

*Rehabilitation Council of India
Act of 1992/Amendment 2000
Proposed Amendments*



RCI ACT 1992 - Current Position
ACT Amendment - 2000

The RCI Act 1992 and its Proposed Amendments

The Act with Amendments 2000

An Act to provide for the constitution of the Rehabilitation Council of India for regulating the training of rehabilitation professionals and monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education and the maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto.

Proposed Amendments

Insert 'development' before regulating
Substitute special education for 'education of persons with disability'
Include 'habilitation' along with rehabilitation.
Include "early intervention" and prevention along with rehabilitation

Reasons for Change

Development of professionals and personnel is necessary and is already being done by RCI through its training programmes and therefore needs to be included.

Development needs to precede regulation so that 'quality service' is made available to PWD's. Regulations without development does not meet the needs of PWD's. Research in prevention and early intervention is important to reduce the magnitude of disability in the country.

Act After Approval of Proposed Amendments

An Act to provide for the constitution of the Rehabilitation Council of India for the development, regulation training and monitoring of training of habilitation and rehabilitation of professionals and personnel and promoting research in rehabilitation, prevention, early intervention, special education, for persons with disability. Maintenance of a central Rehabilitation Register and for matters connected therewith or incidental thereto.

Chapter I – Preliminary

<u>The Act with Amendments 2000</u>	<u>Proposed Amendments</u>	<u>Reasons for Change</u>	<u>Act After Approval of Proposed Amendments</u>
<p>1. (1) <i>This Act may be called the Rehabilitation Council of India Act 1992.</i></p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.</p>	<p>No change</p> <p>No change</p>		<p>1. (1) <i>This Act may be called the Rehabilitation Council of India Act 1992.</i></p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.</p>

Chapter I – Preliminary

The Act with Amendments 2000

2. (1) In this Act, unless the context otherwise requires:

(a) “Chairperson” means the Chairperson of the Council appointed under sub-section (3) of section 3

(b) “Council” means Rehabilitation Council of India constituted under section 3;

(c) “handicapped” means a person suffering from any disability referred to in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

Proposed Amendments

No change

(c) “**Handicapped**” should be replaced by **Person With Disability** ` A person with disability as defined in section 2 of the Persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, and amendments.

Reasons for Change

‘Person with disability’ is more appropriate terminology

Act After Approval of Proposed Amendments

2. (1) In this Act, unless the context otherwise requires:

(a) “Chairperson” means the Chairperson of the Council appointed under sub-section (3) of section 3

(b) “Council” means Rehabilitation Council of India constituted under section 3;

(c) A person with disability is defined in section 2 of the Persons with Disability, Equal Opportunities, Protection of Rights and Full participation Act 1995, and amendments thereof.

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(d) Omitted

(e) Omitted

(f) "member" means a member appointed under sub-section (3) of section 3 and includes the Chairperson

(g) "Member Secretary" means the Member Secretary appointed under sub-section (1) of section 8.

(h) "Mental Retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub-normality of intelligence.

(i) "Notification" means a notification published in the Official gazette

Proposed Amendments

d) Omitted

e) Omitted

No Change

No change

(h) 'Mental Retardation means a condition of arrested or incomplete development of the mind which is specifically characterised by impairment of adaptive behaviour manifested during the developmental period which contributes to the overall level of intelligence, i.e cognitive, language, motor and Social abilities.

No Change

Reasons for Change

d) Omitted vide The Rehabilitation "Council of Inida (Amendment) Act 2000.

e) Omitted vide The Rehabilitation "Council of Inida (Amendment) Act 2000.

(h) This definition is as per suggestions for Amendment in the Persons with Disabilities Act 1995

Act After Approval of Proposed Amendments

(d) Omitted

(e)Omitted

(f) "member" means a member appointed under sub-section (3) of section 3 and includes the Chairperson

(g) "Member Secretary" means the Member Secretary appointed under sub-section (1) of section 8.

(h) 'Mental Retardation means a condition of arrested or incomplete development of the mind which is specifically characterised by impairment of adaptive behaviour manifested during the developmental period which contributes to the overall level of intelligence, i.e cognitive, language, motor and Social abilities.

(i) "Notification" means a notification published in the Official gazette

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(j) “prescribed” means prescribed by regulations

(k) “recognised rehabilitation qualifications” means any of the qualifications included in the Schedule;

(l) “Register” means the Central Rehabilitation Register maintained under sub-section (1) of section 23.

(m) “regulations” means regulations made under this Act.

(ma) “Rehabilitation” refers to a process aimed at enabling persons with disabilities to reach and maintain their optimum physical, sensory, intellectual, psychiatric or social functional levels

Proposed Amendments

(j) No change

(k) No change

(l) *No change*

(m) *No change*

Reasons for Change

Act After Approval of Proposed Amendments

(j) “prescribed” means prescribed by regulations

(k) “recognised rehabilitation qualifications” means any of the qualifications included in the Schedule;

(l) “Register” means the Central Rehabilitation Register maintained under sub-section (1) of section 23.

(m) “regulations” means regulations made under this Act.

(ma) “Rehabilitation” refers to a process aimed at enabling persons with disabilities to reach and maintain their optimum physical, sensory, intellectual, psychiatric or social functional levels.

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The Act with Amendment 2000

(n) “rehabilitation professionals” means-

- i. Clinical Psychologists
- ii. Hearing aid and ear mould technicians
- iii. Audiologists and speech therapists
- iv. Rehabilitation engineers and technicians
- v. Special teachers for educating and training the handicapped
- vi. Vocational counselors, employment officers and placement officers dealing with handicapped
- vii. Multi-purpose rehabilitation therapists, technicians or

Proposed Amendments Include

(n) “rehabilitation professionals / **personnel**”

(V & VI) Handicapped should be replaced by `person with disability`

Reasons for Change

Applies to rehabilitation personnel also facilitates application to all teachers

Act After Approval of Proposed Amendments

(n) Rehabilitation professionals and personnel means

- i. Clinical Psychologists
- ii. Hearing aid and ear mould technicians
- iii. Audiologists and speech therapists
- iv. Rehabilitation engineers and technicians
- v. Special teachers for educating and training the handicapped
- vi. Vocational counselors, employment officers and placement officers dealing with persons with disabilities.
- vii. Multi-purpose rehabilitation therapists, technicians or

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- viii. Speech pathologists.
- ix. Rehabilitation psychologists
- x. Rehabilitation social workers.
- xi. Rehabilitation practitioners in Mental Retardation.
- xii. Orientation and mobility specialists.
- xiii. Community based rehabilitation professionals
- xiv. Rehabilitation counselors / Administrators
- xv. Prosthetics and orthotics.
- xvi. Rehabilitation workshop managers.

Proposed Amendments

No change

- xvii. Include ophthalmic technicians
- xviii. Rehabilitation care- givers
- xix. Therapeutic Recreation specialists
- xx. Add Medical Practitioners or professional / personnel registered with any recognized Council of Govt. of India (optional)
- xxi. Any other category of Professionals included from time to time

Reasons for Change

Already included in the schedule

The Act needs to keep up with the needs of persons with disability, hence these additional categories of professionals need to be included in the schedule.

Act After Approval of Proposed Amendments

- viii. Speech pathologists.
- ix. Rehabilitation psychologists
- x. Rehabilitation social workers.
- xi. Rehabilitation practitioners in Mental Retardation.
- xii. Orientation and mobility specialists.
- xiii. Community based rehabilitation professionals
- xiv. Rehabilitation counselors / Administrators
- xv. Prosthetics and orthotics.
- xvi. Rehabilitation workshop managers.

