

## **MAHARASHTRA DISABLED PERSONS (REHABILITATION AND WELFARE) ACT, 1993**

**13 of 1993**

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## **MAHARASHTRA DISABLED PERSONS (REHABILITATION AND WELFARE) ACT, 1993**

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To provide for welfare and rehabilitation of disabled persons in the State of Maharashtra WHEREAS according to available census figures there are about ten lakh disabled persons in the State and this figure is increasing day-by-day. AND WHEREAS such persons

are unable to undertake work like a normal person due to their physical disability and have mostly to depend on others for their livelihood; AND WHEREAS with a view to making such persons self-sufficient and ensuring them a respectable and trouble-free normal life, it is necessary to make provision by law for the rehabilitation and welfare of such persons in the State of Maharashtra; It is hereby enacted in the Forty fourth Year of the republic India as follows:-

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Maharashtra Disabled Persons (Rehabilitation and Welfare) Act, 1993

(2) It extends to the whole of the State of Maharashtra.

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

### **2. Definitions :-**

In this Act, unless the context requires otherwise, -

(1) "Disabled Person" means a person, having physical, mental or any other type of deformity or disability which debars him from undertaking work or performing duties like a normal man;

(2) "Corporation" means the Maharashtra State Disabled Persons Rehabilitation and Welfare Corporation;

(3) "Board" means Disabled Persons, Rehabilitation and Welfare Board.

### **3. Establishment of Corporation and Boards :-**

(1) The State Government, shall by notification in the Official Gazette, establish for securing the objectives and purposes of this Act a Corporation for the whole State by the name of "the Maharashtra State Disabled Persons Rehabilitation and Welfare Corporation".

(2) The State Government shall likewise, by notification in the Official Gazette, establish a Board for each of the Revenue Divisions by the name of "Disabled Persons Rehabilitation and Welfare Board".

### **4. Constitution of State level Corporation :-**

(1) The State level Corporation shall consist of following members, namely:-

- (i) Secretaries to the Government for the Department of the Public Health, Medical Education, Social Welfare, Revenue and Finance;
- (ii) the Chairman of the Divisional Disabled Persons Rehabilitation and Welfare Boards;
- (iii) two members nominated by the State Government from voluntary social organisations working for the welfare of the disabled persons;
- (iv) four disabled persons nominated by the State Government;
- (v) two members nominated by the State Government from amongst the persons having adequate knowledge of problems of disabled persons and engaged in activities relating to their welfare;
- (vi) two members from Maharashtra Legislative Assembly and two from Maharashtra Legislative Council to be nominated by Speaker, Maharashtra Legislative Assembly and Chairman, Maharashtra Legislative Council respectively.

(2) The names of the persons (not being ex-officio members) who have been nominated either by Speaker, Chairman or State Government as members of the Corporation shall be published by the Corporation in the Official Gazette.

#### **5. Chairman of the Corporation :-**

The Chairman of the Corporation shall be appointed by and from amongst the members of the Corporation.

#### **6. Allowances to the members of the Corporation :-**

The members of the Corporation (not being ex-officio members) shall be entitled to such allowances as may be determined by regulation.

#### **7. Duration of the Corporation :-**

The duration of the Corporation shall be for such period as may be prescribed by the State Government.

#### **8. Functions and duties of the Corporation :-**

The functions and duties of the Corporation shall be as follows:-

- (i) to advise the State Government on matters of policy relating to welfare of disabled persons;
- (ii) to prepare time-bound programme for the effective implementation of Government policy for rehabilitation and welfare

of disabled persons;

(iii) to co-ordinate the activities undertaken by different Divisional Boards;

(iv) to take review of the implementation of the programmes and schemes undertaken for the welfare of the disabled persons by the Government and submit its report to the State Government periodically;

(v) to inspect and supervise generally the working of the Divisional Boards and to inspect periodically the accounts thereof;

(vi) to make regulations for the purpose of carrying into effect the provisions of this Act;

(vii) to make bye-laws and regulations relating to matters those are not provided for by this Act and the regulations made thereunder;

(viii) to do all such acts and things as may be necessary to carry out the purposes of this Act.

#### **9. Meetings of the Corporation :-**

Meetings of the Corporation shall be held at least once in every month.

