

Schemes and Concessions

1. What is a network?

A network is any group of individuals or organisations, who on a voluntary basis, exchange information or undertake joint activities and who organise themselves in such a way that their individual autonomy remains intact.

2. What are the objectives of a network?

The prime objective of establishing a network is to improve information exchange among members. Some networks are established to allow collaboration, research, education, training, exchange materials, operate as pressure groups, raise public awareness etc. Very rarely does a network operate on a single objective.

3. Are there any networks in deafblind field in India?

Yes, there are three networks established. These are Family Networks, Teachers Network and Deafblind people's network. For more information on these, contact Sense International (India) office (address is listed on the last page of this book).

4. Is there anyone else who can support me?

Yes, you have them within your own family. Siblings and grandparents of the child can be a great source of support. Try to involve them in the activities of your child. Also seek their advice when you take any decisions about the child.

5. Is there any help available from the Government?

Yes, there are many steps taken by the Government at various stages for the child and your family's development. Some of the major schemes are listed below.

SCHEMES AND CONCESSIONS

Scheme 1: Children's educational allowance

As per office Memorandum No. 21011/21/88 Est. (Allowances) dated. 17.10.1988, issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), grant of children educational allowance, reimbursement of tuition fee etc. to Central Government employees will be covered by the Central Civil Services (Educational Assistance) orders, 1988.

Under this order, the reimbursement of tuition fee in respect of physically handicapped and mentally retarded children of the Central Government employees has been enhanced to Rs. 50 p.m. (from class I to XII) in comparison with general category where is restricted to only Rs. 20/-. The disabled children will however, get other assistance under this scheme as per rates prescribed for the normal children.

Scheme 2: Income Tax Act

The most significant development is amendment to section 80 DD of the Income Tax Act as presented in the Union Budget 99-2000 finance bill. Section 80 DD has substituted the earlier section 80 DD, the assessee of the Hindu Undivided Family (HUF) would be entitled to a deduction of Rs. 40,000 in respect of any expenditure for medical treatment (including nursing), training and rehabilitation of handicapped dependent. If this amount is not spend on the treatment but deposited under any scheme by LIC or UTI for the maintenance of the handicapped children, then also this deduction would be permissible, during the accounting year 2000-2001.

On advocacy by parents having children with mental retardation Shri. D. K. Manavalan vide his letter no. 1325. SECY (SJ & E) / 99 dated February 16, 1999 to chairman, Central Board of Direct taxes, New Delhi made a request that parents need not submit supporting vouchers on medical

bills for having incurred expenditure on medical treatment of their mentally handicapped ward. The Central Board of Direct Taxes vide its letter dated March 26, 1999 issued a clarification that it would be sufficient to furnish a medical certificate from a Government doctor and a declaration in writing duly signed by the assessee certifying the actual amount of expenditure on account of medical treatment including nursing, training and rehabilitation of the disabled dependent, and receipt / acknowledgement of the amount paid or deposited in the specific schemes of LIC or UTI will be sufficient. The circular to the Drawing and Disbursing officers clearly indicated that they need not insist on production of vouchers or medical bills by the employees for having incurred expenditure on medical treatment of their disabled dependent for allowing the deduction under Section 80 DD for the Purpose of computing tax deductible at source.

Income Tax Concessions

The Government of India has recently announced the following additional concessions for individuals or Hindu Undivided families who have a relative who is physically disabled.

If an assessor who is resident in India, being an individual or Hindu Undivided Family has a relative who has permanent physical disability and the assessor has, during the previous year, incurred any expenditure for medical treatment (including nursing), training and rehabilitation of the disabled person, he/she shall be allowed a deduction of Rs.6,000/-. This deduction will not be allowed where the income exceeds Rs. 1,00,000/-

Deduction from the total income of disabled persons under section 80-U of the Income Tax Act has been raised from Rs. 20,000/- to Rs. 40,000/-

A deduction of Rs. 20,000/- from the taxable income of the parents or guardians of disabled children has been allowed, provided this amount is deposited in any approved scheme of LIC, UTI etc.

Scheme 3: Employees Provident Fund

The Central Government has made amendments in the Employees Pension Scheme, 1995; called employees pension (Amendment) scheme, 1999. According to this scheme "If a member dies leaving behind a family having son or daughter who is permanently and totally disabled, such son or daughter shall be entitled to Payment of monthly children pension or orphan pension, as the case may be, irrespective of age and number of children in the family in addition to the pension provided under clause (d) of sub para 3, Section 6a.

Scheme 4: Life Insurance Corporation of India

JEEVAN VISHWAS TABLE NO. 136

LIC has introduced a new plan "JEEVAN VISHWAS" for the benefit of the physically / mentally handicapped dependants.

For the benefit of handicapped dependants "JEEVAN AADHAR" plan was introduced with effect from 17th January 1996. The plan was specially designed so that an individual or member of Hindu Undivided Family can take an assurance on his / her own life to provide for lump sum and an annuity to the handicapped dependant. The provision is in the nature of a limited payment whole life assurance policy. The payment is made to the nominee under the policy, who will be either the handicapped dependant or any other person or a trust, to be utilized for the benefit of the handicapped dependant.