- xvii Any other category of Professionals included from time to time
- xviii. Ophthalmic technicians
- xix. Rehabilitation care- givers
- xx. Therapeutic Recreation Specialists
- xxi. Medical Practitioners or professional / personnel registered with any recognized Council of Govt. of India (optional)

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(o) Omitted

(p) Include

1(A) Words and expressions used and not defined in this Act but defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and full participation) Act, 1995 shall have the meanings respectively assigned to them in that Act.

Proposed Amendments

(No change)

(p) “Reasonable Accommodation” is defined as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms

No Change

Reasons for Change

Omitted vide “The rehabilitation Council of India (Amendments) Act 2000

This is in keeping with the UNCRPD (UN convention on rights of persons with disabilities) which has been signed and ratified by the Govt. of India.

note

rehabilitation personnel is a category for registration under Central Rehabilitation Register (CRR) certificate holder/ diploma holder (after 10th and 10+2,) in any of the above categories defined under section 2(n)

Act After Approval of Proposed Amendments

(o) Omitted

(p) Reasonable accommodation” is defined as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms
original numbering changes

note

rehabilitation personnel is a category for registration under Central Rehabilitation Register (CRR) certificate holder/ diploma holder (after 10th and 10+2,) in any of the above categories defined under section 2(n)

1(A) Words and expressions used and not defined in this Act but defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and full participation) Act, 1995 shall have the meanings respectively assigned to them in that Act.

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The Act with Amendments 2000

2. (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

2. (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

Chapter II – Preliminary

The Act with Amendments 2000

3. (1) With effect from such date as the Central Govt. may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Act a Council to be called the Rehabilitation Council of India
- (2) The Council shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

- (1) With effect from such date as the Central Govt. may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Act a Council to be called the Rehabilitation Council of India
- (2) The Council shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

Chapter II – Preliminary

The Act with Amendments 2000

3. The Council shall consist of the following members, namely –
- (a) A Chairperson from amongst persons having experience in administration with professional qualification in the field of rehabilitation, disabilities and special education, to be appointed by the Central Government.

Proposed Amendments

3. (a) Chairperson from amongst persons not exceeding 70 years of age having experience in administration with professional qualification and “experience” in the field of rehabilitation , disabilities and special education, to be appointed by the Central Government.
- N
E
W
- (aa) A Vice Chairperson from amongst persons having experience in administration with professional qualification and experience in the field of rehabilitation , disabilities and special education, to be appointed by the Central Government.

Reasons for Change

- 3 (a) Expands on criteria to include ‘experience’ in the field of rehabilitation lays down the limit of age ‘not exceeding 70 years of age’
- (aa) RCI has grown much in the last decade. A Vice Chairperson would facilitate Administration. He would chair meetings in the absence of the chairperson. He would also provide continuity and if found suitable by the Govt. he/she could be groomed for the appointment of Chairperson

Act After Approval of Proposed amendments

3. The Council shall consist of the following members, namely –
- (a) Chairperson from amongst persons not exceeding 70 years of age having experience in administration with professional qualification and “experience” in the field of rehabilitation , disabilities and special education, to be appointed by the Central Government.
- (aa) A Vice Chairperson from amongst persons having experience in administration with professional qualification and experience in the field of rehabilitation , disabilities and special education, to be appointed by the Central Government.

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The Act with Amendments 2000

3. (b) such number of members not exceeding seven, as may be nominated by the Central Government, to represent the Ministries of the Central Government dealing with matters relating to persons with disabilities.

Proposed Amendments

- 3.(b) Such number of members not exceeding seven, as may be nominated by the Central Government to represent the ministry of Social Justice and Empowerment, Health and Family Welfare, Human Resource Development and the remaining three ministries taken by rotation as required

A member not lower than the rank of Joint Secretary should represent the Ministry

Reasons for Change

Emphasizes the specific ministries more closely connected with disability and at the same time permits representation by other ministries on an 'as required' basis

To provide for reasonable level of interaction and intervention.

Act After Approval of Proposed Amendments

3 (b) Such number of members not exceeding seven, as may be nominated by the Central Government to represent the ministries of the Central Government dealing in matters relating to persons with disabilities to include

1. Social Justice and Empowerment
 2. Health and Family Welfare
 3. Human Resource Development
 4. Rural Development.
- and the remaining three ministries taken by rotation as required.

A member not lower than the rank of Joint Secretary should represent the Ministry.

Chapter I – Preliminary

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3. (c) one member to be appointed by the Central Govt. to represent the University Grants Commission
- (d) one member to be appointed by the Central Government to represent the Directorate General of Indian Council of Medical Research.
- (e) two members to be appointed by the Central Govt. to represent the Ministry or department of the states or the Union territories dealing with Social Welfare by rotation in alphabetical order.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

3. (c) one member to be appointed by the Central Govt. to represent the University Grants Commission
- (d) one member to be appointed by the Central Government to represent the Directorate General of Indian Council of Medical Research.
- (e) two members to be appointed by the Central Govt. to represent the Ministry or department of the states or the Union territories dealing with Social Welfare by rotation in alphabetical order.

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3. (f) such number of members not exceeding six as may be appointed by the central govt. from amongst the rehabilitation professionals working in voluntary organizations.

(g) such number of members not exceeding four as may be appointed by the Central Govt. from amongst the medical practitioners enrolled under the India Medical Council Act, 1956 and engaged in rehabilitation of the handicapped

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

Proposed Amendments

- f) Ten members representing all the recognized categories of disabilities with at least ten per cent of the total being persons with disabilities themselves or parents.
- g) Insert “representing 4 different specializations in the field of disability”. Delete “Handicap”.

No change

Reasons for Change

f) Need to include members representing all recognized categories of disabilities and need to include persons with disability themselves or parents

g) Need to include only those categories of medical practitioners who are dealing in rehabilitation of persons with disabilities.

Act After Approval of Proposed Amendments

f) Ten members as may be appointed by the Central Government representing all the recognized categories of disabilities with at least ten percent of the total being person with disabilities themselves or parents.

(g) such number of members not exceeding four as may be appointed by the Central Govt. from amongst the medical practitioners enrolled under the India Medical Council Act, 1956 and engaged in rehabilitation of persons with disability representing four different specializations in the field of disability.

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

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The Act with Amendments 2000

3. (i) such number of members not exceeding three as may be nominated by the Central Govt. from amongst the social workers who are actively engaged in assisting the disabled
(j) the Member-Secretary, ex officio

Proposed Amendments

(i) Social Workers involved in disability work

(j) one member from the Universities conducting disability related courses. (new member)

Numbering of original 'j' becomes 'k'

l) The Council shall constitute Regional State Level Committees for such areas as may be specified by it from time to time.

Reasons for Change

Simplifies the text without changing the meaning.

j) Need to ensure the opening up of higher education to disability related courses.

l) The Council needs to have some mechanism through which it can interact with and monitor the working of institutions in the States and apply corrective measures.

Act After Approval of Proposed Amendments

3 (i) Social workers involved in disability work not exceeding three as may be nominated by the Central Government

j) one member from the Universities conducting disability related courses. (new member)

k) The Member Secretary. Ex-officio.

l) The Council shall constitute Regional state Level committees for such areas as may be specified by it from time to time.

Chapter II – Preliminary

The Act with Amendments 2000

4. (1) The Chairperson or a member shall hold office for a term of two years from the date of his appointment or until his successor shall have been duly appointed, whichever is longer.

