

ACTS AND FACTS IN AID OF THE HANDICAPPED

" A Treasure of Measures.!

For the pleasure of -

The hard of hearing

and their well wishers ".

Reg.No.4

Independent Project submitted in Part
Fulfilment For the Degree of Master of
Science (Speech and Hearing)

UNIVERSITY OF MYSORE

1982

Dedicated To

The Hard of Hearing
and their well wishers.

C E R T I F I C A T E

This is to certify that the Independent Project entitled "**Acts And Facts in aid of the Handicapped**" is the bonafide work in part fulfilment of M.Sc, I Year Speech & Hearing, of the student with Register No. 4



Director
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Speech and Hearing,
Mysore - 570 006.

C E R T I F I C A T E

This is to certify that the Independent Project entitled **"Acts and facts in aid of the Handicapped"** has been prepared under my Supervision and Guidance.


GUIDE.

DECLARATION

This Independent Project is the result of my own study undertaken under the guidance of Dr. (Miss) Shailaja Nikam, Professor and Head of the Department of Audiology, Mysore, and has not been submitted earlier at any University for any other Diploma or Degree.

Mysore

Reg. No:4

Dated:

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CHAPTER I

INTRODUCTION

In ancient times, any deviation from the normals has always baffled people. So the handicapped were considered as a 'disabled group'. The disabled group were not only deprived equality with the normals (in some societies even the right to live), they were also used as a source of amusement. Stutterers and hunch backed people were used in courts for entertaining people.

With advancement in civilization, a change in the attitude towards the handicapped began and advancement in technology made it possible to think in terms of rehabilitating them. Especially Alexander Graham Bell's inventions. Some handicapped for instance, like Hellen Keller, who were of a stronger fiber were determined to fight against the barrier between the normals and the disabled. Hellen Keller, though deprives of speech, hearing and vision achieved more than what most normals do. She graduated from college, knew many languages, wrote books, and attained maximum with the handicapped. Beethoven's growing hearing loss did not stop his from composing music. Marcus Cisero, once a stutterer became one of the world's greatest orator. The contributions of these people helped in the change of attitude that the handicapped were a 'differentially abled' group rather than a 'disabled group'.

The society is made up of individuals. It might be right to say here that a chain is as strong as its weakest link. So also the strength of the society depends on the individuals. It has also been estimated that the hard of hearing constitute three percent of the population which amounts to be quite a big number to be neglected.

The change in attitude has brought in the thought of rehabilitation. So the Government has started taking steps through which the hard of hearing could be 'lifted up' from the deprived world.

Free rehabilitation services, educational facilities, employment reservations, and other special privileges have been made available through which the hard of hearing could be made useful contributors in the society.

The following chapters talk about the welfare measures, acts, compensations which the hard of hearing and the fields related to them should be aware of. The criterion for compensations and relaxations unless specified, refers to those having a hearing loss of more than 70 decibels in the frequencies 500, 1000 and 2000 Hertz.

CHAPTER II

AUDIOLOGY AS A FORENSIC SCIENCE

Since 1900, Specialization is the general trend of thinking. The various sciences grew so rapidly that one man could not master all of them. It was accepted that the police knew enough to handle the legal problems in any field or the Doctors knew enough to deal with the problems in all the different branches related to medicine (Ex: Audiology). Since Specialization came into being it was realized that one man could not deal effectively with the problems arising in the different fields, so 'Team approach' was brought in. Team approach is the term used for a group of professionals from various sciences working at one problem.

In the field of law, a need was felt for persons specially skilled or experienced in the different sciences. When the question involved was beyond the range of common experience or knowledge and a special study of a subject or special training or special experience was necessary, the need for skilled people to give their opinion and factual evidence was felt. Thus "FORENSIC SCIENCES" came into being. FORENSIC SCIENCE is defined as the application of knowledge in any science as it relates to criminal or civil law, especially in court cases. The major fields of forensic pathology science today are: Forensic chemistry,

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Forensic pathology, Forensic Toxicology, Forensic immunology and serology, Forensic psychiatry, Forensic dentistry, questioned documents and ballistics. Audiometric studies are used in medical proof. This application of audiology for the purposes of law is called 'FORENSIC AUDIOLOGY'. Audiometric studies are used in medical proof for both criminal and civil cases. Some of them are:

1. In cases of noise induced hearing loss, claiming compensation, to prove that the hearing loss was acquired during the course of employment.
2. In cases of hearing loss acquired during an accident claiming Insurance, to prove that the hearing loss acquired during the accident.
3. To prove that based on his hearing status, he is eligible or disqualified for any particular job or privilege.

The need for Forensic sciences has been recognised and a provision has been made in the Indian Evidence Act. The Act is 'The opinions of third persons when relevant and is stated:

"When the court has to form an opinion upon a point of foreign law, or of Science or art, or as to identify of handwriting (or finger impressions) the opinions upon that point of persons specially skilled in such foreign law, science or art (or in questions as to identify of handwriting) (or finger impressions) are relevant facts. Such persons are called EXPERTS".

Such term 'Experts' implies both superior knowledge

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and practical experience in the art or profession. The term 'Science or Art' refers to all subjects in which peculiar skill and judgement or experience or special study is necessary to the formation of an opinion. Thus an Audiologist is an 'Expert' and Audiology is a 'Science'.

AUDIOLOGIST AS AN EXPERT : According to the above stated "opinion of third persons when relevant" Act, an audiologist can be called upon to give expert evidence when the court has to come to a proper decision in dealing with cases of all kinds of hearing problems. It is the general rule that a witness is not to give his impressions but to state the facts from which he received them (as opinion need not be based on facts) and leave the judge or jury to draw their own conclusions. But a 'Forensic Audiologist' gives evidence as an 'Expert Witness' and so can testify to both fact and opinion. An expert evidence is weighed or valued as any other evidence in the case. He might be asked to give a testimony or to provide the court with certain documents.

TESTIMONY : As said earlier, an Audiologist can be asked to give a testimony on both civil and criminal cases. He has to give facts and opinion based on his audiological findings. In presenting his testimony he should be able to communicate with the judge or jury in a language understood by layman. He should not attempt to testify as an expert in other fields.

DOCUMENTS : The Audiologist should always be ready with the records which include the audiometric test results and their interpretation(beginning with the history, the tests administered, diagnosis, prognosis and summary), records on test environment(if ambient noise levels were within permissible levels), calibration of instrument, instruments used for calibration, the date last calibrated and other reports of calibration, treatment given and the present status of hearing.

Audiology being a new field is not known to most people. The audiologists should take the initiative in informing the judicial system the role played by them in solving legal problems related to individuals with all kinds of hearing problems and how valuable their role can be.

COMPETENCY OF AN EXPERT : It is the duty of the judge to decide about the competency of the expert. An expert, in order to be competent as a witness, need not have acquired his knowledge professionally; it is sufficient if he is skilled or has adequate knowledge. He must be able to relate to some science.

Thus, to be a 'Expert Witness' it is important to stay abreast with latest literature.

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An Audiologist is also liable to be prosecuted. So, he should be precauscious and have all the records on calibration of instruments, testing, his qualifications, diagnosis, etc.

C H A P T E R I I I

THE HARD OF HEARING AND THE WELFARE MEASURES

THE HEARING HANDICAP AND THEIR EDUCATION

In ancient times, the primitive society looked down upon the handicapped. They were denied even the basic rights, in some societies even the right to live. So we see that they forced to form a separate world of their own.

Since 1947, there has been an increasing awareness among the public and the Government that these people too have a right to full life which means right to Education, training, employment, health, etc. Since then there has been a substantial increase in the developmental services rendered to these people. The number of institutions has gone up by three times. However, this recognition has come about after a struggle, but it has brought about a change in the social attitude from the denial of rights to the handicapped to the progressively specialised services in the modern world.