The premiums under Jeevan Aadhar are eligible for tax benefit under Sec. 80DD of Income Tax Act, 1961. The definition of disability under rule 11A of Income Tax Rules, 1962, for this

purpose is rather stringent in Jeevan Aadhar as such is thus not catering to the needs of those handicapped dependants whose degree of handicap is lower than the specified levels.

Keeping in mind the guardians of such lives who may be willing to provide for the dependants even without the benefit under Sec. 80DD of Income Tax Act, it is decided to introduce JEEVAN VISHWAS with effect from 1st December 1999. While developing the plan, feedback received from various sources on the benefit structure of Jeevan Aadhar is taken into account. The plan is Endowment without Profit with guaranteed and loyalty additions.

For further details, you can contact any office of Life Insurance Corporation of India in your city.

Scheme 5: Subsidies and Concessions

- **Scheme of Subsidy for Purchase of Petrol**

Physically handicapped owners of motorized vehicles granted exemption from the payment of road tax by State Government / Union Territory Administration, are eligible to claim refund upto 50% of the expenditure incurred by them on purchase of petrol / diesel from recognized dealers subject to a ceiling as indicated below;

- Vehicle upto 2HP – 15ltr per month
- Vehicle more than 2 HP – 25 ltr per month

Only physically handicapped persons having an income upto Rs. 2,500/- from all sources would be eligible for the grant of subsidy on purchase of petrol / diesel. The scheme is operative through District Welfare Officers or Tehsildar / Equivalent officer.

- **Telecommunication (Preference In Allotment of STD booths / PCO)**

Educated unemployed disabled persons are eligible for allotment of STD booths / PCOs. The educational qualification required for the applicants is VIII or Middle School pass from rural areas and at least Matriculation or High School from urban areas.

- **Hotel discounts**

India Tourism Development Corporation (ITDC) has decided that in all its hotels across the country, it will offer the following two discounts to people with disabilities:

- 50% on room rent, accompanying person / attendant shall not be charged extra i.e. ITDC shall charge 50% on single room tariff for double room.
- 30% discount on food on the a-la-carte menu.

They are also taking steps to ensure that all the existing hotels are made accessible and disabled friendly. Infact, many have already made ramps, like Hotel Kanishka and Ashok Yatri Niwas in Delhi and the Ashoka Hotel in Bhopal. To be sure, many more hotels may have already got the ramps made and others too will soon follow.

A decision has also been taken that at least one room in every fifty rooms should be made accessible and disabled – friendly.

- **Concession on Railways**

Railways allow disabled persons to travel at concession fares up to 75% in the first and second classes. Escorts accompanying blind, orthopedic ally and mentally handicapped persons are also eligible to 75% concession in the basic fare.

- **Air Travel Concessions**

Indian Airlines allow 50% concession fares to blind persons on single journeys.

- Postage
Payment of postage, both inland and foreign, for transmission by post of 'Blind Literature' packets is exempted if sent by surface route.
- Customs/Excise
Braille paper has been exempted from excise and customs duty provided the paper is supplied direct to a school for the blind or to a Braille press against an indent placed by the National Institute for the Visually Handicapped, Dehradun. All audio cassettes recorded with material from books, newspapers or magazines for the blind are exempt from custom duty. Several other items have also been exempted from customs duty if imported for the use of a disabled person.
- Award of Dealership by Oil Companies
The Ministry of Petroleum and Natural Gas has reserved 7.5 per cent of all types of dealership agencies of the public sector companies, for the orthopaedically handicapped and blind persons. Similarly, the Ministry has also reserved 7.5 per cent of such dealership/agencies for defense personnel, severely disabled either in war or while on duty in peacetime.
- Economic Assistance by Public Sector Banks
All orphanages, homes for women and persons with physical handicaps as well as institutions working for the welfare of the handicapped, are given loans and advances at very low rates of interest (4%) and a subsidy of 50% up to a maximum of Rs. 5,000/- is also admissible. State Governments/Union Territories also give concessions/facilities such as reservation in jobs, scholarships, old age pension, free travel in buses, etc.

Know your rights!

A handicap is a disadvantage for a given individual, resulting from an impairment or disability that limits or prevents the fulfillment of a role that is normal (depending on age, sex, social and cultural factors) for that individual. The concept of disability is also subjective and situational, in that different functional organizations of the United Nations have evolved different definitions. The ILO defines a disabled person as an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of duly recognized physical or mental impairment.

Provisions under Indian Constitution

There are ample constitutional provisions with regard to protection and safeguarding the rights of the individuals with disabilities. The Indian Constitution, has several provisions for the under privileged and marginalized sections of our society, which are enshrined in Articles 14,41,45 and 46 in our constitution. These are as under :

Article 14

The state shall not deny to any person equality before the law or the equal protection of the law within the territory of India.

Article 41

The State shall within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement and other cases of undeserved want

Article 45

The State shall endeavor to provide within the period of ten years from the commencement of this constitution, for free and compulsory education to all children until they complete the age of 14 years.