(2) A casual vacancy in the Council shall be filled in accordance with the provisions of section 3 and the person so appointed shall hold office only for the remainder of the term for which the member in whose place he was appointed would have held that office.

Proposed Amendments

4. (1) The Chairperson shall hold office for a term of five years with the provision of “to be extended up to two additional years”.

(2) No Change

Reasons for Change

Two years is too short a period to ensure desirable outcomes

Act After Approval of Proposed Amendments

4 (1)The Chairperson shall hold office for a term of five years from the date of his appointment with the provision to be extended upto two additional years.

(2) A casual vacancy in the Council shall be filled in accordance with the provisions of section 3 and the person so appointed shall hold office only for the remainder of the term for which the member in whose place he was appointed would have held that office.

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<u>The Act with Amendments 2000</u>	<u>Proposed Amendments</u>	<u>Reasons for Change</u>	<u>Act After Approval of Proposed Amendments</u>
<p>4. (3) The Council shall meet at least once in each year at such time and place as may be appointed by the Council and shall observe such rules of procedure in the transaction of business at a meeting as may be prescribed.</p> <p>(4) The Chairperson or, if for any reason, he is unable to attend the meeting of the Council, any member elected by the members present from amongst themselves at the meeting shall preside at the meeting.</p> <p>(5) All questions which come up before any meeting of the Council shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson, or in his absence, the person presiding shall have a second or casting vote.</p>	<p>4. (3) No Change</p> <p>4. (4) “The Vice chairperson” to chair the meeting in the absence of Chairperson. In the absence of both Chairperson & Vice-Chairperson any member elected by the members present from amongst themselves at the meeting shall preside over the meeting.</p> <p>4. (5) No change</p>	<p>4. (3) No Change</p> <p>4 (4) if the Vice Chairman is appointed it would be logical that he should chair the meeting in the absence of the Chairperson.</p> <p>4. (5) No change</p>	<p>4. (3) The Council shall meet at least once in each year at such time and place as may be appointed by the Council and shall observe such rules of procedure in the transaction of business at a meeting as may be prescribed.</p> <p>(4) “The Vice chairperson” to chair the meeting in the absence of Chairperson. In the absence of both Chairperson & Vice-Chairperson any member elected by the members present from amongst themselves at the meeting shall preside over the meeting.</p> <p>(5) All questions which come up before any meeting of the Council shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson, or in his absence, the person presiding shall have a second or casting vote.</p>

Chapter II – Preliminary

The Act with Amendments 2000

5. No person shall be a member if he-
- (a) is, or becomes, of unsound mind or is so declared by a competent court; or
 - (b) is, or has been convicted of any offence which in the opinion of the Central Government involves moral turpitude; or
 - (c) is, or at any time has been adjudicated as insolvent

Proposed Amendments

5(a) Should be deleted.

Include

5. Clause (d), Ceases to be enrolled on the Rehab Council of India and registered in the case of a member referred to in clause (f & i) of sub sec.3 of sec.3.

Reasons for Change

- 5 (a) A redundant and undesirable clause **Delete**

Act After Approval of Proposed Amendments

5 (a) deleted

(b) Is or has been convicted of any offence which in the opinion of the Central Government involves moral turpitude.

(c) Is, or at any time has been adjudicated as insolvent

5 (d) Ceases to be enrolled on the Rehab Council of India and registered in the case of a member referred to in clause (f & i) of sub sec.3 of sec.3

Chapter II – Preliminary

The Act with Amendments 2000

If a member-

6. (a) becomes subject to any of the disqualifications mentioned in section 5; or
(b) is absent without excuse, sufficient in the opinion of the Council from three consecutive meetings of the Council; or
(c) ceases to be enrolled on the Indian Medical Register in the case of a member referred to in clause (g) of sub-section (3) of section 3, His seat shall thereupon become vacant.

Proposed Amendments

Include

- 6 (d) Ceases to be a member if RCI, derecognizes the training institute he / she represents in the case of a member referred to in clause (f) of Sub-section (3) of Section (3)

Reasons for Change

- 6 (d) If a rehabilitation professional as general sec 3 (3) is in charge of an institute that is derecognized then it would be undesirable that he/she should continue as a Council member.

Act After Approval of Proposed Amendments

6.If a member-

- (a) becomes subject to any of the disqualifications mentioned in section 5; or
(b) is absent without excuse, sufficient in the opinion of the Council from three consecutive meetings of the Council; or
(c) ceases to be enrolled on the Indian Medical Register in the case of a member referred to in clause (g) of sub-section (3) of section 3,

- (d) Ceases to be a member if RCI, derecognizes the training institute he / she represents in the case of a member referred to in clause (f) of Sub-section (3) of Section (3)
His seat shall thereupon become vacant.

Chapter II – Preliminary

The Act with Amendments 2000

7. (1) The Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act.
- (2) The Executive Committee shall consist of the Chairperson who shall be member ex officio and not less than seven and not more than ten members who shall be nominated by the Council from amongst its members.
- (3) The Chairperson shall be the Chairperson of the Executive Committee

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

7. (1) The Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act.
- (2) The Executive Committee shall consist of the Chairperson who shall be member ex officio and not less than seven and not more than ten members who shall be nominated by the Council from amongst its members.
- (3) The Chairperson shall be the Chairperson of the Executive Committee.

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(4) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee or any other committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

(4) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee or any other committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

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Proposed Amendments

Include

7. (5) Regional / State chapters of the RCI shall be established with the appropriate infrastructure and staff as may be decided by the Council.
- a) Under the Regional / State chapter, a committee will be constituted. The committee shall consist of inter-alia an officer of the civil services of the Union or of a State, not below the rank of the Director or Commissioner of disability having good experience in disability area.
 - b) The Convenor of the Chapter will be a representative of the RCI as its employee.
 - c) A representative of the State Assembly,
 - d) A representative of an organization registered with the Council
 - e) A person with disability as defined in clause (h) of sec. 2 of the RCI Act.
 - f) A parent of person with disability.
 - g) A Regional / State Level committee shall continue to work for a period of three years from the date of its constitution or till such time it is reconstituted by the Council.
 - h) The Regional / State Level Committee shall meet at least once in every three months or at such interval as may be prescribed.
 - i) Functions of the Regional / State Chapters shall be such as delegated and directed by the Council.

Reasons for Change

- The Council is not able to carry out its functions in the States and UTs without adequate means to coordinate, monitor, communicate with its institutions and to apply corrective measures.
- In the composition of Regional/State Chapters it was felt that persons with disability and their parents needed to be part of such organizations so as to ensure right outcomes.
- Functions and manner of working will be elaborated on approval of institution of these bodies.
- Till then recommendation made at 3(l) will be necessary.

Act After Approval of Proposed Amendments

- 7 (5) (5) Regional / State chapters of the RCI shall be established with the appropriate infrastructure and staff as may be decided by the Council.
- a) Under the Regional / State chapter, a committee will be constituted. The committee shall consist of inter-alia an officer of the civil services of the Union or of a State, not below the rank of the Director or Commissioner of disability having good experience in disability area.
 - b) The Convenor of the Chapter will be a representative of the RCI as its employee.
 - c) A representative of the State Assembly,
 - d) A representative of an organization registered with the Council
 - f) A parent of person with disability.
 - g) A Regional / State Level committee shall continue to work for a period of three years from the date of its constitution or till such time it is reconstituted by the Council.
 - h) The Regional / State Level Committee shall meet at least once in every three months or at such interval as may be prescribed.
 - i) Functions of the Regional / State Chapters shall be such as delegated and directed by the Council.

