

## UTTAR PRADESH

### **Executive Summary:**

The 2001 Indian Census Report states that there are 3.6 million persons living with disabilities in the State of Uttar Pradesh.<sup>1</sup> The welfare needs of persons with disabilities in Uttar Pradesh are primarily taken care of by the Disabled Welfare Department of Uttar Pradesh, along with the Office of the Commissioner for Persons with Disabilities. The Department of Disabled Welfare was established on 20.09.1995 in response to the need for a specialized Government department that would cater to the needs of persons living with disabilities in Uttar Pradesh, particularly those persons who hailed from the economically weaker sections of society.<sup>2</sup> The Office of the Commissioner for Persons with Disabilities was set up under Section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 vide GO. No. 945/65-2-98-129/98 dated 18.09.1998 of the Uttar Pradesh Disabled Welfare Department, and has been mandated to take steps to safeguard the rights of persons with disabilities.<sup>3</sup>

The State of Uttar Pradesh has taken several measures by way of schemes, programmes, government orders and notifications for the benefit of persons living with disabilities. The State Government has established shelter homes and vocational training centres in several parts of the states – most recently in Meerut, Bareilly and Gorakhpur.<sup>4</sup> The State Government has also undertaken to finance nearly 4340 corrective surgeries for polio across nine cities of Uttar Pradesh.<sup>5</sup> The State Government has also attempted to alleviate stress and difficulties faced in the process of procuring a disability certificate, by providing clear guidelines as to the issue and procurement of such certificates, and by also creating a decentralised system of disability certification where the certification may be obtained from private practitioners, government health care centres, primary and

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1. [http://censusindia.gov.in/Census\\_And\\_You/disabled\\_population.aspx](http://censusindia.gov.in/Census_And_You/disabled_population.aspx).

2. [http://hwd.up.nic.in/english/about\\_us.htm](http://hwd.up.nic.in/english/about_us.htm).

3. <http://commissionerdisabilitiesup.in/ouroffice.html>.

4. <http://commissionerdisabilitiesup.in/achievements.html>.

5. <http://commissionerdisabilitiesup.in/achievements.html>.

secondary health care centres, private psychologists and psychiatrists who are authorised to issue certificates of mental retardation (MR).<sup>6</sup>

The State of Uttar Pradesh has thus emphasised the need for several notifications and schemes to suit the specialized requirements of persons with disabilities. The Disabled Welfare Department vide GO No 1464/65-2-2000-178/2000 dated 30.09.2000 released a list of the various schemes and allied programme measures made available by the State Government for the benefit of persons with disabilities and the eligibility criteria for those interested in availing benefits under this. The schemes and measures mentioned in the order include;

- a) Schemes for providing scholarships for educational and vocational training to students who have been physically disabled (Students from Class 1-12, Graduation and Post Graduation).
- b) Schemes to provide disability pension for unemployed and poor persons suffering from visual impairment, speech impediments and physical disability.
- c) Schemes to provide financial assistance for the purchase and procurement of aids and appliances.
- d) Scheme to provide incentives and grants to encourage marriages with persons living with disabilities.
- e) Schemes related to providing free travel by bus to persons with disabilities
- f) Schemes for the employment and setting up of shops by persons with disabilities, 1998

According to the GO dated 30.09.2000, those wishing to avail of any benefits under the above mentioned Government schemes must procure a disability certificate from the recognized medical authority, and must show a minimum of 40% disability.

The State of Uttar Pradesh has also intended to start several projects in 2013.<sup>7</sup> These include the establishment of a Braille Press in order to produce Braille books, magazines

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6. <http://commissionerdisabilitiesup.in/achievements.html>.

7. <http://commissionerdisabilitiesup.in/empowerments.html>.

and other study material. Furthermore, two new school buildings will be built in Allahabad, and Saharanpur for boys and girl suffering from mental retardation.

The following section seeks to briefly summarise the schemes and notifications issued by the Government of Uttar Pradesh, for the benefit of persons with disabilities. These schemes have been thematically organised under the heads of Access; Education; Employment; Health and Rehabilitation; and Social Protection.