#### **10. Constitution of Divisional Boards :-**

(1) The Divisional Boards shall consist of following members, namely:-

(i) the Commissioner of the revenue division;

(ii) the District Collectors in the Revenue division;

(iii) two members nominated by the State Government from voluntary social organisations working for the welfare of the disabled persons;

(iv) four disabled persons residing in the Division to be nominated by the State Government;

(v) two members nominated by the State Government from amongst the persons residing in the Division having adequate knowledge of problems of disabled persons and engaged in activities relating to their welfare;

(2) The names of the persons (not being ex-officio members) who have been nominated either by Speaker, Chairman or State

Government as members of the Corporation shall be published by the Board in the Official Gazette.

**11. Chairman of the Board :-**

The Chairman of the Board shall be appointed by and from amongst the members of the Board.

**12. Allowances to the members of the Board :-**

The members of the Board (not being ex-officio members) shall be entitled to such allowances as may be determined by regulations.

**13. Duration of the Boards :-**

The duration of the Board shall be for such period as may be prescribed by the State Government.

**14. Functions and duties of the Boards :-**

The functions and duties of the Boards shall be as follows: -

(i) to advise the Corporation on matters of policy relating to welfare of disabled persons;

(ii) to implement schemes and prepared either by State Government or the Corporation;

(iii) to review periodically the progress of the schemes and programmes implemented and report to the Corporation;

(iv) to lay-down guiding principles or procedure to be followed while assisting disabled persons;

(v) to receive applications for assistance from disabled persons in the respective Division and recommend genuine cases to the Corporation for assistance;

(vi) to give proper publicity to the schemes and programmes implemented for the welfare of disabled persons in the Division;

(vii) to do all such acts- and things as may be necessary to carry out the purposes of this Act;

**15. Meeting of the Board :-**

Meetings of the Board shall be held at least once in every month.

**16. Financial provision for Secretarial services and other Office equipments etc. for Corporation and Divisional Boards :-**

State Government shall make necessary provision for staff , building, furniture, equipments, stationery and other things

required by the Corporation and Divisional Boards.

**17. Fund of Corporation and custody thereof :-**

(1) The Corporation will have its own fund and the following moneys shall be credited thereto:-

(a) grants, assignments, contributions made to it by State Government;

(b) donations and endowments or other contributions, if any;

(c) all rents and profits from the property vested in it.

(2) The fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or at the discretion of the Corporation, be invested in securities authorised by the Indian Trusts Act, 1882.

**18. Contribution to Divisional Boards :-**

The Corporation shall pay from time to time to each Divisional Board such sums as the Corporation may determine for enabling the Divisional Board to discharge the duties and functions imposed on it by or under this Act or for completion of works or welfare schemes within its jurisdiction.

**19. Fund of Divisional Boards and custody thereof :-**

(1) The Divisional Board shall have its own fund, and the following moneys shall be credited thereto:-

(a) grants, assistance and contributions made to it by State Corporation;

(b) donations and endowments or other contributions, if any;

(c) all rents and profits from the property vested in it.

(2) The fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or at the discretion of the Board be invested in securities authorised by the Indian Trusts Act, 1882.

**20. Provision for certain facilities and concessions to disabled persons :-**

For the rehabilitation and welfare of the Disabled Persons the State Government shall, -

(i) take steps to finalise detailed policy and chalk out schemes and programmes accordingly for the welfare of disabled persons and

entrust the responsibility of their implementation to the Corporation and Divisional Boards;

(ii) reserve five per cent, tenements/plots in every housing scheme for disabled persons;

(iii) secure vacant lands at lower rates than market rates for the Housing Societies of the disabled persons and make available loans at nominal rate of interest for the purpose;

(iv) provide special training and other facilities to the disabled persons for their participation in sports and other social and cultural activities;

(v) provide for travelling concessions to the disabled persons;

(vi) provide financial assistance and make available loan without interest to disabled persons for starting their own business;

(vii) recognise institutions working for the welfare of the handicapped persons;

(viii) recognise institutions working for the welfare of the handicapped persons;

(ix) exempt from sales-tax all the material used for treatment, training etc. of disabled persons, grant concessions to the employers who employ handicapped persons in their establishments;

(x) explore possibilities and identify areas with a view to increasing employment opportunities to disabled persons and finding out the root causes of their disability and remedial measures thereto;

(xi) exempt all motor vehicles used by the disabled persons for their personal or professional purposes from payment of tax.

## **21. Power of State Government to give directions :-**

The State Government may from time to time issued such directions and instructions as it may deem fit in regard to conduct of business and affairs of the Corporation and Board and provide all necessary assistance to the Corporation and Board.

## **22. Power to make rules :-**

(1) The State Government may, subject to the conditions of previous publication in the Official Gazette, make rules for carrying into effect the provision of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made before each House of the State Legislature, 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 session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect as the case may; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.