Till then recommendation of made at 3(l) will be necessary.

Chapter II – Preliminary

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8. (1) the Central Government shall appoint the Member secretary of the Council to exercise such powers and perform such duties and the direction of the council as may be prescribed or as may be delegated to him by the Chairperson
(2) The Council shall, with the previous sanction of the Central Government employ such officers and other employees as it deems necessary to carry out the purpose of this Act

Proposed Amendments

8. Member Secretary equivalent to the appointment of Joint Secretary` shall be inserted

Reasons for Change

Equivalence of the Member Secretary as in the National Trust is desirable.

Act After Approval of Proposed Amendments

8.The Central Government shall appoint the Member Secretary of the Council to exercise such powers and perform such duties under the direction of the Council as may be prescribed or as may be delegated to him by the Chairperson. The appointment of Member Secretary shall be equivalent to that of Joint Secretary.

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8. (3) The Council shall with the previous sanction of the central government fix the allowance to be paid to the Chairperson and other members and determine the conditions of service of the Member Secretary, officers and other employees of the Council.

Proposed Amendments

8. (3) Salary of the Chairperson shall be equivalent to the basic pay of the Secretary to the Government of India.
- Provided that where the Chairperson is a retired person from the Central Government or a State Government or Union Territory administration or semi government body or public sector undertaking or recognized research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed the basic pay of Secretary of the Govt. of India.
 - Salary of the Vice chairperson shall be equivalent to the basic pay scale of the Additional Secretary to the Government of India.
 - Provided that where the Vice Chairperson is a retired person from the Central Government or a State Government or Union Territory administration or semi government body or public sector undertaking or recognized research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed the basic pay of Additional Secretary of the Govt. of India.

Reasons for Change

Chairman of RCI and Chairpersons of other apex level national bodies like the Chairperson of the National Trust & the CCD are provided with the facilities as are admissible to Secretaries to the Govt. of India. Chairperson National Trust and CCD are receiving salaries admissible to secretaries, Govt. of India.

Not paying an equivalent salary to Chairman, RCI is discriminatory and unjust.

There has been a major increase in the quantum of work and the number of institutions that the RCI has to work with since the time when the Act was promulgated.

Salaries of Chairman & Vice-Chairman should therefore be equivalent to Secretary & Additional Secretary, Govt. of India. Till this decision is taken allowances as recommended by the Council needs to be paid.

Act After Approval of Proposed Amendments

- (3) Salary of the Chairperson shall be equivalent to the basic pay of the secretary to the Government of India. Provided that where the Chairperson is a retired person from the Central Government or a State Government or Union Territory administration or semi government body or public sector undertaking or recognized research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed the basic pay of Secretary of the Govt. of India.
- Salary of the Vice Chairperson shall be equivalent to the basic pay scale of the Additional Secretary to the Government of India.
 - Provided that where the Vice Chairperson is a retired person from the Central Government or a State Government or Union Territory administration or semi government body or public sector undertaking or recognized research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed the basic pay of Additional Secretary of the Govt. of India.
- (4) Till such time as sec 8(3) comes into force the Council shall with the sanction of the Central Government fix the allowance to be paid to the Chairperson, Vice Chairperson and other members.

Chapter II – Preliminary

The Act with Amendments 2000

Proposed Amendments Include

8. (5) The Chairman shall function as Head of the Department and Member Secretary as Head of the Office / administration

Reasons for Change

Act After Approval of Proposed Amendments

- 8 (5) The Chairman shall function as Head of the Department and Member Secretary as Head of the Office / administration

Chapter II – Preliminary

The Act with Amendments 2000

9. No act or proceedings of the Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council or a committee thereof as the case may be.

Proposed Amendments

No change

Reasons for Change

No change

Act After Approval of Proposed Amendments

No act or proceedings of the Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council or a committee thereof as the case may be.

Chapter II – Preliminary

The Act with Amendments 2000

10.(1) On and from the date of the constitution of the Council, the Rehabilitation Council shall stand dissolved and on such dissolution-
(a) all properties and assets, movable and immovable of or belonging to the Rehabilitation Council shall vest in the council
(b) all the rights and liabilities of the Rehabilitation Council shall be transferred to, and be the rights and liabilities of the Council.

Proposed Amendments

No Change

Reasons for Change

Act After Approval of Proposed Amendments

1) On and from the date of the constitution of the Council, the Rehabilitation Council shall stand dissolved and on such dissolution-
(a) all properties and assets, movable and immovable of or belonging to the Rehabilitation Council shall vest in the Council
(b) all the rights and liabilities of the Rehabilitation Council shall be transferred to, and be the rights and liabilities of the Council.

Chapter II – Preliminary

The Act with Amendments 2000

(c) without prejudice to the provisions of clause (b) all liabilities incurred, all contracts entered into on all matters and things engaged to be done by, with or for the Rehabilitation Council immediately before that date, for or in connection with the purposes of the said Rehabilitation Council shall be deemed to have been incurred, entered into, or engaged to be done by with or for the Council.

(d) all sums of money due to the Rehabilitation Council immediately before that date shall be deemed to be due to the Council

Proposed Amendments

No Change

Reasons for Change

Act After Approval of Proposed Amendments

(c) without prejudice to the provisions of clause (b) all liabilities incurred, all contracts entered into on all matters and things engaged to be done by, with or for the Rehabilitation Council immediately before that date, for or in connection with the purposes of the said Rehabilitation Council shall be deemed to have been incurred, entered into, or engaged to be done by with or for the Council.

(d) all sums of money due to the Rehabilitation Council immediately before that date shall be deemed to be due to the Council

Chapter II – Preliminary

The Act with Amendments 2000

- e) All suits and other legal proceedings instituted or which could have been instituted by or against the rehabilitation Council immediately before that date may be continued or may be instituted by or against the Council; and
- (f) Every employee holding any office under the Rehabilitation Council immediately before that date shall hold his office in the Council by same tenure and upon the same terms and conditions of services as respects remuneration , leave, provident fund, retirement and other terminal benefits as he would have shall continue to do so as an employee of the Council or until the expiry of a period of six months from that date if such employee opts not be the employee of the Council within such period.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

- e) All suits and other legal proceedings instituted or which could have been instituted by or against the rehabilitation Council immediately before that date may be continued or may be instituted by or against the Council; and
- (f) Every employee holding any office under the Rehabilitation Council immediately before that date shall hold his office in the Council by same tenure and upon the same terms and conditions of services as respects remuneration , leave, provident fund, retirement and other terminal benefits as he would have shall continue to do so as an employee of the Council or until the expiry of a period of six months from that date if such employee opts not be the employee of the Council within such period.

Chapter II – Preliminary

The Act with Amendments 2000

10.(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, absorption of any employee by the Council in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

Proposed Amendments

No Change

Reasons for Change

Act After Approval of Proposed Amendments

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, absorption of any employee by the Council in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

Chapter II – Preliminary

The Act with Amendments 2000

Explanation – In this section, “Rehabilitation Council” means the Rehabilitation Council, a society formed and registered under the Societies Registration Act, 1860 and functioning as such immediately before the constitution of the Council.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

Explanation – In this section, “Rehabilitation Council” means the Rehabilitation Council, a society formed and registered under the Societies Registration Act, 1860 and functioning as such immediately before the constitution of the Council.

