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## **Tamil Nadu Welfare Board For The Disabled Persons Act, 2007**

**18 of 2007**

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Statement of Objects and Reasons<sup>2</sup> In the Budget Speech for the year 2007-2008, among other things, it was announced that the Government will introduce a separate Bill for ensuring assistance for the disabled in current session of the Legislative Assembly. Accordingly the Government have decided to undertake a legislation for the said purpose. 2. The Bill seeks to give effect to the above decision. Memorandum Regarding Delegated Legislation Clauses 1(3), 3(1), 3(5), 3(6) 3(7), 4(1)(g), 4(3), 5(1), 6(1)(c). 6(2), 7(1), 7(2), 7(4), 7(5), 13(1)(b), 13(2), 13(3)(b), 16 and 17 of the Bill empower the Government, to issue notifications or to make Rules, or to pass orders, as the case may be for the purpose specified therein. Financial Memorandum Clause 6(1)(a) of the Bill

enables the Government to grant a sum to the Tamil Nadu Welfare Fund for the Disabled Persons for the purposes of carrying out the functions of the Board. Hence, the Bill when enacted would involve expenditure from the Consolidated Fund of the State. 2. It is not possible at this stage to estimate with any degree of accuracy the expenditure likely to be incurred from the Consolidated Fund of the State on account of the proposed Legislation. PREAMBLE An Act to provide for establishment of a Board for welfare of the disabled persons in the State. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on the June 7, 2007 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 157, pages 55-58, dated June 8, 2007. 2. Vide L.A. Bill No.14 of 2007 as introduced in the Tamil Nadu Legislative Assembly on May 8, 2007 -- Published in the Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 1, Issue No.113, pages 53-57, dated May 8, 2007.

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Tamil Nadu Welfare Board for the Disabled Persons Act, 2007.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

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

In this Act, unless the context otherwise requires,--

- (a) "Board" means the Board established under Section 3;
- (b) "disability " means,--
  - (i) visual impairment;
  - (ii) low vision;
  - (iii) hearing impairment;
  - (iv) locomotor disability;
  - (v) mental retardation;
  - (vi) mental illness;
  - (vii) leprosy-cured;
  - (viii) cerebral palsy;
  - (ix) autism;
  - (x) multiple disabilities;
- (c) "disabled person " means a person suffering from not less than forty per cent of any disability;

- (d) "Fund" means a fund constituted under Section 6;
- (e) "Government" means the State Government;
- (f) "Member-Secretary " means the Member-Secretary of the Board;
- (g) "prescribed" means prescribed by Rules.

### **3. Establishment Of Board :-**

- (1) The Government may, by notification, establish a Board to be known as "the Tamil Nadu Welfare Board for the Disabled Persons", for implementing and administering various welfare measures for the disabled persons.
- (2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may, by that name sue or be sued.
- (3) The Board shall consist of members nominated from time to time by the Government representing the specialists or experts in the field of disability, the non-governmental organizations and the associations which are concerned with disabilities and the Government.
- (4) The Chairman of the Board shall be the Minister in charge of Social Welfare and the Vice-Chairman of the Board shall be the Secretary to Government, Social Welfare and Nutritious Meals Programme Department. The State Commissioner for the Disabled shall be the Member-Secretary of the Board representing the Government.
- (5) After nomination of all the members of the Board, the Government shall, by notification, publish the names of all the members of the Board.
- (6) The term of office of members of the Board shall be such as may be prescribed.
- (7) The meetings of the Board and procedures to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the Government, to regulate by the Board itself.

### **4. Functions Of The Board :-**

- (1) Subject to the availability of funds, the Board shall,--
  - (a) provide for the welfare of the disabled persons including medical services;
  - (b) provide for financial assistance to the non-Governmental

organizations and associations which come forward to take care of mentally retarded persons;

(c) provide barrier free environment in public places, work places, schools, colleges and other institutions;

(d) provide amenities for setting up of special schools in private sector for those in need of special education in such a manner that the children with disabilities have access to such schools;

(e) provide for training to disabled persons by the non-Governmental organization and associations;

(f) provide for subsidy to needy employers who employ disabled persons; and

(g) perform such other functions as may be prescribed by the Government.

(2) The Board shall submit to the Government, as soon as may be, after the first day of April every year, the annual report on the activities of the Board during the preceding year ending on thirty-first March of that year. Every report so received shall be laid, as soon as may be, after it is received before the Legislative Assembly if it is in session, or in the session immediately following the date of receipt of the report.

(3) In the discharge of its functions, the Board shall be bound by such directions as the Government may, for reasons to be stated in writing, give to it from time to time.