These few significant improvements in the past, has gained momentum in the present. It is now well recognised among medical men and educationalists that physical handicap do not usually affect the intellectual abilities though in many cases it is not the same as the normal children.

Quite a few institutions have been specially established for educating and training the hearing handicapped.

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These schools have been set up with the thought to meet the special needs of these individuals in particular. But the question of providing them a "as near normal an educational environment" (INTEGRATION) came up. As this has been strongly recommended, 1974 the Union Department of Social Welfare sponsored the programme of Integrated Education for handicapped children in ordinary schools. The following categories of handicapped children are included - the blind, the partially sighted, the deaf, the partially hearing, the orthopaedlally handicapped, the educable mentally retarded, the emotionally disturbed, children with hearing disabilities, the epileptic, the chronically sick and the speech impaired.

This programme of Integrated education provides special services like special coaching classes are conducted for these handicapped children and specially the educable mentally retarded, and the profoundly deaf by qualified and specially trained teachers. This programme emphasizes on assessment at the time of admission and later periodically at regular intervals.

The students for this programme are selected by an expert body based on the extent of disability and the parent's willingness in admitting the child in an integrated programme.

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Schools with adequate facilities like accomodation and centrally located places were selected to introduce this programme. It has been started in Himachal Pradesh, Kerala, Maharashtra, Orissa, Rajasthan, and Union territory of Delhi, Gujarath,.Tamilnadu, Haryana, Tripura and West Bengal are also expected to start the scheme. Schools in Karnataka too have been admitting the hard of hearing children. Quite a few of the children attending therapy at AIISH are studying in normal schools and a few attending colleges.

Those hearing impaired children studying in the schools for normal children are exempted from studying II and III language. In Karnataka, order No.SWD 79 PHP 76 Bangalore, dated 16/18th Jan '78 states

"Sanction is hereby accorded to permit deaf children to offer only one language at all levels and this concession stands extended to all deaf children who study in recognised schools". (Social Welfare and Labour Department).

In Tamil Nadu it is in accordance with the Government of Tamil Nadu order G.O.No. 464 Dated 12.3.76, Department of Education.

A certain percentage of seats are reserved in universities for handicapped.

2. SCHOLARSHIPS

Scholarships for the handicapped students for Education and training have been started. It was introduced in 1955. The scholarship provided is for general education from class IX onwards and for technical training at Certificate, Diploma and Degree levels. Handicapped persons between 14 and 40 years of age placed as inplant trainees in approved industrial or commercial establishments are also included.

The hard of hearing and 'Deaf' individuals who are eligible for this scholarship are those who have a loss of hearing of 70 decibels Hearing Level or above at 500, 1000 and 2000 Hz frequencies (making the residual hearing non-functional). They should also be Indian citizens, age group 14 - 40 years as on 1st June of the year, should have at least 40 percent marks in the previous annual examination, and the income of the parents should be less than Rs.750 per month.

Other conditions and requirements for eligibility are,

1. A candidate must be studying a full day time course in an educational institution affiliated to a university or technical institution recognised by the state or central government, or working a full day time apprentice in an industrial/commercial establishment approved by the central or state government (in this regard a blind/deaf candidate

who have received training at a training centre, free of cost, under a scheme of the central/State government shall not be considered for scholarship).

2. Scholarship is not admissible to a candidate who has an income.

3. A candidate should not be in receipt of assistance from any other voluntary or state source either in cash or by way of free board or lodging. Exemption from the payment of fees shall not, however, be taken into account. The candidate will have to furnish a declaration in the prescribed form duly attested by a Gazetted Officer of the Central/State Government or a member of Parliament/State legislature or by a magistrate or head of the institution.

Scholarship will not be awarded:

- (1) for pursuing a parallel course of study eg., scholarship will not be awarded to an M.A in economics to pursue study in M.A in Politics.
- (2) for any research course e.g., Ph.D, etc.
- (3) for study outside India.
- (4) for pursuing academic/technical course if a candidate has already completed a vocational or professional course.

Rates: The amount of scholarship varies from Rs.40 to Rs.100 per month depending upon the nature of the course. The rates for different courses of study are given below:

| Type of Course | Stage | Rate | per month |
|---------------------------|---|------|-----------|
| Academic | 1. <u>For Blind, Hard of hearing and orthopaedically Handicapped</u> | | Rs |
| | a) Last three standards leading to Higher secondary or Pre-University course or equivalent examination. | | 40 |
| | b) First year of 3 years degree course or its equivalent. | | 50 |
| | c) Second and Third years of three years degree course or its equivalent. | | 75 |
| | d) Chartered Accountancy after intermediate or equivalent examination. | | 75 |
| | e) Post-graduate course, Chartered Accountancy after graduation, M.A/M.Sc., etc. | | 100 |
| Technical and Vocational. | II. <u>For Hard of Hearing</u> | | |
| | Apprenticeship and vocational courses e.g., photography, Drawing painting, Fine Arts, etc. | | |
| | a) At certificate level | | 50 |
| | b) At Diploma and post-diploma level | | 75 |
| | c) At degree level(Engineering, Medicine, etc.) | | 100 |

Tenure: The Scholarship will be tenable for a particular stage and will cease with the completion of that stage of study, .

Procedure: Application should be made in a prescribed form through the Head of the Institution where the candidate is admitted as a student/apprentice who will forward it through the State Government to the Department of Social Welfare at the centre.

3. FELLOWSHIPS :-

Junior and Senior Fellowships are awarded by the University Grants Commission.

Industrial training Institutions allow admission to physically handicapped wherever such candidates are declared physically fit for training in a trade for which he has been recommended by either the Medical Board attached to Special Employment Exchange for the physically handicapped or the local civil Surgeon (where such Medical Boards have not been constituted).

Training of Teachers of the Deaf:-

The Union Department of Social welfare gives grants-in aid to the training college for Teachers of the Deaf, Lucknow, for conducting training courses for teachers of the deaf.

Eligibility: Candidates should satisfy the following conditions:

- passed the Intermediate or equivalent examination.
- be between 19 to 26 years of age.

Duration : The course is for one year.

Stipend : All deserving candidates are paid a monthly stipend of Rs.100. No tuition fee is charged.

Other facilities: The college has hostel and library facilities.

Capacity: The college trains about 20 teachers of the deaf annually.

Examination: The examination are held by the Registrar, Departmental Education, Uttar Pradesh, Allahabad. Successful candidates are awarded certificates.

An attempt has been made to provide the Hard of hearing a right to education and compete with the world of normal hearing through the various privileges provided like, Integration, scholarships, fellowships and concession in terms of studying only one language in the school. It could be recommended here at this point that the order - "Exemption from II and III languages" be expended to all the states instead of just Karnataka and Tamil Nadu.

EMPLOYMENT AND THE HEARING IMPAIRED

The special employment opportunities, reservations and concessions for the hard of hearing individuals and those for the physically handicapped which could be extended to them are included in this chapter.

A. The Department of Personnel and Administrative reforms have put forward some reservations and concessions which are applicable to the central ministries or departments. There are other concessions by other ministries and departments too.

I. Some of these concessions put forward for the physically handicapped clearly state that the "Hard of Hearing" are included. They are:-

1. Physically handicapped persons (blind, deaf and orthopaedically handicapped) are accorded priority III for submission of candidates by employment exchanges against central Government vacancies for group C and D posts. (The classification of Group A, B, C and D posts refer to the Class I, II, III and IV posts, respectively).

The following decisions have been taken by the Government of India (Ref - "Concession and programmes for the physically handicapped" 2nd Edition, 1918)-

1% vacancies shall be reserved each for the blind, the hard of hearing and the orthopaedically handicapped with an overall ceiling of 3% in Group 'C and 'D' posts in Central

services and in comparable posts in Government of India public sector undertakings.