Chapter III – Functions of the Council

The Act with Amendments 2000

11.(1) The qualifications granted by any University or other institutions in India which are included in the Schedule shall be recognized qualifications for rehabilitation professionals.

Proposed Amendments

Reasons for Change

Act After Approval of Proposed Amendments

11.(1) The qualifications granted by any University or other institutions in India which are included in the Schedule shall be recognized qualifications for rehabilitation professionals.

Chapter III – Functions of the Council

The Act with Amendments 2000

11.(2) Any University or other institutions which grants qualifications for rehabilitation professionals not included in the schedule may apply to the Council to have any such qualification recognized and the Council may by notification for amend the schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last columns of the schedule against such qualification only when granted after a specified date.

Proposed Amendments

11.(2) Apply to the Council in place of Central Government.

Reasons for Change

It is a matter to be handled at the level of Council.

Act After Approval of Proposed Amendments

2) Any University or other institutions which grants qualifications for the rehabilitation professionals not included in the schedule may apply to the Council to have any such qualification recognized and the Central Government, may by notification amend the schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last columns of the schedule against such qualification only when granted after a specified date.

Chapter III – Functions of the Council

The Act with Amendments 2000

Proposed Amendments

11(3) Functions of the Council

It shall be the duty of the Council to take such steps as it may deem necessary for ensuring development, promotion, facilitation, standardization, accreditation, recognition, regulation, examination and certification, registration, research, and evolution of policies, programmes and strategies of human resource development with the intention to:-

- Promote development of resources and materials in accessible formats and of universal design
- Establish academic cells / bureaus to promote academic and professional excellence in human resource development pertaining to different professional categories allocated to the Council.
- Constitute an examination body for the purpose of conducting examinations.
- d) Apply the principle of reasonable accommodation with respect to persons with disabilities in matters of training and evaluation.
- e) To institute, offer or grant prizes, scholarships, fellowships, awards, honours and stipends in furtherance of its functions.
- f) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the UN Convention for the rights of persons with disabilities so as to better provide the assistance and services guaranteed by those rights
- g) To encourage institutions to develop human resources in disability.
- h) To promote the inclusion of disability issues in all policies, programs and strategies relating to human resource development through systemic changes.
- i) To provide consultation and expertise to all organizations involved in human resource development to address the training needs of persons with disabilities in India and abroad particularly in SAARC and developing countries under bilateral agreements.
- j) Ensure that training programmes promote the dignity, autonomy, non-discrimination, participation, accessibility, equality and inclusion of persons with disabilities.

Reasons for Change

11(3) Function of RCI needs to be recorded as part of the Act. We are already carryout these function. This needs to be rationalized .

Act After Approval of Proposed Amendments

11(3) Functions of the Council

It shall be the duty of the Council to take such steps as it may deem necessary for ensuring development, promotion, facilitation, standardization, accreditation, recognition, regulation, examination and certification, registration, research, and evolution of policies, programmes and strategies of human resource development with the intention to:-

- Promote development of resources and materials in accessible formats and of universal design
- Establish academic cells / bureaus to promote academic and professional excellence in human resource development pertaining to different professional categories allocated to the Council.
- Constitute an examination body for the purpose of conducting examinations.
- d) Apply the principle of reasonable accommodation with respect to persons with disabilities in matters of training and evaluation.
- e) To institute, offer or grant prizes, scholarships, fellowships, awards, honours and stipends in furtherance of its functions.
- f) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the UN Convention for the rights of persons with disabilities so as to better provide the assistance and services guaranteed by those rights
- g) To encourage institutions to develop human resources in disability.
- h) To promote the inclusion of disability issues in all policies, programs and strategies relating to human resource development through systemic changes.
- i) To provide consultation and expertise to all organizations involved in human resource development to address the training needs of persons with disabilities in India and abroad particularly in SAARC and developing countries under bilateral agreements.
- j) Ensure that training programmes promote the dignity, autonomy, non-discrimination, participation, accessibility, equality and inclusion of persons with disabilities.

Chapter III – Functions of the Council

The Act with Amendments 2000

12. The Council may enter into negotiations with the authority in any country outside India for setting up of a scheme of reciprocity for the recognition of qualifications and in pursuance of any such scheme, the Central Govt. may, by notification, amend the Schedule so as to include therein any qualification which the Council has decided should be recognized, and by such notification may also direct that an entry shall be made in the last column of the Schedule declaring that it shall be the recognized qualification only when granted after a specific date.

Proposed Amendments

Reasons for Change

Act After Approval of Proposed Amendments

12. The Council may enter into negotiations with the authority in any country outside India for setting up of a scheme of reciprocity for the recognition of qualifications and in pursuance of any such scheme, the Central Govt. may, by notification, amend the Schedule so as to include therein any qualification which the Council has decided should be recognized, and by such notification may also direct that an entry shall be made in the last column of the Schedule declaring that it shall be the recognized qualification only when granted after a specific date.

Chapter III – Functions of the Council

The Act with Amendments 2000

13. (1) Subject to the other provision contained in this Act, any qualification included in the Schedule shall be sufficient qualification for enrolment on the Register.

(2). No person, other than the rehabilitation professional who possesses a recognized rehabilitation qualification and is enrolled on the Register,--

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

13. (1) Subject to the other provision contained in this Act, any qualification included in the Schedule shall be sufficient qualification for enrolment on the Register.

(2) No person, other than the rehabilitation professional who possesses a recognised rehabilitation qualification and is enrolled on the register

Chapter III – Functions of the Council

The Act with Amendments 2000

13.2 (a). shall hold office as rehabilitation professional or any such office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b). shall practice as rehabilitation professional anywhere in India;

Proposed Amendments

13.2(a) Include Personnel with Professionals

b). Include Personnel with Professionals

Reasons for Change

Personnel need to be included because they also have a role to play.

Act After Approval of Proposed Amendments

13.2 (a). shall hold office as rehabilitation professional/ personnel or any such office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b). shall practice as rehabilitation professional/ personnel anywhere in India;

Chapter III – Functions of the Council

The Act with Amendments 2000

13.c). shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a rehabilitation professional;

Proposed Amendments

13.c). shall be entitled to sign or authenticate certificates required by law to be signed.

Reasons for Change

Simplification of language without change of meaning.

Act After Approval of Proposed Amendments

13.c). shall be entitled to sign or authenticate certificates required by law to be signed.

Chapter III – Functions of the Council

The Act with Amendments 2000

13. d). shall be entitled to give any evidence in any court as an expert under section 45 of the Indian Evident Act, 1872 on any matter relating to the handicapped:

Provided that if a person possesses the recognized rehabilitation professional/ personnel qualifications on the date of commencement of this Act, he shall be deemed to be an enrolled rehabilitation professional/ personnel for a period of six months from such commencement, and if he has made an application for enrolment on the Register within said period of six months, till such application is disposed of.

Proposed Amendments

13. d). Substitute Persons with disabilities in place of handicapped.

Reasons for Change

Self explanatory

Act After Approval of Proposed Amendments

d). shall be entitled to give any evidence in any court as an expert under section 45 of the Indian Evident Act, 1872 on any matter relating to the Persons with Disabilities:

Provided that if a person possesses the recognized rehabilitation professional/ personnel qualifications on the date of commencement of this Act, he shall be deemed to be an enrolled rehabilitation professional/ personnel for a period of six months from such commencement, and if he has made an application for enrolment on the Register within said period of six months, till such application is disposed of.