## **5. Committee :-**

(1) The Government may, by order, constitute one or more committees with members nominated by the Board and such committees shall be presided by an official nominated by the Government.

(2) The committee shall perform such duties as may be entrusted by the Board from time to time.

## **6. Fund :-**

(1) There shall be a Fund constituted in the name and style as the Tamil Nadu Welfare Fund for the Disabled Persons" and all moneys received from the sources specified below shall be credited to such Fund namely:--

(a) grants received from the Government for the purposes of carrying out the functions of the Board;

(b) funds raised through donations from various institutions, philanthropists and by organizing cultural programmes; and

(c) funds received from any other sources as may be prescribed.

(2) The Board shall hold the Fund in any one of the Nationalised Banks in accordance with the instructions of the Government. Such an account shall be jointly operated by any two of the authorized signatories of the Board, one of them being the Member-Secretary.

(3) All the expenditure including contingent expenditures relating to the welfare of the disabled persons shall be met from the Fund.

## **7. Accounts And Audit :-**

(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The account of the Board shall be audited annually by such qualified persons as the Government may appoint in this behalf.

(3) The auditor shall at all reasonable time have access to the books of accounts and other documents of the Board, and may for the purposes of the audit, call for such explanation and information as he may require or examine any member or officer of the Board.

(4) The accounts of the Board certified by the auditor, together with the audited report thereon, shall be forwarded annually to the Government before such date as the Government may specify in this behalf.

(5) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

(6) The cost of audit shall be paid out of the Fund.

## **8. Disqualifications And Removal :-**

(1) No person shall be chosen as or continue to be, a member of the Board who--

(a) is a salaried officer of the Board; or

(b) is or at any time has been adjudged insolvent; or

(c) is found to be lunatic or becomes of unsound mind; or

(d) is or has been convicted of any offence involving moral turpitude. (2) The Government may remove from office any member who--

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) is absent without leave of the Board for more than three consecutive meetings of the Board; or

(c) has abused his office.

## **9. Resignation By Member :-**

Any member of the Board may, at any time, resign his office by writing under his hand addressed to the Government, and his office shall, on acceptance of resignation by the Government, become vacant.

## **10. Filling Up Of Vacancies :-**

In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the board shall forthwith communicate the occurrence to the Government and the vacancy shall be filled not later than ninety days from the date of the occurrence of the vacancy and the person nominated to fill in the vacancy shall hold office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred:

Provided that during any such vacancy, the continuing members may act as if no vacancy has occurred.

## **11. Vacancies Not To Invalidate Proceedings :-**

No act of proceedings of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

## **12. Enquiry Into Working Of The Board :-**

(1) The Government may, at any time, appoint any person to investigate or enquire into the working of the Board and submit a report to the Government in that behalf.

(2) The Board shall give to the person so appointed, all facilities for the proper conduct of the investigation or enquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.

## **13. Supersession Of The Board :-**

(1) If the Government on consideration of the report referred to in sub-section (1) of Section 12 or otherwise, is of the opinion--

(a) that the Board is unable to perform its functions; or

(b) that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers, the Government may, by notification, supersede the Board and reconstitute it in the

prescribed manner, within a period of twelve months from the date of supersession. The period of supersession may be extended for sufficient reasons by a like notification by not more than six months:

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Board to showcause why it should not be superseded; and shall consider the explanations and objections, if any, of the Board.

(2) After the supersession of the Board and until it is reconstituted, the functions of the Board under this Act shall be performed by the Government, or by such officer or officers as the Government may, by notification, appoint for this purpose.

(3) When the Board is superseded, the following consequence shall ensue, that is to say,--

(a) all the members of the Board shall, as from the date of publication of the notification under sub-section (1), vacate their office;

(b) all the functions, which may be performed by the Board, shall during the period of supersession, be performed by the Government or by such officer or officers as may be appointed for this purpose under sub-section (2); and

(c) all funds and other property vesting in the Board shall, during the period of supersession, vest in the Government and on the reconstitution of the Board, such funds and property shall revest in the Board.

#### **14. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceedings shall lie against the Government or the Board or the Chairman, Vice-Chairman, Member-Secretary or any member of the Board or Committee or any other officers of the Board or for anything which is in good faith done or intended to be done in pursuance of this Act, or any Rule or order made thereunder.

#### **15. Act To Be In Addition To And Not In Derogation Of Any Other Law :-**

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 disabled persons.

## **16. Power To Make Rules :-**

(1) The Government may make Rules for carrying out all or any of the purposes of this Act.

(2) (a) All Rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every Rule or order made or notification issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such Rule, order or notification or the Legislative Assembly decides that the Rule, order or notification should not be made or issued, the Rule, order or notification 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, order or notification.

## **17. Power To Remove Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

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