- Where candidates belonging to a particular category of handicapped persons are not available or where the nature of work does not technically permit the appointment of a particular category of handicapped person inter se exchange shall be allowed.

- Where a sufficient number of persons belonging to a given category of the physically handicapped is not available, the unfilled vacancies will be carried forward to the following years.

- There shall be provision for total or partial exemption in certain cases from the obligation to reserve 3% vacancies for the physically handicapped. Such exemptions shall be granted by an Inter-departmental committee in the Union Department of Social welfare.

- It shall be the responsibility of every employing Ministry to identify occupations that can be practised without impairing efficiency by various types of physically handicapped persons with or without the use of special equipment.

- Physically handicapped persons belonging to the scheduled castes/Scheduled Tribes, ex-servicemen and

dependents of those killed in action may be given preference for recruitment to Group 'C and 'D' posts in the central services in comparable posts in public sector undertakings against the reserved quotas for those categories.

The Upper Age Limit

The Upper age limit in the case of blind, hard of hearing and orthopaedically handicapped persons has been relaxed upto 10 years for purposes of appointment to Group C and D posts filled through the Employment Exchanges. This relaxation is made based on the Grant of age concession to the blind, Hard of hearing and orthopaedically handicapped persons for appointment to Class III and IV posts under the central Government.

(Ref: Ministry of Home affairs O.M No.4/3/68-ESTT(D)
dated 15th April 1969)

MODIFICATION

Ref: Ministry of Home affairs (Departmental of Personnel and Administrative Reforms) O.M. No. 15012/6/77 ESTT(D)
dated 28 January 1978 -

Physically Handicapped persons belonging to the Scheduled Castes or Scheduled Tribes are allowed another five years over and above the age relaxation admissible to them as Scheduled castes and Scheduled Tribes. This relaxation has been brought about according to the Grant

of age concession to the Scheduled Caste or Scheduled Tribe Physically handicapped persons for appointment to class III and IV posts under the Central Government.

(Ref: Department of personnel and Administrative Reforms(Cabinet Secretariat) OM No.4/3/68-ESTT(D)
Dated 7th Jan '76)

Other Concessions:-

The appointing authorities and the Medical boards have been instructed to view the cases of physically handicapped with utmost sympathy while considering them for appointment in public services. This concession is according to "EMPLOYMENT OF HANDICAPPED PERSONS IN THE PUBLIC SERVICE".

(Ref: Ministry of Home Affairs CM.No.720/29/57-RPS
Dated 15th January, 1958)

Hard of hearing is not regarded as a disqualification for appointment to group C and D posts of the artisan class or these involving manual or skilled labour or a routine type of work, if the candidate concerned is otherwise fit and qualified. This relaxation has been brought about by "EMPLOYMENT OF DEAF PERSONS IN GOVERNEMENT SERVICE".

(Ref: Ministry of Home Affairs O.M. No.60/137/50
ESTT. Dated 28th July 1950)

Physical fitness Standards:-

1. According to the ministry of health and family welfare,

stammering is not considered a disqualification for appointment to clerical posts. (Ref: Concessions and programmes for the physically handicapped).

2. The posts and telegraphs department select and appoint physically handicapped persons for various posts in the department and also in its subordinate and branch offices. This is according to TYPES OF HANDICAPPED PERSONS WITH PARTICULAR PHYSICAL DISABILITY WHO CAN BE CONSIDERED FOR EMPLOYMENT IN DIFFERENT CADEHS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1. Hard of Hearing persons are not suitable for the posts of (a) Lower Division clerks (b) clerks in Time scale of pay in telephone districts at Hyderabad and Bangalore, Jammu and Kashmir telecommunications circle.

2. In the post offices, Hard of hearing are not suitable for (a) post office clerks (b) returned letter office clerks, (c) foreign post office clerks.

3. According to Railway Mail service, physically handicapped persons(hard of hearing not specifically mentioned) are not suitable for employment in Railway Mail Service where the officials are required to undertake train journey.

4. In telecommunication offices, the hard of hearing individuals trained in a recognised institute for the hard of

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hearing are eligible for the post of clerks in telephone revenue accounts offices only(where they can be employed on accounting machines).

5. In general the hard of hearing can be employed as cleaners in Mail motor services.

Indian Airlines & Government of India Undertakings

Age limit: The upper age limit is relaxed by five years in the case of hard of hearing, blind and orthopaedically handicapped persons for appointment in certain services.

List of categories of personnel to whom age relaxation is given by Indian Airlines due to physical handicap

| Grade | Posts | Scale(in Rupees) |
|------------------|--|------------------|
| A. Technical | | |
| 1 to 3 | | |
| 3 to 6 | Carpenter ! Tailor ! Mason ! Plumber ! Painter ! | 200 - 640 |
| 3 to 6 | Technicians | 245 - 640 |
| B. Non-technical | | |
| 1 to 2 | Class IV employees | 100 - 190 |
| | Cooks | 130 - 245 |
| | Loader | 150 - 230 |
| | Drivers | 150 - 345 |
| 3 to 6 | Assistants | 150 - 640 |

Qualifications:-

Physically Handicapped persons who are otherwise qualified to hold clerical posts such as office Assistants, Audit Assistants, Library assistants, Stock verifiers, etc etc and have been certified by the Indian Airlines Medical Officer to carry out such functions are exempted from possessing typing qualification, 9 such qualification are prescribed for these posts.

Physical fitness: Physically handicapped persons who have been examined by the medical board attached to the special employment exchanges are exempted from the usual medical examination required for employment. However, they are further examined by the Medical Officer of Indian Airlines who will certify their physical fitness for carrying out the functions assigned to the post for which their candidacy is being considered.

II. There are certain reservations and relaxations made in general for the physically handicapped which could be extended to the hard of hearing individuals.

1. Qualifications: Physically handicapped candidates are exempted from Typing qualification for appointment to clerical posts if they are found otherwise qualified and are certified as being unable to type by the Medical Board attached to the special employment exchange or by a civil

surgeon where there is no such board. This is in accordance to PROFICIENCY IN TYPEWRITING FOR APPOINTMENT TO CLERICAL POSTS UNDER THE GOVERNMENT OF INDIA - EXEMPTION FROM - IN THE CASE OF PHYSICALLY HANDICAPPED PERSONS.

(Ref: Ministry of Home Affairs OM No.15/8/61 ESTT. Dated 23rd Dec. 1961).

2. Physical Fitness: Physically handicapped persons are not subjected to the usual medical examination by the appointing authorities but the report of the medical Board attached to the special Employment Exchanges for the physically handicapped is sufficient for entry into Group C and D of central Government services, except in the Railways. This is according to EMPLOYMENT OF PHYSICALLY HANDICAPPED PERSONS IN PUBLIC SERVICES - MEDICAL RELAXATIONS.

(Ref: Ministry of Home Affairs o.M No.5/1/60-ESTT(D) Dated 28 June, 1960).

Railway Board

The Board has issued instructions to all Zonal Railway and production units to adopt the following procedure with while considering physically handicapped persons for employment:

- as and when handicapped persons are recommended by the Special Employment Exchanges against Group C and Group D

posts, they should be medically examined by the Chief Medical Officer to find out whether the person concerned is fit and, if so, he should be offered employment according to his qualifications and also based on his ability to perform the duties pertaining to the post offered.

- such of the handicapped persons as are considered suitable for appointment in Group C category may be directly appointed without the agency of the Railway Service Commission.

Government of India Undertakings :-

Air India :

The relaxations made in cases of appointment to clerical and allied posts are in terms of age and physical fitness.