## I. ACCESS

Below is a list of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh enabling access to the physical environment through live assistance, architecture, readers, scribes, sign language interpreters, and free transportation and a summary of these schemes.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No.438/65-2-98-185-97: Rules for free travel by Bus for persons with Disabilities	Disabled Welfare Department	25.06.1998
2.	No. 65-3-2012-8/2003: Making public buildings and spaces barrier free to enable easy access for persons with disabilities	Disabled Welfare Department	May, 2012

i) Rules for free travel by Bus for persons with Disabilities<sup>8</sup>: These rules have been formulated in furtherance of the Government scheme to provide persons with disabilities, passes for free travel by bus. The scheme applies to persons:-

- a. Who are Visually impaired
- b. Who are Hearing and speech impaired
- c. Who is suffering from the loss of any one or more limbs
- d. Who is suffering from partial or full paralysis
- e. Who is suffering from a mental disorder
- f. Who is suffering from leprosy and its aftermath

No incentive will be provided to the person accompanying the person with disability. In order to be eligible under this scheme, the person must procure and

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8. No.438/65-2-98-185-97 dated 25.06.1998.

show a disability certificate issued by a medical practitioner, and his or her income limit must not exceed Rs.1000 per month.

- ii) Making public buildings and spaces barrier free to enable easy access for persons with disabilities<sup>9</sup>: In accordance with Section 45 and 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 Act, this order directs authorities to ensure that all public buildings and offices have ramps; there are signs in braille and auditory signals in lifts and ramps in various primary, secondary health care centres and rehabilitation centres. This order also contemplates the implementation of auditory signal enabled sidewalks for the visually impaired, and wheelchair friendly sidewalks. This order directs that such specifications must be included in the bye-laws of the building. Uttar Pradesh is one of the first few States to have passed such an order enabling access as no other State has passed such a similar government order.

## II. EDUCATION

Below is a list and summary of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh with reference to students living with disabilities; and educational institutions, residential schools and other centres of learning, established to cater to the needs of those living with disabilities.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No. 199/65-1-2012-20/2012: Providing proper healthcare and safety measures for students with disabilities in residential schools	Disabled Welfare Department	12.04.2012
2.	No. 2080/26-2-10: Setting up a District Consultation Committee to oversee hygiene and security needs of children with disabilities in residential schools.	Disabled Welfare Department	08.07.2010
3.	No. C-3325: Conducting periodic and surprise inspection of facilities made available in residential schools.	Disabled Welfare Department	27.12.2010

9. No. 65-3-2012-8/2003 issued in May, 2012.

4.	No. 507/15-2-08-27 (13)/ 2004 and No.F.1-2/92(PS): Financial Assistance to Blind teachers	Department of Education	30.01.2008, 05.06.1999
5.	No. 3/4/86-K-2/1998: Provision of a scribe for visually impaired candidates seeking to take the State examinations for posts reserved in the Government services	Labour Department	15.09.1998

- i) Provision of scribe for visually impaired candidates taking the written examination for appointment with the state government services: In its notification<sup>10</sup>, the State Government specifies that a scribe may be provided to visually impaired candidates however, the scribe must be in a class two years below that of the minimum academic qualifications prescribed to be eligible for the post. For eg, if the minimum requirement is an intermediate pass, then the scribe's academic qualifications must not exceed that of high school.
- ii) Providing proper healthcare and safety measures for students with disabilities in residential schools<sup>11</sup>: Besides taking care of their educational needs, the state government undertakes to ensure that the social, health and developmental needs of those students living with disabilities in residential schools and organisations. Under this scheme, the state government ensures the provision of clothes, food, basic security and safety, cleanliness, periodic health check-up along with access to facilities to make their basic daily activities of life easier.
- iii) Financial Assistance to Blind Teachers<sup>12</sup>: Under this notification, an amount of Rs. 6000/- per annum would be paid to visually impaired teachers, towards the expenses incurred for readers, the purchase of Braille books, study and record materials. The proposal seeking such financial assistance must be addressed to the University Grants Commission.

10. No. 3/4/86-K-2/1998 dated 15.09.1998.

11. No 199/65-1-2012-20/2012 dated 12.04.2012.

12. No. 507/15-2-08-27 (13)/ 2004 dated 30.01.2008 and No.F.1-2/92(PS) dated 05.06.1999.

- iv) Setting up of a District Consultation Committee: Government Order No. 2080/26-2-10 dated 08.07.2010 to set up a District Consultation Committee that will ensure that children in residential schools and organisations, in addition to their educational needs, there will be provided a hygienic and safe environment. In addition, Government Order No. C-3325 dated 27.12.2010, to direct the authorities to carry out periodic inspections to see that children and residents are provided the facilities of food, clothing, health, security are duly being provided. The food prepared and cleanliness and hygiene of the place of toilets should be ensured by carrying out surprise visits. The principal of the Head of the Institution should also be residing in the premises so as to ensure that the residential institutions are being run well and all these requirements are being fulfilled.