Chapter III – Functions of the Council

<u>The Act with Amendments 2000</u>	<u>Proposed Amendments</u>	<u>Reasons for Change</u>	<u>Act After Approval of Proposed Amendments</u>
<p>13.2(A) Notwithstanding anything contained in sub-section (2), any person being a doctor or a paramedic in the field of physical medicine and rehabilitation, orthopaedics, ear, nose or throat (ENT), Opthamology or Psychiatry, employed or working in any hospital or establishment owned or controlled by the Central Government or a State Government or any other body funded by the Central or a State Government and notified by the Central Government, may discharge the functions referred to in clauses (a) to (d) of that sub-section(3)</p>	<p>No change</p>		<p>13.2(A) Notwithstanding anything contained in sub-section (2), any person being a doctor or a paramedic in the field of physical medicine and rehabilitation, orthopaedics, ear, nose or throat (ENT), Opthamology or Psychiatry, employed or working in any hospital or establishment owned or controlled by the Central Government or a State Government or any other body funded by the Central or a State Government and notified by the Central Government, may discharge the functions referred to in clauses (a) to (d) of that sub-section(3)</p>

Chapter III – Functions of the Council

The Act with Amendments 2000

13. (3) Any person who acts in contravention of any provision of subsection (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Proposed Amendments

No change

Include

13. (4.) Where an offence under this Act has been committed by training institutions, every person, who was incharge at the time when the offence was committed, and was responsible, for the conduct of that Institute, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished under Sub-section 3.

Reasons for Change

Greater culpability of institutions hence need to fix penalties for failure.

Act After Approval of Proposed Amendments

13. (4.) Where an offence under this Act has been committed by training institutions, every person, who was incharge at the time when the offence was committed, and was responsible, for the conduct of that Institute, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished under Sub-section 3.

Chapter III – Functions of the Council

The Act with Amendments 2000

14. Every University or institution in India which grants a recognized qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

14. Every University or institution in India which grants a recognized qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Chapter III – Functions of the Council

The Act with Amendments 2000

15.(1). The Council shall appoint such number of Inspectors as it may deem requisite to inspect any University or institution where education for practicing as rehabilitation professionals is given or to attend any examination held by any university or institute for the purposes of recommending to the Central Govt. recognition of qualifications granted by that university or institution as recognized rehabilitation qualifications.

Proposed Amendments

15.(1) Inspector word to be replaced by Experts

Reasons for Change

A better word

Act After Approval of Proposed Amendments

15.(1). The Council shall appoint such number of experts as it may deem requisite to inspect any University or institution where education for practicing as rehabilitation professionals is given or to attend any examination held by any university or institute for the purposes of recommending to the Central Govt. recognition of qualifications granted by that university or institution as recognized rehabilitation qualifications.

Chapter III – Functions of the Council

The Act with Amendments 2000

- (2) The inspectors appointed under sub-section (1) shall not interfere with the conduct of any training or examination but shall report to the Council on the adequacy of the standards of education including staff, equipment accommodation, training and other facilities prescribed for giving such education or of the sufficiency of every examination which they attend.
- (3) The Council shall forward a copy of the report of the Inspector under sub-section 2) to the University or institution concerned and shall also forward a copy with the remarks of the university or the institution thereon, to the Central Government.

Proposed Amendments

Word inspectors/ inspector to be replaced by experts/ expert.

Reasons for Change

Self explanatory

Act After Approval of Proposed Amendments

- 2) The experts appointed under sub-section (1) shall not interfere with the conduct of any training or examination but shall report to the Council on the adequacy of the standards of education including staff, equipment accommodation, training and other facilities prescribed for giving such education or of the sufficiency of every examination which they attend.
- (3) The Council shall forward a copy of the report of the expert under sub-section 2) to the University or institution concerned and shall also forward a copy with the remarks of the university or the institution thereon, to the Central Government.

Chapter III – Functions of the Council

The Act with Amendments 2000

16.(1) The Council may appoint such member of visitors as it may deem requisite to inspect any University or institution wherein education for rehabilitation professionals is given or attend any examination for the purpose of granting recognized rehabilitation qualification.

(2) Any person, whether he is a member of the Council or not, may be appointed as a Visitor under sub-section (1) but a person who is appointed as an Inspector under sub-section(1) of section 15 for any inspection or examination shall not be appointed as a Visitor for the same inspection or examination.

Proposed Amendments

Replace word visitor/s with expert/s.

Reasons for Change

Expert conveys the right meaning for the task as opposed to visitor.

Act After Approval of Proposed Amendments

1) The Council may appoint such member of experts as it may deem requisite to inspect any University or institution wherein education for rehabilitation professionals is given or attend any examination for the purpose of granting recognized rehabilitation qualification.

(2) Any person, whether he is a member of the Council or not, may be appointed as an expert under sub-section (1) but a person who is appointed as an expert Inspector under sub-section(1) of section 15 for any inspection or examination shall not be appointed as an expert for purposes as given at sub sec-1 of sec 16

Chapter III – Functions of the Council

The Act with Amendments 2000

16.(3) The Visitor shall not interfere with the conduct of any training or examination but shall report to the Chairperson on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education to the rehabilitation professional or on sufficiency of every examination which they attend.

(4) The report of a Visitor shall be treated as confidential unless in any particular case the Chairperson otherwise, directs:

Provided that if the Central Govt. requires a copy of the report of a Visitor, the Council shall furnish the same

Proposed Amendments

Replace visitor with expert

Reasons for Change

Already given

Act After Approval of Proposed Amendments

(3) The expert appointed under sub section of sec 16 shall not interfere with the conduct of any training or examination but shall report to the Chairperson on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education to the rehabilitation professional or on sufficiency of every examination which they attend.

(4) The report of an expert or shall be treated as confidential unless in any particular case the Chairperson otherwise, directs:

Provided that if the Central Govt. requires a copy of the report of an expert, the Council shall furnish the same

Chapter III – Functions of the Council

The Act with Amendments 2000

17.(1) When upon report by the Inspector or the Visitor it appears to the Council—
(a) that the courses of study and examination to be undergone or the proficiency required from candidates at any examination held by any University or institution or
(b) that the staff, equipment, accommodation training and other facilities for instruction and training provided in such University or institution, Do not conform to the standard prescribed by the Council; the Council shall make a representation to that effect to the Central Govt.

Proposed Amendments

Inspector word to be replaced by expert (expert shall be from concerned disability specialization)

shall take action as deemed fit and will keep the central Government informed if considered necessary.

Reasons for Change

RCI is a statutory body and should be allowed to act in a responsible manner in issues which are part of its mandate.

Act After Approval of Proposed Amendments

(1) When upon a report by an expert it appears to the Council—
(a) that the courses of study and examination to be undergone or the proficiency required from candidates at any examination held by any University or institution or
(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University or institution, do not conform to the standard prescribed by the Council; the Council shall take action as deemed fit and will keep the Central Government informed if considered necessary.

Chapter III – Functions of the Council

The Act with Amendments 2000

17.(2) After considering such representation, the Central Govt. may send it to the university or institution with an intimation of the period within which the university or institution may submit its explanation to that Govt.

Proposed Amendments

After receiving such information from the Council the Central Government may advise the Council as to what it considers needs to be done to rectify the situation.

* (Like presence or otherwise of core staff, visiting staff, accessibility, sound financial base, good library with necessary books covering specified subjects, model school for practical etc. These are best handled by the Council.)