1. Age: The upper age limit is relaxed by 5 years.
2. Physical fitness: The appointment is made on the basis of the report of the Medical Board attached to the Special Employment Exchanges.

Public Sector Banks

The following concessions/relaxations are extended normally to the public sector Banks to the physically handicapped in recruitment to clerical and subordinate cadres:

PUBLIC SECTOR BANKS

| Sl. No. | Name of Bank | Age(Upper) limit | Physical fitness | Exemptions | Marks | Others | Relaxations |
|---------|-----------------------|-----------------------------------|---|-----------------------|----------------------|--------|---|
| 1. | Allahabad Bank | - | Certificate from Medical Board attached to special employment exchange. | Pficiency in typing | | - | |
| 2. | Bank of India | 5 years | | - | 5% of min. aggregate | - | |
| 3. | Bank of Maharashtra | as deserv- ved by the case. | | Knowledge of typing | | | Fees & educational qualifications for recruitment through competetive examina- tion are relaxed. |
| 4. | Canara Bank | 5 years | - | Proficiency in typing | | | No examination fees. |
| 5. | Central Bank of India | 5 years | Certificate from Medical Boards attached to special employment exchanges. | | | | Handicap not basis for disqualification. |

PUBLIC SECTOR BANKS

| Sl. No. | Name of Bank | Age(Upper Limit) | Physical fitness | Exemptions | Marks | Others | Relaxations |
|---------|----------------------|------------------------------|--|------------|-------|--------|--|
| 6. | Dena Bank | 5 years | | | — | | Maximum possible relaxations extended on humanitarian grounds |
| 7. | Indian Bank | 3 years (for clerical posts) | Medical certificate certifying the physical handicap. | | - | | |
| 8. | Indian Overseas Bank | 5 years | Medical certificate defrom Medical Boards attached to special employment exchange. | | — | | Such relaxations as are extended to SC,ST and ex-servicemen are extended to the handi-capped too. |
| 9. | Punjab National Bank | i)5 yrs. ii)Additional 5 | | | | | i)10% ie 60% as against the stipulated 70% in intermediate, H.Sc, 10+2 ii)for posts requiring graduation, mere graduates will do as against 45% stipulated. for graduates. |

PUBLIC SECTOR BANKS

| | | Relaxations | | | | |
|---------|-----------------------|--|---|------------------------|---|---|
| SI. No. | Name of Bank | Age(Upper Limit) | Physical fitness | Exemptions | Marks | Others |
| 10. | Reserve Bank of India | i)5 yrs. ii)Additional 5 yrs for SC & ST. | Certificate from Medical Boards attached to special employment exchanges. | | No minimum set. Will do if they pass the test or examination. | |
| 11. | State Bank of India | 5 years | Certificate from Medical Board attached to special employment exchanges. | Proficiency in typing, | | Vacancies notified to the special employment exchanges working in the respective recruitment zones. |
| 12. | Syndicate Bank | i)5 yrs. ii)Additional 5 yrs for SC, ST. | Report from Bank Physician or any civil surgeon-handicap not taken into account. | - | - | |
| 13. | Union Bank of India | as individual merits | certificate from Medical board attached to special employment exchanges-also, infirmity should not be such a one as will be in the way of discharging regular duties. | | | Relaxation on Educational qualifications considered on the basis of individual case. |

In 1976, the commission issued a circular to all the universities in the country indicating that while it may not be feasible to issue any instructions regarding reservation of posts, a sympathetic view should be taken in the recruitment of physically handicapped persons for suitable appointments provided they fulfil the prescribed qualifications and other conditions. This is according to "RECRUITMENT OF PHYSICALLY HANDICAPPED PERSON IN THE UNIVERSITIES".

(Ref: University Grants Commission letter No.F.1-68/74
(CD/CP) Dated 31 December 1976).

III. There are certain concessions made for the blind which could be extended to the hard of hearing:

1. The university Grants Commission has issued the following instructions to universities with regard to recruitment of the physically handicapped:

- When qualified blind persons are available for appointment to teaching posts in the universities and colleges, they should not be ignored simply because they are blind.

- Qualified blind persons should be employed for tutorial work in certain subjects or even for post-graduate teaching when enrolment is small.

- Similarly the deaf too could have relaxations. A teacher who acquires deafness could be employed as a

non-teaching staff or given jobs which they are capable of doing.

B. Special programmes have been started for the physically handicapped(hard of hearing).

I. Those started in which the hard of hearing are specifically included are:

1. **Special employment exchanges:**

This scheme is financed by the Department of Social Welfare and operated by the Directorate General of Employment and Training, Ministry of Labour, New Delhi. This scheme provides placement facilities to the physically handicapped persons for gainful employment. These are 17 such exchanges functioning at Agartala, Ahmedabad, Bangalore, Bhubaneshwar, Bombay, Calcutta, New Delhi, Hyderabad, Jabalpur, Jaipur, Kanpur, Madras, patna, Simla and Trivandrum. There are two in Chandigarh(Haryana and Punjab).

Services: These exchanges follow selective placement approach through:

- job referral systems on the basis of ability.
- individualised approach through their family background.
- positive attitude towards disabled persons.

- correction of disability prior to placement; and
- placement at the higher level skill.

Functions assigned to the special employment exchange Officer include escorting, the candidates to the employers for interview and helping both the employees and the handicapped employees in making personal and job-adjustments and thereby achieving full rehabilitation.

In addition, medical examination of the handicapped persons at the time of their appointment is arranged through the Medical Boards attached to the Special Employment Exchanges.

2. Apprentice Training Scheme under the Apprentices Act, 1961.

The implementing authorities of the Apprenticeship Training programme at the centre/state level have been instructed.

- To identify the trades from among the existing 103 trades designated under the Apprentices Act, 1961 considered suitable for apprenticeship training of physically handicapped persons falling under the category of hard of hearing and dumb, blind and orthopaedic.

- to survey the employment opportunities in establishments in the trades so identified; and

- to place the maximum number of apprentices of these categories in the establishments concerned so as to achieve the overall target of 3 percent, taking all the establishments in the public and private sectors together.

Physically handicapped persons have been accorded exemption from appearing in the typewriting test in the All India Trade Test for apprentices conducted by the National Council for Training in Vocational Trades under the Apprentices Act, 1961 on production of certificate from Medical Boards attached to the Special Employment Exchanges/Vocational Rehabilitation centres for the physically handicapped or the local civil surgeons, where such Medical Boards have not been constituted.

3. The Department of Social Welfare has introduced the Programme of National Awards

In order to stimulate the placement of trained physically handicapped persons, the Department of Social Welfare initiated in 1969 a scheme of National Awards to outstanding employers of the physically handicapped and also to the most efficient handicapped employees. The awards are given each year by the President of India.

Scope: The scheme covers the employers and employees from the following sectors:-

- Government of India, State Governments and other statutory bodies.

- Public sector undertakings of the Central and State Governments; and

- Private Sector.

Number of Awards: One Award each is intended for employers of the blind, the hard of hearing and the orthopaedically handicapped from each of the above sectors. Similarly, two awards each are intended for the blind, the Hearing handicapped and the orthopaedically handicapped employees from each of these sectors.

Nature of Awards: Each Award for the handicapped employees consist of:

- a cash prize of Rs. 500; and
- a citation*

Each award for the employers of the handicapped consists of

- a shield of bronze medal; and
- a citation.

Selection: Employers are assessed on the basis of the following criteria:-

- atleast 2 per cent of their employees are disabled

subject to a minimum of 3 persons in a given establishment. In the case of large establishments, employing 15 physically handicapped persons or more, the condition of 2 per cent need not be rigidly adhered to.

- Wherever necessary minor adjustments in the Machinery have been made.