### III. EMPLOYMENT

Below is a list and summary of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh with reference to self-employment schemes, reservation in the government services for persons with disabilities, and financial assistance towards establishing shops.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No. 18/1/2008 –K – 2- 2008: Reservation in the selection and appointment process for posts in Government services.	Department of Personnel	03.02.2008
2.	No. 18/1/2008 (I)K – 2-2008: Ensuring that one member of the Expert Selection Committee constituted to identify posts for persons with disabilities, will be a person with disabilities.	Department of Personnel	03.02.2008
3.	No. 18/1/2008 (II)K – 2-2008: Relaxation of the maximum age limit for appointment of persons with disabilities to reserved posts in the Government services by 15 years.	Department of Personnel	03.02.2008
4.	No. VA -2-501/10-2005-44/2001 TC and No. VA-2-873/10-2007-44/2001-TC: Regarding the pay scale of visually impaired chair recaners	Finance Department	11.05.2006, 12.09.2007

5.	No. 311/9-6-2008-162 S/01TC: Reservation for the allocation of appropriately priced land for establishment of shops	Finance Department	01.01.2008
6.	Construction and establishment of shops	Disabled Welfare Department	
7.	No. 2041/65-1-2003-156/2003: Exempting the annual transfer of government employees with disabilities, or government employees who has a dependant family member living with disabilities.	Disabled Welfare Department	16.12.2003

- i) Reservation in the selection and appointment process for posts in Govt. services<sup>13</sup>: According to the notification, there will be reservation of 3% posts for persons with disabilities in Category 'A', 'B' 'C' and 'D' posts. The breakup of the reservation will be 1% for the hearing impaired, and 1% for the locomotor disabled. In categories 'C' and 'D' those persons who have not secured more than 75% marks will be subject to reservation in the following manner – 1% for the visually impaired, 1% for the hearing impaired and 1% for the locomotor disabled. The reserved posts have been identified by the members of the Disabled Welfare Department, however the list of identified posts is not exhaustive. In the event of a person suffering from two types of disabilities, the quantum of reserved posts will not change.
- ii) Regarding the pay scale of visually impaired chair recaners<sup>14</sup>: National Blind Association filed the WP No. 6193(S/S) 2003 and in the Order dated 10.11.2005 it was held that the visually impaired chair recaners would receive Rs. 775 to Rs.1025 on the date of 16.09.1993 and Rs. 2610 to 3540 on the date of 1.1.1996.

13. No. 18/1/2008 –K – 2- 2008 dated 03.02.2008.

14. No. VA -2-501/10-2005-44/2001 TC dated 11.05.2006.

- iii) Reservation for the allocation of appropriately priced land for establishment of shops<sup>15</sup>: The State Government will allot plot of land at concessional rates, to persons with disabilities for the establishment of shops.

Sl. No	Reserved Category	Percentage of Concession
1.	Scheduled Caste	21%
2.	Scheduled Tribe	02%
3.	Other Backward Classes	27%
Horizontal Reservation		
1.	Women	20%
2.	Soldiers who have died in the war, ex-soldiers, and their dependants	5%
3.	Freedom fighters and their dependants	5%
8.	Persons with Disabilities	2%

- iv) Scheme for the Construction and establishment of shops: Under this scheme, persons with disabilities living in Uttar Pradesh can avail of Government support in the establishing and running of shops. Persons are eligible if they are between 18 to 60 years of age, if they can produce a disability certificate certifying that they are suffering from atleast 40% disability. The terms of the loan and grant in aid are as follows:

Sl. No	Principal Amount	Loan terms
1.	An amount upto Rs. 20,000 for construction of shop on private land.	Grant-in-aid of Rs. 5000 and a loan of Rs. 15000 at 4% simple interest
2.	An amount upto Rs. 10,000 for the running of a shop	Grant-in-aid of Rs. 2500 and a loan of Rs. 7500 at 4% simple interest

15. No. 311/9-6-2008-162 S/01TC dated 01.01.2008.



	taken on rent for a minimum of 5 years.	
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- v) Exempting the annual transfer of government employees with disabilities, or government employees who has a dependant family member living with disabilities<sup>16</sup>: Government employees who are living with disabilities or have dependant family members living with disabilities face many difficulties whenever they are caused to move due to job transfers. Facilities to ensure access are not always available – this is with special reference to those persons suffering from locomotor disabilities who may not have access to specialized toilet facilities or accessible homes in the new place. By transferring Government employees living with disabilities, they are forced to live away from their family, are deprived of proper care and are thus reduced to feeling insecure and isolated from society. The dependants in the family as contemplated under this notification include parents, spouses and the unmarried children.