Reasons for Change

These are matters that concern the Council and its mandate. The Council is well equipped to handle such matters. If the issue has serious outcomes the Council must keep the Government informed and if the Govt. feels it necessary it can always step in and advise the Council accordingly.

Act After Approval of Proposed Amendments

After receiving such information from the Council the Central Government may advise the Council as to what it considers needs to be done to rectify the situation.

Chapter III – Functions of the Council

17. (3) On the receipt of the explanation or where no explanation is submitted within the period fixed then, on the expiry of that period, the Central Govt. after making such further inquiry, if any, as it may think fit, may, by notification, direct that an entry shall be made in the Schedule against the said recognized rehabilitation qualification declaring that is shall be the recognized rehabilitation qualification only when granted before a specified date or that the said recognized rehabilitation qualification if granted to students of a specified University or institution shall be recognized rehabilitation qualification only when granted before a specified date, or as the case may be, that the said recognized rehabilitation qualification shall be a recognized rehabilitation qualification in relation to a specified University or institution only when granted after a specified date.

Proposed Amendments

Replace central Govt. with Council.

Reasons for Change

Already explained

Act After Approval of Proposed Amendments

17. (3) On the receipt of the explanation or where no explanation is submitted within the period fixed then, on the expiry of that period, the Council after making such further inquiry, if any, as it may think fit, may, by notification, direct that an entry shall be made in the Schedule against the said recognized rehabilitation qualification declaring that is shall be the recognized rehabilitation qualification only when granted before a specified date or that the said recognized rehabilitation qualification if granted to students of a specified University or institution shall be recognized rehabilitation qualification only when granted before a specified date, or as the case may be, that the said recognized rehabilitation qualification shall be a recognized rehabilitation qualification in relation to a specified University or institution only when granted after a specified date.

Chapter III – Functions of the Council

The Act with Amendments 2000

18. The Council may prescribe the minimum standards of education required for granting recognized rehabilitation qualification by University or institution in India.

Proposed Amendments

No Change

Reasons for Change

Act After Approval of Proposed Amendments

18. The Council may prescribe the minimum standards of education required for granting recognized rehabilitation qualifications by universities or institution in India.

Chapter III – Functions of the Council

The Act with Amendments 2000

19. The Member-Secretary of the Council may, on receipt of an application made by any person in the prescribed manner enter his name in the Register provided that the Member-Secretary is satisfied that such person possesses the recognized rehabilitation qualification.

“Provided that the Council shall register vocational instructors and other personnel working in the vocational rehabilitation centres under the Minister of Labour on recommendation of that Ministry and recognise the vocational rehabilitation centres as manpower development centres:

Provided further that the Council shall register personnel working in national institutes and apex institutions on disability under the Ministry of Social Justice and Empowerment on recommendation of that Ministry and recognise the national institutes and apex institutions on disability as manpower development centres”

Proposed Amendments

Include

19. For the Purpose of renewal of registration, applicant shall be required to complete prescribed number of continuing rehabilitation education programmes or equivalent thereof as per the prevailing guidelines of the Council.

Reasons for Change

Continued Rehabilitation Education is necessary for professionals to update their knowledge and skills. Detailed guidelines have been issued on the subject.

Act After Approval of Proposed Amendments

The Member-Secretary of the Council may, on receipt of an application made by any person in the prescribed manner enter his name in the Register provided that the Member-Secretary is satisfied that such person possesses the recognized rehabilitation qualification.

“Provided that the Council shall register vocational instructors and other personnel working in the vocational rehabilitation centres under the Minister of Labour on recommendation of that Ministry and recognise the vocational rehabilitation centres as manpower development centres:

Provided further that the Council shall register personnel working in national institutes and apex institutions on disability under the Ministry of Social Justice and Empowerment on recommendation of that Ministry and recognise the national institutes and apex institutions on disability as manpower development centres”.

For the Purpose of renewal of registration, applicant shall be required to complete prescribed number of continuing rehabilitation education programmes or equivalent thereof as per the prevailing guidelines of the Council.

Chapter III – Functions of the Council

The Act with Amendments 2000

20. Subject to the conditions and restrictions laid down in this Act regarding engagement in the area of rehabilitation of the disabled by persons possessing the recognized rehabilitation qualifications, every person whose name is for the time being borne on the Central Register shall be entitled to practice as a rehabilitation professional in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled

Proposed Amendments

20. In place of “handicapped”, “persons with disability” to be inserted.
Delete “and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments on other appliances or any fees to which he may be entitled”

Include

Rehabilitation professionals and personnel shall be compensated by the employing authority in accordance with their qualification and services rendered.

Reasons for Change

1. Persons with Disability is a more acceptable term.
2. Deletion of underlined position in Col 1 for the following reasons:-
 - a) Terminology is very medical model oriented
 - b) Working in its present form may permit misuse and overcharging.

Act After Approval of Proposed Amendments

20. Subject to the conditions and restrictions laid down in this Act regarding engagement in the area of rehabilitation of the disabled by persons possessing the recognized rehabilitation qualifications, every person whose name is for the time being borne on the Central Register shall be entitled to practice as a rehabilitation professional in any part of India. Rehabilitation professionals and personnel shall be compensated by an employing authority in accordance with their qualification and services rendered.

Chapter III – Functions of the Council

The Act with Amendments 2000

21.(1) the Council may prescribe standards of professional conduct and etiquette and a code of ethics for rehabilitation professionals.

(2) Regulation made by the Council under subsection (1) may specify which violation thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct and such provision shall have effect notwithstanding anything contained in any another law

Proposed Amendments

No change

No change

Reasons for Change

Act After Approval of Proposed Amendments

(1) the Council may prescribe standards of professional conduct and etiquette and a code of ethics for rehabilitation professionals.

(2) Regulations made by the Council under subsection (1) may specify which violation thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct and such provision shall have effect notwithstanding anything contained in any another law

Chapter III – Functions of the Council

The Act with Amendments 2000

21. (3) the Council may order that the name of any person shall be removed from the Register where it is satisfied, after giving that person a reasonable opportunity of being heard and after such further inquiry if any, as it may deem fit to make,--
21. (3) (i) that his name has been entered in the Register by error or on account of misrepresentation or suppression of a material fact;
- (3) (ii) that he has been convicted of any offence or had been guilty of any infamous conduct in any professional respect, or had violated the standards of professional conduct and etiquette or the code of ethics prescribed under subsection (1) which, in the opinion of the Council, renders him unfit to be kept in the Register.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

- (3) the Council may order that the name of any person shall be removed from the Register where it is satisfied, after giving that person a reasonable opportunity of being heard and after such further inquiry if any, as it may deem fit to make,--
21. (3) (i) that his name has been entered in the Register by error or on account of misrepresentation or suppression of a material fact;
- (3) (ii) that he has been convicted of any offence or had been guilty of any infamous conduct in any professional respect, or had violated the standards of professional conduct and etiquette or the code of ethics prescribed under subsection (1) which, in the opinion of the Council, renders him unfit to be kept in the Register.

Chapter III – Functions of the Council

The Act with Amendments 2000

21.(4) An order under sub-section (3) may direct that any person whose name is ordered to be removed from the Register shall be ineligible for registration under this Act either permanently for such period of years as may be specified.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

21.(4) An order under sub-section (3) may direct that any person whose name is ordered to be removed from the Register shall be ineligible for registration under this Act either permanently for such period of years as may be specified.

Chapter III – Functions of the Council

The Act with Amendments 2000

22. (1) where the name of any person has been removed from the Register on any ground other than that he is not possessed of the requisite rehabilitation qualifications, he may appeal, in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee; as may be prescribed to the Central Government whose decision thereon shall be final.