- The disabled employees are offered the same conditions of service including the rates of pay as given to other employees. '

- when necessary and feasible such additional facilities as accomodation are provided; and

- the employers have shown sympathetic understanding of the problems of the disabled.

The employees are assessed on the basis of the following:

- rateof production.
- extent of absenteeism.
- cooperation with superiors and fellow employees.
- no excessive demands for adjustments in the physical plant and machinery.
- sense of independance.
- no excessive demands for extra-remuneration to compensate the disability.

Selection: The initial selection of the awardees is made by the state level committees appointed by each state

Government/Union territory Administration which recommend the names to the National level selection committee set up under the Union Department of Social Welfare, particulars of the recommended employees and employers in the prescribed proformae are required to reach the Union Department of Social Welfare by 30 September each year. The Union Department of Social Welfare may, at their decision, also invite recommendations from institutions of the handicapped administered directly by them.

The National level selection committee, whose decision is final in the matter, consists of 8 members with the Minister for Education and Social Welfare as Chairman. The other members include representatives of Union Departments of Health and Labour and experts from the field of rehabilitation of the disabled.

The state government too has 5 per cent of the seats reserved for the employment of the physically handicapped. Earlier it was 3 per cent, but it has now been modified.

II. Those programmes in general for the physically handicapped are:

1. Vocational Rehabilitation centres:

The Directorate General of Employment and Training,

Ministry of Labour, has set up six Vocational Rehabilitation centres in Bombay, Hyderabad, Jabalpur, Delhi, Ludhiana and Kanpur.

The objectives of these centres are:

- vocational education and adjustment of physically handicapped persons.
- assessment of the medical, vocational and psychological rehabilitation needs of physically handicapped persons who are referred to or approach the Centre directly and to advise them regarding facilities available in the community through such agencies as medical institutions, training establishments and the employment facilities.
- To assist disabled persons to develop rehabilitation plans depending on their specific needs and to refer them to appropriate agencies for rehabilitation services utilising the available facilities in the community.
- to demonstrate that handicapped persons are capable of competing for open employment.
- to demonstrate how close the co-operation between the Rehabilitation centre, employment exchange and the other Welfare agencies can promote the vocational training, job adjustment and placement of the physically handicapped persons.

to stimulate and promote the planning of rehabilitation services and to develop community responsiveness to the rehabilitation programme.

Services : Each centre has an evaluation and a referral division attached to it. The evaluation determines the vocational capacities and potentialities of each physically handicapped person with the assistance of the workshop staff and a psychologist. The referral division draws up a rehabilitative plan for each individual. On finding suitable jobs, the handicapped are given job-adjustment training. This training which lasts for about 2 - 4 weeks is extended to make the client mentally alert and socially amicable.

During the period of rehabilitation, free lodging is provided to all the candidates in these centres, in addition, each person is given a stipend of Rs. 45 per month to meet boarding expenses.

Disabled Defence Services Personnel

The Ministry of Defence, Government of India, have instituted a number of measures for the rehabilitation of the war disabled and the dependents of those killed in action.

Reservations or Priority for the War Disabled and their Dependents:-

Reservations:-

(i) Reservations for ex-servicemen to the extent of 10% of vacancies in Group C posts and 20 per cent in Group D posts are available. While filling up these reserved posts, preference is given to the disabled ex-servicemen. The percentage of reservation shall be increased or decreased in any recruitment year to the extent to which the total number of vacancies reserved for ex-servicemen and other categories taken together fall short of 50 per cent of vacancies occurring in that year. In case of an increase in the reservation for ex-servicemen in the above circumstances, the additional vacancies shall be utilised first for the appointment of disabled persons (According to RESERVATIONS AND RELAXATIONS ALLOWED TO THE EX-SERVICEMEN IN THE CENTRAL CIVIL SERVICES. Department of Personnel and administrative reforms Notification No. 13-24/73-ESTS(C) Dated 26 October 1974).

(ii) Upto two members in each family of the disabled service personnel who are totally unfit for re-employment are allowed for appointment to Group C and D posts without registration at Employment exchanges (According to

(1) MEMBERS OF FAMILIES OF DEFENSE SERVICES PERSONNEL KILLED

IN ACTION - CONCESSIONS FOR APPOINTMENT TO CLASS III AND IV POSTS - Cabinet Secretariat (Department of Personnel) O.M. No. 13/34/71-Ests(c) dated 25 December, 1971.

(2) MEMBERS OF FAMILIES OF DEFENCE SERVICES PERSONNEL WHO HAVE BEEN DISABLED IN ACTION AND ARE TOTALLY UNFIT FOR RE-EMPLOYMENT - CONCESSIONS FOR APPOINTMENT TO CLASS III AND IV POSTS

Cabinet Secretariat - Department of Personnel O.M. No. 13/7/72/Ests(C), Dated 9 March, 1972 - Amendment).

(iii) In public sector undertakings, 17.5 percent of the vacancies in Group C posts and 27.5 per cent of vacancies in Group D posts have been reserved for ex-servicemen including the disabled and dependents of the personnel killed in action. Of these, 7.5 per cent in each category are meant exclusively for the disabled and the dependents of these killed.

Where the reservation of 7.5 per cent is not found adequate, the deficiency can be met by utilising vacancies in the general quota for ex-servicemen. Any unfilled vacancy out of the 7.5 per cent reservation may be utilised for appointment of other ex-servicemen.

Priority: The disabled defence services personnel are given priority I for appointment to Group C and D posts which are filled through Employment Exchanges.

Concessions or Relaxations:

Age: (i) Disabled services personnel with required qualifications and experience and who are below 45 years (50 years in the case of scheduled castes and Scheduled Tribes) are considered for recruitment to Group A and B posts by the Union Public Service Commission. Such candidates are given first priority for appointment to these posts provided they are found suitable by the commission.

(ii) An upper age relaxation of 3 years is given to the disabled defence personnel to appear for competitive examination for recruitment to Group A, B and C posts, conducted by the Union Public Service Commission, Institute of Secretariat Training and Management etc, while availing of this concession, they are not allowed to avail of a larger number of chances in respect of recruitment to a service or a group of services, than the minimum number of chances permissible to any general candidate under the age limit.

(iii) For appointment to reserved vacancies in Group C and D posts, every ex-serviceman who has put in not less than six months continuous service in the Armed Forces shall be allowed to deduct the period of such services from his actual age. If the resultant age does not exceed the minimum age limit prescribed for the post 0% by more

than three years, he is considered to fulfil the conditions of age limit.

Educational Qualifications:

- i) No disabled ex-serviceman will be refused appointment if he fulfils the minimum requirements of the job and has been recommended by the employment exchange.
- ii) For appointment to Group C posts filled through employment exchanges, the disabled candidates are given relaxation in the prescribed educational qualifications. Their ability to hold the posts will be assessed by the appointing authority by holding suitable tests,
- iii) For appointment to any reserved vacancy in Group D posts, like peon, daftry, jamadar and record sorter, etc., every disabled candidate who has put in not less than three years service in the Armed Forces, shall be exempted from the prescribed educational qualifications.

In the case of appointment to other Group D reserved vacancies, the appointing authority may relax the educational qualifications if the disabled candidates are otherwise found fit.

Medical Standards

The disabled defense services personnel are examined by a Demobilisation Medical Board of the Defense services,

prior to their release from the services, and the certificate of fitness granted by that Board is considered adequate for the purpose of employment in Group A and B posts. However, if the physical capacity of a person either deteriorates or improves after demobilisation, the employing authority may require a fresh medical examination by the appropriate civil Medical Board. In that case, the Medical Board will follow the norms laid down for the Defence services Medical Board and if the disabled person is found fit for discharging the duties of the post, he will be considered medically fit.

