures for securing interests of small and marginal farmers;
- (b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;
- (c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;
- (d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related interventions—

- (a) incentivising decentralised procurement including procurement of coarse grains;
- (b) geographical diversification of procurement operations;
- (c) augmentation of adequate decentralised modern and scientific storage;
- (d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to—

- (a) safe and adequate drinking water and sanitation;
- (b) health care;
- (c) nutritional, health and education support to adolescent girls;
- (d) adequate pensions for senior citizens, persons with disability and single women.

## SCHEDULE IV

[See section 3(1)]

## STATE-WISE ALLOCATION OF FOODGRAINS

S. No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
	Total	549.26

DR. SANJAY SINGH,  
Additional Secretary to the Govt. of India.