(2) No appeal under sub-section (1) shall be admitted if it is preferred after the expiry of a period of the sixty days from the date of the order under sub-section (3) of section 21:

Proposed Amendments

Provided that an appeal may be admitted after the expiry of the said period of sixty days if the appellant satisfies the Central Govt. that he had sufficient cause for not preferring the appeal within the said period

Reasons for Change

Reasonable accommodation

Act After Approval of Proposed Amendments

(1) where the name of any person has been removed from the Register on any ground other than that he is not possessed of the requisite rehabilitation qualifications, he may appeal, in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee; as may be prescribed to the Central Government whose decision thereon shall be final.

(2) No appeal under sub-section (1) shall be admitted if it is preferred after the expiry of a period of the sixty days from the date of the order under sub-section (3) of section-21

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfies the Central Govt. that he had sufficient cause for not preferring the appeal within the said period.

Chapter III – Functions of the Council

The Act with Amendments 2000

23. (1) It shall be the duty of the Member-Secretary to keep and maintain the Register in accordance with the provision of this Act and any order made by the Council and from time to time to revise the Register and publish it in the Official Gazette.
(2) The Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy thereof.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

(1) It shall be the duty of the Member-Secretary to keep and maintain the Register in accordance with the provision of this Act and any order made by the Council and from time to time to revise the Register and publish it in the Official Gazette.
(2) The Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy thereof.

Chapter III – Functions of the Council

The Act with Amendments 2000

24.(1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Govt. as that Govt. may require.

(2) The Central Govt. may publish in such manner as it may think fit, any report, and copy, abstract or other information furnished to it by the Council under this section or under section 16.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

(1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Govt. as that Govt. may require.

(2) The Central Govt. may publish in such manner as it may think fit, any report, and copy, abstract or other information furnished to it by the Council under this section or under section 16.

Chapter III – Functions of the Council

The Act with Amendments 2000

26. No suit, prosecution or other legal proceeding shall lie against the Central Govt. Council, Chairperson, members, Member-Secretary or any officer or the other employees of the Council for anything which is in good faith done or intended to be done under this Act.
27. The Chairperson, members, Member-Secretary, officers and other employees of the Council shall, while acting or purposing to act in pursuance of the provisions of this Act or of any rule and regulation made there under, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Proposed Amendments

No change

No change

Reasons for Change

Act After Approval of Proposed Amendments

26. No suit, prosecution or other legal proceeding shall lie against the Central Govt. Council, Chairperson, members, Member-Secretary or any officer or the other employees of the Council for anything which is in good faith done or intended to be done under this Act.
27. The Chairperson, members, Member-Secretary, officers and other employees of the Council shall, while acting or purposing to act in pursuance of the provisions of this Act or of any rule and regulation made there under, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chapter III – Functions of the Council

The Act with Amendments 2000

28. The Central Govt. may, by notification, make rules to carry out the purposes of this Act.

Proposed Amendments

Include

28.(1) receive from Central Government an appropriate contribution for a corpus the interest earning whereof shall be utilized to promote and encourage development of human resources in disability.

28. (2) all moneys received from the Central Government, all moneys received by the Council by way of grants, gifts, donations, beneficiaries, bequests and transfer, all moneys received by the Council in any other manner or from any other source all moneys received from any source shall be exempted from income tax under the **Income Tax Act**

Reasons for Change

Govt. of India has not made Rules to the Act.

Act After Approval of Proposed Amendments

28. The Central Govt. may, by notification, make rules to carry out the purposes of this Act.

28.(1) The Council shall receive from Central Government an appropriate contribution for a corpus the interest earning whereof shall be utilized to promote and encourage development of human resources in disability.

28. (2) All moneys received by the Council from the Central Government, all moneys received by the Council by way of grants, gifts, donations, beneficiaries, bequests and transfer, all moneys received by the Council in any other manner or from any other source all moneys received from any source shall by the Council be exempted from income tax under the Income Tax Act

Chapter III – Functions of the Council

The Act with Amendments 2000

29. The Council may, with the previous sanction of the Central Govt., make, by notification, regulations generally to carry out the purposes and functions of this Act, and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) the management of the property of the Council;
- (b) the maintenance and audit of the accounts of the Council;
- (c) the resignation of members of the Council;
- (d) the powers and duties of the Chairperson;
- (e) the rules of procedure in the transaction of business under sub-section (3) of section 4;

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

29. The Council may, with the previous sanction of the Central Govt., make, by notification, regulations generally to carry out the purposes and functions of this Act, and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) the management of the property of the Council;
- (b) the maintenance and audit of the accounts of the Council;
- (c) the resignation of members of the Council;
- (d) the powers and duties of the Chairperson;
- (e) the rules of procedure in the transaction of business under sub-section (3) of section 4;

Chapter III – Functions of the Council

The Act with Amendments 2000

29. (f) the function of the Executive Committee and other committees, constituted under section 7;
(g) the powers and duties of the Member-Secretary under sub-section (1) of section 8;
(h) the qualification appointment, powers and duties of, and procedure to be followed by, Inspectors and Visitors;
(i) the courses and period of study or of training to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any University or any institution for grant of recognized rehabilitation qualification;

Proposed Amendments

29. (h) Substitute experts in place of inspectors.

Reasons for Change

Act After Approval of Proposed Amendments

(f) the function of the Executive Committee and other committees, constituted under section 7;
(g) the powers and duties of the Member-Secretary under sub-section (1) of section 8;
(h) the qualification appointment, powers and duties of, and procedure to be followed by, Experts
(i) the courses and period of study or of training to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any University or any institution for grant of recognized rehabilitation qualification;

Chapter III – Functions of the Council

The Act with Amendments 2000

29. (j) the standard of staff, equipment, accommodation, training and other facilities for study or training of the rehabilitation professional;
(k) the conduct of examinations, qualifications of examiners, and the condition of the admission to such examinations;
(l) the standard of professional conduct and etiquette and code of ethics to be observed by rehabilitation professionals under subsection (1) of section 21;

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

(j) the standard of staff, equipment, accommodation, training and other facilities for study or training of the rehabilitation professional;
(k) the conduct of examinations, qualifications of examiners, and the condition of the admission to such examinations;
(l) the standard of professional conduct and etiquette and code of ethics to be observed by rehabilitation professionals under subsection (1) of section 21;

Chapter III – Functions of the Council

The Act with Amendments 2000

29. (m) the particulars to be stated, and proof of qualifications to be given, in application for registration under this Act;
(n) the manner in which and the conditions subject to which an appeal may be preferred under sub-section (1) of section 22;
(o) the fees to be paid on applications and appeals under this Act;
(p) any other matter which is to be , or may be, prescribed.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

(m) the particulars to be stated, and proof of qualifications to be given, in application for registration under this Act;
(n) the manner in which and the conditions subject to which an appeal may be preferred under sub-section (1) of section 22;
(o) the fees to be paid on applications and appeals under this Act;
(p) any other matter which is to be , or may be, prescribed.

Chapter III – Functions of the Council

The Act with Amendments 2000

30. Every rule and every regulation made 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 regulation, or both House agree that the rule or regulation should not be made, the rule or regulation 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 or regulation.

Proposed Amendments

No change

Reasons for Change

Act After Approval of Proposed Amendments

Every rule and every regulation made 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 regulation, or both House agree that the rule or regulation should not be made, the rule or regulation 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 or regulation.