For purposes of employment to Group C and Group D posts, the certificate of fitness issued by the Demobilisation Defense Services Medical Board is adequate and no further medical certificate of fitness would be required for taking the disabled defence services personnel in employment.

Concessions listed under this ministry are applicable to defense services personnel of all ranks disabled in operation against the enemy or in disturbed areas and the same are not applicable to other disabled personnel in field or peace areas.

A good start has been made with respect to the employment of the hearing impaired. Certain recommendations which could be implemented are:-

1. The grants and concessions at the central government level should be extended to the State Government level and also to the public sectors.

2. Uniformity in Relaxations made at the various public sectors.

3. Those aids for the physically handicapped should be extended specifically for the hard of hearing.

ECONOMIC ASSISTANCE

SCHEME OF PUBLIC SECTOR RANKS FOR ORPHANAGES? WOMEN'S HOMES AND PHYSICALLY HANDICAPPED PERSONS;

Differential Rate of Interest scheme. The benefits of the Differential rate of Interest scheme are available to physically handicapped persons as well as institutions working for the welfare pf the Handicapped.

Eligibility: Physically handicapped persons are eligible to take loans under the scheme, if they satisfy the following conditions:

- (1) He/She should be pursuing a gainful occupation.
- (2) His/Her family income from all sources should not exceed RS.3000 per annum in in urban or semi-urban areas or Rs. 2000 per annum in rural areas.
- (3) He/She should not have land holding exceeding 1 acre if irrigated and 2.5 acres if un-irrigated.
- (4) He/She should not incur liability to two sources of finance at the same time.
- (5) He/She should work largely on their own and with such help as other members of their family or some joint partners may give them and should not employ paid employees on a regular basis.

In addition, institutions for physically handicapped

persons pursuing a gainful occupation are also eligible to take benefit under the scheme.

The above institutions are exempted from income criteria. However, these institutions should utilise the funds for productive purposes only and not for meeting their normal administrative and establishment expenses.

Assessments: The quantum of loan, both for working capital and for acquisition of fixed assets, will be determined on the basis of the needs of institutions/individuals in a scientific method to ensure that all their legitimate financial requirements are met in total.

Amount of Loan: The amount of loan will depend on the particular scheme proposed to be financed. It should be adequate to enable the borrower to finance his requirements without having to borrow funds from another source. The normal limit will be Rs.1500 for a working capital loan and Rs. 5000 for a term loan. In exceptional cases, particularly for institutions etc., higher amounts are allowed. Both the working capital and term loan are admissible in accordance with the specific requirement of the borrower.

Repayment: Term loan for the acquisition of fixed assets are normally allowed for 5 years, including a grace period

not exceeding two years on the repayment of principal. The repayment schedule will be worked out in each case having regard to the nature of the activity of the borrower and the economies of the scheme. In assessing the surplus for the payment of interest and principal, due allowance is made for the sustenance requirements of the borrower himself.

Security: The borrower may or may not be able to offer tangible security to secure the loan. The viability or the potential viability of a project will be the main criterion for the grant of an advance. However, the assets purchases with the loan may be hypothicated to the bank. In addition, in appropriate cases of loans to a homogenous group of borrowers, group guarantee may be accepted.

Margin: In the case of borrowers belonging to the weakest strata of society who may not be in a position to furnish margin money, requirements of margin money will not be insisted upon.

Rate of Interest: Keeping in view the social objective, the interest will uniformly be charged 4% per annum.

MEDICAL AND HEALTH FACILITIES AND REHABILITATION

All India Institute of Speech and Hearing, Mysore provides clinical services and consultation facilities to patients with defects of speech and hearing. It also provides hearing aids and ear moulds. Periodically programmes like 'Danish-Aid' and that by the Karnataka Government have been providing hearing aids free of cost. The therapy clinic attached to the Institute provides treatment.

There are other institutions and clinics all over the country which provide clinical services for the speech and Hearing handicapped. The addresses to these centres can be got from the Secretary of Indian Speech and Hearing Association.

The department of Social welfare have the 'Training Centre for the Adult Deaf, Hyderabad' and 'School for the partially Deaf children', Hyderabad to cater to their needs.

The department of Social welfare have the following institutions to cater to the needs of the deaf

- Training centre for the Adult Deaf, Hyderabad.
- School for partially Deaf children, Hyderabad.

H O U S I N G

Preference in allotment of Governement Residential accomodation.

The Government of India(Directorate of Estates, Ministry of Works and Housing) have decided to consider requests for allotment of residential accomodation on an ad hoc basis to severely orthopaedically handicapped, blind and Hard of hearing Government Employees who are eligible for general poo& accomodation, on merits. This will enable such employees to secure allotment of general pool accomodation much ahead of their turn.

INCOME TAX

A residential individual who suffers from a permanent physical disability which has the effect of reducing substantially his capacity for engaging in a gainful employment or occupation is entitled to a deduction of Rs. 5000 in the computation of his taxable income. This concession is made according to "INCOME TAX CONCESSION" Clause SOU of THE INCOME TAX LAW OF 1961 AMENDED BY SEC.22 OF TAXATION LAWS (AMENDMENT) ACT, 1970.

In computing the total income of an individual, being a resident who, as at the end of the previous year:

ii) is subject to or suffers from a permanent physical disability (other than blindness) which has the effect of reducing substantially his capacity to engage in the gainful employment or occupation.

The above will be allowed a deduction of a sum of Five thousand rupees provided that such individual produces before the Income Tax officer in respect of the first assessment year for which concession is claimed under this section.

b) in a case referred to in Clause (ii) a certificate as to the permanent physical disability referred to in the said clause from a registered medical practitioner.

It may be clarified here that all resident individuals are in any case exempted from payment of income tax on the first Rs. 5000 income. The concession, allowed by the Government is over and above the general exemption and it has the added advantage of being a deduction from the total income when computing the net income.

GRANTS IN AID PROGRAMMES

For the promotion of voluntary effort in the field of Social welfare, grants are given by the Union Department of Social Welfare and the Central Social Welfare Board. The outlines of these schemes are given below:

A. Department of Social Welfare

A scheme to assist in the development of essential services for the physically and mentally handicapped through voluntary effort has been in operation since the Third five year plan.

Definition: For the purpose of this scheme, a voluntary organization for the handicapped is:

- an institution or organization registered under the Societies Registration Act, 1860 (Act XXI of 1860) or
- a public trust registered under any law for the time being in force.

An organization managed by a state government or a local body or established government or a local body or established under an Act of a state legislature or a Resolution of State Government shall not be entitled to assistance under this scheme.

Financial assistance under the scheme may be given to institutions/organizations working for the education

training and rehabilitation of the handicapped.

Eligibility: In order to be eligible for assistance, a voluntary organization for the handicapped should meet the following criteria:

1. It should be recognised and aided by the state Government concerned.
2. It should have a properly constituted managing body with its powers, duties and responsibilities clearly defined and laid down in a written constitution.

Its financial position should be sound.

It should have facilities, resources, experience and personnel to initiate the scheme for which assistance is sought.

Its work should have been reported as satisfactory by the State Government.

It should be providing a needed service for the handicapped.

It should not run for profit to any individual or a body of individuals.

Purpose: Assistance will be provided for developing all activities calculated to promote the education, training and rehabilitation of the handicapped.

No assistance will be given if the project for which the grant is applied for is covered under any scheme of

the Central Social Welfare Board. Assistance will not be given for the same project if already covered under any scheme of the ministry.

Ordinarily, no maintenance grant will be given. Assistance may be given among others, for the following purposes:

1. Construction of building excluding staff quarters.
2. purchase of furniture.
3. purchase of educational or vocational equipment including hearing and prosthetic aids.
4. pay and allowances of the staff etc.
5. purchase or transcription of books.
6. seminars, conferences and exhibitions.
7. research and surveys.
8. publication of journals, pamphlets, books, etc.