#### IV. HEALTH AND REHABILITATION

Below is a list and summary of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh with reference to health and rehabilitation schemes.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No. 1745/5-7-2005-15-7/2002: Procedure regarding the issuing of disability certificate.	Department of Family and Medical Healthcare	12.09.2005
2.	No. 1893/ 5-2005-15-7/2005: Notification with reference to disability certificate.	Department of Family and Medical Healthcare	22.11.2005

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16. No. 2041/65-1-2003-156/2003 dated 16.12.2003.

- i) Notification regarding the disability certificate that is required by persons with disability<sup>17</sup>: After reviewing the facilities available at the Referral Centre established at the Dr. Ram Manohar Lohiya Hospital, Lucknow, it is decided that for cases where certification is requested in cases of mental disability and hearing impediments, the Chief Superintendent of the Hospital will be authorized to provide the certificate, and will be considered to have the same authority as the Chief Medical Practitioner in other cases of certification. In the cases of treatment for mental disability and hearing impediments, the disability certification and assessment conducted under the auspices of the railway service, the army or under the Central Government Health Scheme (CGHS) will suffice for issuance of the disability certificate. It is however possible to appeal the assessment made, if there is some kind of inconsistency found.
- ii) Notification with reference to disability certificate<sup>18</sup>: This notification states that the mental disability certification received by a patient who has undergone a thorough examination by a clinical psychologist or by a Army or Government doctor who is a specialist in mental disorders and is either currently working or is retired, will be deemed to be equal to a disability certificate obtained by a medical practitioner.
- iii) Aids and Appliances Scheme: The Government of Uttar Pradesh has diverted Rs. 3.50 crores towards the purchase of aids and appliances to benefit persons with disabilities and it is estimated that as a result of this budgetary allocation, around 7000 persons will benefit. The State has put in place a scheme for making aids and appliances available to persons with disabilities. In order to be eligible to avail benefits under this scheme, the applicant must show that he or she is suffering from atleast 40% disability, and that he or she has procured the necessary documentation that is, the disability certificate. Furthermore, only those persons whose income is upto Rs.1000 per month may be considered eligible to apply for this scheme. The scheme will undertake to pay for equipment or aids upto the cost of Rs. 6000/- with

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17. No. 1745/5-7-2005-15-7/2002 dated 12.09.2005.

18. No. 1893/ 5-2005-15-7/2005 dated 22.11.2005.

a maximum ceiling of Rs. 500 on expenses incurred for repairing of old equipments or aids.

## V. SOCIAL PROTECTION

Below is a list and summary of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh with reference to various social protection schemes, which include measures such as disability pension schemes, housing allotment and other forms of financial assistance such as travel and conveyance allowance.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No. 137/65-1-2008-380/96: Providing for conveyance allowance to state government employees with disabilities.	Disabled Welfare Department	12.05.2008
2.	No.1967/9-A1-2001-6-RIT/2000, No. 786/8-1-08-25 (Misc)/ 07 and, No. 1900/8-1-09-25 (Misc)/07: Awarding buildings and plots to persons with disabilities at a concessionary rate.	Housing Department	27.04.2001, 30.01.2008, 08.07.2009
3.	No. 130 CM/ 2A-5-94/08: Allotment of land and buildings for residential and commercial purposes as made by members of the UP Residential and Development Council and other authorities.	Housing Department	23.11.1994
4.	Scheme for Sustenance allowance of disability Persons with Disability (Disability Pension)	Disabled Welfare Department	

- i) Conveyance Allowance to State Government Employees With Disabilities<sup>19</sup>: This notification has been issued keeping in mind the difficulties faced by persons with disabilities while travelling from their offices to their homes. The eligibility table is as follows:

Sl. no	Gross Salary	Monthly allowance towards conveyance
1.	Upto Rs. 3049	Rs. 300

19. No. 137/65-1-2008-380/96 dated 12.05.2008.

Sl. no	Gross Salary	Monthly allowance towards conveyance
2.	Rs. 3049 to Rs. 5999	Rs. 400
3.	Rs. 6000 and above	Rs. 500

Besides the above, travel allowance will also be awarded to the teachers and principals of special schools for students who are visually impaired, hearing and speech impaired, or locomotor disabled.

