

Minutes of the 2nd Meeting of the Committee to Draft New Legislation for Persons with Disabilities, held on 22nd July, 2010.

In continuation of the first meeting, the 2nd meeting was held on July 22, 2010 at Conference Room, Indian Spinal Injuries Center, Vasant Kunj.

Dr Arbind Prasad, Joint Secretary (Disability Division) and Member Secretary welcomed all participants.

Dr Sudha Kaul, Chairperson reminded the Committee that it was entrusted to draft a new legislation to replace the Persons with Disabilities Act 1995, and harmonize its provisions with UNCRPD. The Committee was therefore not going to debate on formulating one comprehensive law that would repeal all other current disability legislations such as the National Trust Act, Mental Health Act, and Rehabilitation Council of India Act etc. She also emphasized that while harmonizing the new legislation with UNCRPD the country specific issues must be given due weight age.

1. Confirmation of the Minutes of the meeting held on 10.06.2010

Chairperson stated that the sub groups have the mandate to consult with other experts and stakeholders to their Sub-Group discussions and take their opinion while preparing their reports.

NALSAR was appointed as the Legal Consultant to support the committee and assist it in putting together a working legal draft based on the reports of the Sub-Groups and on the strength of existing law reform proposals. NALSAR would attend the Committee meetings to keep record of the deliberations and to provide any law related information to the Committee. Legal opinion and suggestions on the basic draft would be sought by the Legal consultant with other Legal experts. With these changes the minutes of the meeting held on 10.06.2010 were confirmed.

In order to ensure that the discussion process is transparent the Chairperson again requested that all minutes be posted on the MSJE website and invite comments from viewers.

2. Presentation of reports of Sub-Groups

Chairperson invited the groups to present their reports, those sub groups who were not ready with their presentation were requested to do so within 10 days. The time frame for each group to present their work was ½ an hour due to shortage of time. The following presentations were made:

Presentation	Presented by
Preamble and Definition	Dr Karna
Rights and Legal Capacity	Ms G Shyamala
Health and Rehabilitation	Ms Rukmini Pillai
Education	Mr Bhushan Punani
Employment and Occupation	Ms Jayshree Raveendran
Human Resource Development	Ms G. Shyamala
Authorities	Mr T D Dhariyal
Civil and Political Rights	Ms Bhargavi Davar

The Sub Group on Accessibility requested more time to get their report ready.

The presentations were seen by all members of the above groups. Since there was no time for discussions Chairperson requested the all presentations be emailed to Committee members for their comments. These would be incorporated in the Sub Group Reports by the team Leaders. This should reach the respective group within 7 days with intimation to the Chair. Many members however were of the view that discussions on the reports were valuable.

An important point highlighted by one of the members was that reports presented at the meetings should be in an accessible format for all the members. Henceforth they should also be a Braille copy along with the soft copies in addition to the soft copy.

There was a great deal of deliberation on the subject of a Comprehensive Act and it was decided that the new legislation would be comprehensive in nature with inclusion of all known disabilities. One of the members stressed that we must be careful while formulating the comprehensive act that it should not contradict other existing acts in the country.

The Chairperson suggested that all the sub groups could meet again at NALSAR for 3 continuous days consultations i.e. 10th, 11th and 12th August 2010. The first two days will be devoted for consultations of the sub groups with NALSAR for preparing the legal framework of Draft Legislation and the third day for a full committee will meet. The Chairperson said she would confirm the dates after discussing it with the Legal Consultant.

The meeting ended with vote of thanks to chair.

List of participants:

Chairperson

Dr. (Mrs) Sudha Kaul

Members

I Expert/NGO representatives

- 1) Shri. Bhushan Punani
- 3) Smt. Jayshree Raveendran
- 4) Dr. G.N.Karna
- 5) Dr. L. Govinda Rao
- 6) Shri Akhil Paul
- 7) Ms Merry Barua
- 8) Ms G. Syamala
- 9) Shri Rajive Raturi
- 10) Dr. Uma Tuli
- 11) Ms. Rukmani Pillai,
- 12) Ms. Bhargavi Davar,
- 13) Shri Rajiv Rajan
- 14) Shri K. Ramakrishnan
- 15) Shri J.P. Gadkari
- 16) Prof. Srikala Bharat

II Representatives of the State Governments

- i) Ms. Malabika Barua, Commissioner for PwDs, Govt. of Assam
- ii) Shri. M.H. Savant, Commissioner for PwDs, Govt. of Maharashtra
- iii) Ms. Mita Benerjee, Commissioner for PwDs, Govt. of West Bengal

- iv) Shri. S.S Jawahar, Secretary, G/o Tamil Nadu.
- v) Shri. C. Vijayaraj, State Commissioner for Disability, G/o Tamil Nadu.

III Representatives of Central Ministries/Departments

- i) Dr. S.Y. Kothari, Addl. DGHS, M/o Health and Family Welfare
- ii) Shri. S.C. Khuntia, Joint Secretary, M/o HRD
- iii) Shri Sharad K. Shrivastava, Under Secreatry, Representing DOPT
- iv) Shri. A.K. Rathore, Associate Architect, M/o Urban Development

IV Members, ex officio

- i) Mrs. Poonam Natarajan, Chairperson, National Trust
- ii) Shri T D Dhariyal, Dy. Chief Commissioner for Persons with Disability.
- iii) Dr. Pitam Singh- Representative of Chief Commissioner for Persons with Disabilities

V Member Secretary

Dr. Arbind Prasad, Joint Secretary (Disability Division), Ministry of Social Justice & Empowerment.

Special Invitees:

- 1) Mr. S N Menon
- 2) Mr. A.S.Narayanan
- 3) Major H.P.S. Ahluwalia
- 4) Shri. Keshav Desirajn, Adl. Secretary, M/o Health and Family Welfare

Ministry of Social Justice & Empowerment

- 1) Shri Dharmender Kumar, Director IPH
- 2) Shri. Sunil Kumar Pattanayak, Director, Disability Division, M/o SJ&E