The above is not an exhaustive but merely an illustrative list of the institutions and activities that may be provided assistance. It will be open to the Government of India to assist any other type of institution for an activity considered essential for promoting the education, training and employment of the handicapped

Extent of Assistance: Financial assistance will be given on a sharing basis. The grant-in-aid from the Central Government shall be determined on the merits of each case

and it shall not exceed 90 per cent of the non-recurring and recurring expenditure or the net deficit in each year. The remaining expenditure is borne by the State Government and/or the institution/organisation concerned. Grant-in-aid for buildings would not exceed Rs. 2.50 lakhs.

If the central Government is satisfied regarding the competence and ability of an institution for rendering service, recurring financial assistance may be given to it upto a period of three years from the first year of the implementation of the scheme. In exceptional cases, the period of these grants may be extended to five years. The exact period for which the grant is approved and the conditions under which it will operate will be communicated to the institution/organisation at the time of approving the project.

If an institution has already received or is expecting to receive a grant from some official source(S) for a project for which application is being made under this scheme, the assessment of central grant will normally be made after taking into consideration the grant from such other official sources.

The application for grant-in-aid for a particular year should reach the Department by the 30 November of the financial year in which the grant is required. This aid is according to the "SCHEME OF GRANT-IN-AID TO

VOLUNTARY ORGANISATIONS".**B. Central Social Welfare Board**

This programme of grants-in-aid to voluntary social welfare agencies including those of the handicapped, was started by the central social welfare Board in the first Five year plan and has been continued in the successive plans. In the Fifth five year plan, the emphasis is on the education and rehabilitation services and their extension to underdeveloped areas.

Here, a 'voluntary Organisation' is

- (1) a society under the India Societies Registration Act, 1860 (Act XXI of 1860) or
- (2) a public trust registered under any Act for the time being in force or
- (3) a non-official body which is engaged in the organisation and development of social welfare programmes and is registered under the appropriate Act.

In particular, assistance may be given to institutions providing welfare services to the physically and mentally handicapped such as care, maintenance, rehabilitation; works for the care of physically and mentally handicapped persons; and institutions for welfare activities such as assistance and guidance for the handicapped and hostels for working handicapped persons.

In order to be eligible for financial assistance under the Board's programme, an institution or organisation should meet the following requirements:

(1) It should be registered under an appropriate Act or be a regularly constituted branch of a registered Welfare organisation.

- should have a properly constituted Managing Committee with its powers, duties and responsibilities clearly defined and laid down in a written constitution.

(2) It should have been normally engaged in social welfare work for a minimum period of three years prior to the date of application for a grant under the programme. Relaxation may, however, be made (i) in case of institutions in hilly, remote, border and backward areas; (ii) in case of those which provide specialised services where these are not available; and (iii) in case where the need for starting an altogether new service is recognised. This restriction does not apply to old, well established organisations which have started or proposed to start welfare services in areas where they are most needed.

(3) It should not run for profit to any individual or group of individuals.

(4) It should have facilities, resources, personnel, managerial skill, and experience to initiate the activity for which the grant is required.

(5) work should be reported as satisfactory by the State

Social Welfare Advisory Board.

(6) Financial position should be sound.

(7) It should be open to all citizens of India without any distinction of religion, race, caste or language.

Non-eligibility: An organisation/institution managed by the State Government/Union Territory Administration or a total body, or established under an Act of state legislature or by a Resolution of a State Government/Union territory Administration or financed mainly or wholly from Government or localy body funds shall not ordinarily be eligible for assistance from the Central Social Welfare Board.

No grant shall be given to a voluntary organisation for the same purpose for which it receives grant-in-aid from any Ministry or Department of the Central Government or an undertaking of the Government of India. No grant shall be given to an institution for supplementing per capita grants by the State Government in discharge of a statutory responsibility or in case the purpose for which the grant is required is covered under any Ministry/Department of the Government of India.

However, assistance may be given in individual cases by the Board for certain specific purposes and for the maintenance of the inmates other than those in respect of whom no per capita grants are received by an institution from the state

Government/Union Territory Administration in discharge of a statutory responsibility.

In case, where an institution is receiving boarding grants from the State Government (Education/Harijan Welfare/ other Departments), grants shall be given for the improvement of the standards of services of the institutions (for certain specific items like salary of qualified) avoiding duplication.

Purpose: Grants under the programme shall be given for the following purposes.

- a) Expansion and development of existing services.
- b) consolidation and improvement of existing services.
- c) undertaking new services.
- d) construction of a new building or additions/alterations in existing buildings and
- e) purchase of a mobile van for welfare activities.

Grants for (a), (b), (a) and (e) above are given to well established institutions and institutions of atleast five years⁸ standing. In case of (c) and (d), however, this condition may be relaxed for institutions in certain geographical areas such as hilly, border and backward areas.

There are two types of grants - one-year grants and plan-period grants. A particular pattern of assistance is followed.

CUSTOMS DUTY

Institutions for the blind and the Hard of hearing are permitted to import equipment and apparatus required for education and training of the blind and the Hard of hearing free of duty, if they are received as bonafide gifts. For this purpose, institutions concerned are required to obtain a customs clearance permit from the Chief Controller of Imports and Exports, Udyog Bhavan, New Delhi.

No fee is required to be paid by Charitable Organisations when applying for a customs clearance permit.

CHAPTER IV

THE HARD OF HEARING AND THE LAWS

THE HEARING IMPAIRED INDIVIDUAL AS A WITNESS

In ancient times, intellectual weakness was not the only ground on which persons were held incompetent to give evidence. The then existing rule in England, not only declared the plaintiff or defendant incompetent to testify but also those who had the slightest interest in the result of the action, husband or wife of a party, persons convicted of treason, felony, and also persons without any religious belief. These and other hinderances were gradually removed by the evidence act 1843, 1851.

The law states as follows: (section 118 of the India Evidence Act)

WHO MAY TESTIFY "All persons shall be competent to testify unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to the questions, by tender years, extreme old age, disease, whether of body or mind, any other cause of the same kind".

This Act has swept away all grounds of incompetency. Competency of witnesses is the rule and their incompetency is the exception. All persons are competent to testify, unless the court considers that by reason of tender years, extreme old age, disease or infirmity, they are incapable of understanding the questions put to them and of giving rational answers.

The only incompetency that the present act recognises

is incompetency from immature or defective intellect which may arise from

- (i) infancy,
- (ii) idiocy, deafness, dumbness,
- (iii) lunacy,
- (iv) illness.

So, according to this act, the hard of hearing were considered intellectually deficient and therefore incompetent.

Section 118 according to the law, states deaf since birth as idiots. But later this presumption was no longer recognised, as persons afflicted with these calamities have been proved in the light of modern science to be much more intelligent in general, and to be susceptible of far higher culture, than was once supposed. So the section 119 was passed. It states:

"A witness who is unable to speak may
DUMB WITNESS give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but signs made in open court. Evidence so given shall be deemed to be oral evidence".

When a hard of hearing is to give evidence, the court should ascertain that he possesses the requisite amount of intelligence and that he understands the nature of an oath.

4.3

When the judge is satisfied, the witness may give evidence by means of an interpreter. If he is able to communicate his ideas perfectly by writing, he will be required to adopt that as the more satisfactory method; but if his knowledge of that method is imperfect, he will be permitted to testify by means of signs. These signs and not the interpretation of signs will be recorded.

When the sessions judge is satisfied that the 'deaf-mute' is not able to understand the questions that are put to him, and for the most part, is not able to make his meaning intelligible, it becomes clear that he is not a competent witness.