Sl. No	Post	Monthly allowance towards conveyance
1.	Principal	Rs. 500
2.	Teachers	Rs. 400

- ii) Allotment of buildings and plots to persons with disabilities at a concessionary rate<sup>20</sup>: For the purpose of establishing residential, commercial, entertainment, universities and trading complexes for persons with disabilities, the State Government will allot plots at a concessionary rate. The concession will be granted to land and buildings for the purposes of :
- a. To establish a place of business or trade
  - b. Centres for Certain special forms of entertainment
  - c. Special schools or centres of higher education
  - d. Research Centres
  - e. Factories and workshops established by the entrepreneurial efforts of persons with disabilities
  - f. Workshops and Centres for the rehabilitation and aid of locomotor disabled

A committee would be set up to oversee the allotments of land made for these purposes. During the allotment process, the Residential and Development Council, along with the Developmental authorities must bear in mind the following reservation for persons with disabilities – (1) 3% reservation will be given to the

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20. No. 1900/8-1-09-25 (Misc)/07 dated 08.07.2009.

disabled keeping in accordance with horizontal reservation and (2) 1% will be given vertically.

With reference to persons with disabilities from the economically weaker sections (EWS) and the low income groups (LIG), those persons suffering from disabilities of a severe nature will be awarded a concession of 20% whereas, those persons suffering from disabilities of a not so severe nature, will be given a concession of 10%. The ceiling on the grant of concession, will be 1.5 times the amount of the salary. For example, if a person's monthly salary is Rs. 1200, then the amount made available under this scheme cannot exceed Rs. 1800.

The conditions for the concessionary allotment of land and buildings are as follows:

- 1) The land will only be given for the establishment of centres/institutions that will only serve the interests of persons with disabilities.
- 2) The land grant will not exceed one acre.
- 3) The allotments will only be given on the basis of lease.+-

If the lease period is completed or if the lease is terminated, the land will be returned to the authorities within a period of 3 months from that date.

- iii) Allotment of land and buildings for residential and commercial purposes as made by members of the UP Residential and Development Council and other authorities<sup>21</sup>: The allotment will be conducted in accordance with the following break up:-

Sl. No	Reserved Category	Percentage of Concession
1.	Scheduled Caste	21%
2.	Scheduled Tribe	02%
3.	Other Backward Classes	27%
4.	Legislators, Parliamentarians and Freedom Fighters	5%

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21. No. 130 CM/ 2A-5-94/08 dated 23.11.1994.

5.	Govt. services and Defense services workers who have completed 50 years	5%
6.	UP Residential and Development Authorities, Water Works Dept,	2%
7.	Ex Military officers and their dependants	3%
8.	Persons with Disabilities	1%

- iv) Scheme for Sustenance allowance of disability Persons with Disability (Disability Pension): In order to be eligible for this scheme, the person must produce a disability certificate issued by a registered medical practitioner, must show he or she suffers from atleast 40% disability, and his or her income must not exceed Rs. 1000. The pension amount is a monthly sum of Rs. 300 to be paid in six monthly instalments, first instalment – between April to September and second instalment – between October to March.

## VI. MISCELLANEOUS

Below is a list of all the Notifications, Schemes and Government Orders issued by the State of Uttar Pradesh with reference to various schemes meant to benefit persons with disabilities.

Sl. No.	Description	Issuing Authority	Date Issued
1.	No 865/65-2-2011-3/1996: Assistance and awards for marriages with persons with disabilities.	Disabled Welfare Department	11.04.2012
2.	No. 2955/9-2-2004-182J/2004: Exemption from payment of water tax and housing tax for persons suffering from visual impairment and other disabilities.	Department of Urban Development	05.11.2004
3.	No. K-N-5-403/11-2005-500(104)-2004: excusing stamp duty for persons with disabilities who have procured property amounting to upto Rs.10 lakhs will be excused stamp duty. If greater than Rs.10 lakhs, then only 3% of stamp duty will be	Department of Tax	19.12.2008

	imposed.		
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i) Assistance in marriages with persons with disabilities<sup>22</sup>:

Under this scheme, an amount of Rs. 11,000/- will be payable as marriage assistance in the event of the groom being a person with disability. In the event of the bride, or both spouses being persons with disabilities, the amount payable is Rs. 14,000/-

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22. No 865/65-2-2011-3/1996 dated 11.04.2012.