Article 46

The State shall promote with special care, the educational and economic interest of the weaker sections of the people and in particular Scheduled Castes and Scheduled Tribes and shall protect them from Social injustice and all forms of exploitation.

These articles provide equal treatment to all citizens irrespective of caste, creed, color, religion and disablement etc. Thus Article 14 can be interpreted to mean that the state is under an obligation to equalize the opportunities to the individuals with disabilities through affirmative action. Under Article 41, State is supposed to provide free and compulsory education to all children including disabled children. Article 45 and 46 enjoin the State to provide assistance in the field of education, employment and financial assistance as well.

Legislation on Disabilities in India

Around 12% of the country's population is disabled, which is unable to take care of itself without proper guidance and training. They are entitled in all respects to the freedom recognized under the directive principles of Articles 14, 45, 46 and 47 of the constitution, to promotion with special care of the educational and economic interest and protection from social injustice and all forms of exploitation. There are a few major laws on disabilities in India. These are as under :

Mental Health Act 1987

This Act was introduced to consolidate and amend the law relating to the treatment and care of psychiatrically disabled people and to make better provisions with respect to their property affairs and for matter connected therewith or incidental thereto. But the Act 19 of 1987 defines 'mentally ill person in section 2(1) as a person who is in need of treatment by reason of any mental disorder other than mental retardation. This act deals with establishment of psychiatric hospitals, psychiatric nursing homes, treatment care and protection of human rights of psychiatric disabled persons.

RCI Act 1992

The Rehabilitation Council of India was set up as a registered society in 1986. However, it was soon found that a Society could not ensure proper standardization and acceptance of the standards by other Organizations. The Parliament enacted Rehabilitation Council of India Act in 1992. The Rehabilitation Council of India become Statutory Body on 22nd June 1993. The RCI Act was amended by the Parliament in 2000 to work it more broad based. The Act casts onerous responsibility on the Council. It also prescribes that any one delivering services to people with disability, who does not possess qualifications recognised by RCI, could be prosecuted. Thus the Council has the twin responsibility of standardizing and regulating the training of personnel and professional in the field of Rehabilitation and Special Education.

OBJECTIVES

- To regulate the training policies and programmes in the field of rehabilitation of persons with disabilities
- To bring about standardization of training courses for professionals dealing with persons with disabilities
- To prescribe minimum standards of education and training of various categories of professionals/ personnel dealing with people with disabilities
- To regulate these standards in all training institutions uniformly throughout the country

- To recognize institutions/ organizations/ universities running master's degree/ bachelor's degree/ P.G.Diploma/ Diploma/ Certificate courses in the field of rehabilitation of persons with disabilities
- To recognize degree/diploma/certificate awarded by foreign universities/ institutions on reciprocal basis
- To promote research in Rehabilitation and Special Education
- To maintain Central Rehabilitation Register for registration of professionals/ personnel
- To collect information on a regular basis on education and training in the field of rehabilitation of people with disabilities from institutions in India and abroad
- To encourage continuing education in the field of rehabilitation and special education by way of collaboration with organizations working in the field of disability.
- To recognize Vocational Rehabilitation Centres as manpower development centres
- To register vocational instructors and other personnel working in the Vocational Rehabilitation Centres
- To recognize the national institutes and apex institutions on disability as manpower development centres
- To register personnel working in national institutes and apex institutions on disability under the Ministry of Social Justice & Empowerment

Persons with Disability Act 1995
(Equal Opportunities, Protection of Rights and Full Participation)

According to this law, disability means a person who is unable to ensure by himself/ herself, wholly or partly, the necessities of a normal individual or social life including work, as a result of deficiency, whether congenital or not, in his/her physical or mental capabilities because of his / her being a person (i) who is blind (ii) speech and hearing impaired (iii) who is orthopaedically impaired (iv) who is mentally impaired.

This law provides for recognition by the State of the rights of persons with disabilities to enjoy equality of opportunities and full participation in national life and for matters connected therewith or incidental there to. It is a very comprehensive law, and covers aspects like prevention, early intervention, education, vocational training, employment, social security and the appointment of commissioners for persons with disabilities.

The National Trust Act 1999 for the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 No. 44 of 1999 (30th December 1999) is an act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental there to.

Objects of the Trusts

The objects of the trust shall be:

- to enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong;
- to strengthen facilities to provide support to persons with disability to live within their own families;
- to extend support to registered organization to provide need based services during the period of crises in the family of persons with disability ;
- to deal with problems of persons with disability who do not have family support;
- to promote measures for the care and protraction of persons with disability in the event of death of their parent or guardian;
- to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;
- to facilitate the realization of equal opportunities, protection of right and full participation of persons with disability; and
- to do any other act which is incidental to the aforesaid object.

Useful contacts:

- For networks of families, teachers and deafblind people,
Sense International (India)
Row House No E-II,
Tarun nagar Row Houses, part – II
Gurukul Road, Memnagar
Ahmedabad –3800 52
- Rehabilitation Council of India
Member Secretary,
Rehabilitation Council of India
23-A, Shivaji Marg
Near Karampura Complex
New Delhi 110 015
- National Trust
IPH Complex
4, Vishnu Digamber Marg
New Delhi 110 002