So we can conclude that deaf or dumb persons are incompetent if they are unable to understand the questions put to them or to communicate their ideas by signs or writings.

(Ref: Indian Evidence Act Sarkar)

HARD OF HEARING AND THE CRIMINAL LAW

The criminal law states that the laws does not recognise any kind of concession or exemption to any physically handicapped person committing any crime defined under Indian Penal code. The reason behind this is that crime is an external act of the body directed by mental awareness as such, any person who is mentally sound and who is capable of foreseeing the consequences - possible or probable of his contemplated action, irrespective of any physical deformity from which he suffers, he is neither on valid ground nor of reasonable circumstance warranting any extenuating aspect while awarding punishment for the action.

Earlier it was believed that the deaf and the dumb were mentally deficient. But in the light of modern science there is enough evidence that their intellectual capacity is normal. So, according to the criminal law they are liable to be punished. This law protects the mentally handicapped and not those who are physically handicapped.

HARD OF HEARING AND THE DRIVING LICENSE

A motor vehicle driving license is usually dispensible to only those who are declared normal. The motor vehicle Act makes a clear demarcation between those eligible for license and those not eligible.

Section 7(5) of the Motor Vehicle Act states as follows:

"Disease and disabilities absolutely disquantifying a person for obtaining a license to drive a motor vehicle

.....I*.....*****

A degree of deafness which prevents the applicant from hearing(or in a case of a person who applied for a license to drive a light motor vehicle, with or without hearing loss) the ordinary sound signals".

According to the above Act, all individuals with impaired hearing are not eligible for a driving license. But, if when certified by a district surgeon that the hearing impaired individual is able to function as normal with the use of a hearing aid, he becomes eligible for a driving license. An individual with acquired hearing loss is expected to surrender his driving license if he already has one.

4.6

All Regional Transport offices have tests to detect the various handicapping conditions, but no such tests for hearing testing is available. The District surgeon is sought after for certifying the hearing impaired. Here again, the profession of audiology is new to them.

Recommendation: 1. Employment of a regional audiologist.
2. Field of audiology made known to the Regional Transport Officers.

HARD OF HEARING AND INSURANCE

According to the Private motor vehicle policy, if a person acquired a hearing loss after an accident, the insurance paid is not a fixed sum. It depends on what the court decides the amount is (unlimited) and varies from person to person. It depends on the amount of income, loss, profession, status, etc.

Insurance policy has certain specified percentages for various handicapping conditions(loss of sight, fingers, hand). Hearing loss and loss of speech do not come under this list.

HARD OF HEARING AND INHERITANCE OF PROPERTY

Section 28 of the 'Hindu Succession Act' says that hard of hearing shall not be disqualified from succeeding to any property.

The law states thus:

"No person shall be disqualified from succeeding to any property on the ground of any disease, defect or deformity or, same as provided in this Act, on any other ground whatsoever".

(Whether congenital or not, none of the following ailments will disqualify any person from succeeding to property: dumbness, deafness.)

(Ref: The Hindu Succession Act, 1956)

C H A P T E R V

NOISE AND THE RELATED LAWS

OCCUPATIONAL HEARING LOSS AND ITS COMPENSATION

Occupational hearing loss could be both - hearing loss acquired due to exposure to loud and continuous noise and those acquired due to accidents arising out of and in the course of employment.

The Workmen's compensation Act states that if personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation.

Provided that the employer shall not be so liable -

a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding a period of (three) day;

b) In respect of any injury, not resulting in death, caused by an accident which is directly attributable to -

(i) the workman having been at the time thereof under the influence of drinks or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other services which he knew to have been provided for the

purpose of securing the safety of workmen.

..... No compensation shall be payable to workmen in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of this employment.

In accordance with the above stated act, a list of occupational diseases(Schedule III) have been recognized. Hearing loss due to exposure to noise has not been considered as an occupational disease. However, we do know that noise induced hearing loss is an occupational disease. If noise induced hearing loss is to be recognised as an occupational disease it should be proved that the hearing loss has developed after exposure to noise. If this has to be done, audiological evaluation should be done at the time of recruitment and periodically thereafter. But this is not being practiced in India. So hearing loss acquired due to noise exposure is not proved and it becomes difficult to claim compensation.

Lately it has been reported that Noise induced Hearing Loss can be reported as an occupational disease.

Part I of Schedule I of the Workmen's compensation Act gives a list of injuries which result in permanent total disablement. "Total disablement" is defined as

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the disablement whether of temporary or permanent nature, as incapacitates a workman for all work which he was incapable of performing at the time of the accident resulting in such disablement'.

'Absolute Deafness' is also tested. It is said to result in 100% loss of earning capacity.

Part II of Schedule I of the Workmen's Compensation Act gives a list of injuries which are said to result in permanent partial disablement. This list includes various conditions which result in 30 - 90% loss of earning capacities. But permanent partial/unilateral hearing loss too, which is equally handicapping has not been included in this list. "Partial disablement" means where the disablement is of a temporary nature, such disablements as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he is capable of undertaking at that time".

We do find how permanent and temporary(rare) partial hearing loss which are handicapping and which should be included under Part II of Schedule I. Definition of partial hearing loss should be more definite - as the degree of loss in decibels, unilateral/bilateral.

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Schedule IV

Compensation payable in certain cases:-

Amount of compensation:-

Subject to the provisions of this Act, the amount of compensation shall be as follows, namely -

... where permanent total disablement results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV - the amount shown against such limits in the 3rd column.

| <u>Monthly Wages of the workman injured.</u> | | <u>Amount of Compensation for permanent total disablement</u> | Half monthly payment as compensation for temporary disablement $\frac{1}{2}$ his monthly wages. |
|--|-------------------|---|--|
| More than | But not more than | | |
| 0 | 60 | 10,080 | 36.00 |
| 60 | 90 | 14,608 | 42.00 |
| 90 | 120 | 16,128 | 48.75 |
| 120 | 150 | 18,900 | 60.00 |
| 180 | 200 | 23,520 | 82.50 |
| 200 | 300 | 25,200 | 100.00 |
| 300 | 400 | 26,880 | 118.75 |
| 400 | 500 | 29,400 | 135.00 |
| 500 | 600 | 30,240 | 148.75 |
| 600 | 700 | 32,340 | 160.00 |
| 700 | 800 | 33,600 | 168.75 |
| 800 | 900 | 37,800 | 175.00 |
| 900 | 1000 | 42,000 | 175.00 |

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So with reference to this law, one recommendation which can be made is the recognition of Noise Induced Hearing Loss as the occupational disease. And if this has to be done, periodical audiological evaluation is a must. So an Regional audiologist for a group of industries can be employed and this must be a must.

VEHICLES AND NOISE POLLUTION

It is well known to us that one of the causes for noise pollution is vehicle noises, shrill and loud horns. Under section 70 of the Motor vehicle act, the government has the power to make rules to control them.

"State Government may make rules regulating the construction, equipment and maintenance of motor vehicle and trailers for

..... the reduction of noise emitted by or caused by vehicles

..... prohibiting or restricting the use of audible signal at certain times or in certain places".

According to this Act, 'too loud' vehicle noises and shrill horns are prohibited. How loud is too loud let not specified in decibels.

CHAPTER VI

CONCLUSIONS

All the welfare measures taken and laws passed show that the hard of hearing are no longer a deprived group. It is necessary that the hard of hearing are aware of all the laws and facilities made available to them. More improvement could be brought about by extending some of those rules for the physically handicapped for the hard of hearing too. For instance, the blind have railway concessions and do not have to pay radio license. Such relaxations which seem logical to be extended for the hard of hearing too, should be extended, it would also be good if the recommendations made at the end of each section could be followed.

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