

F.No15012/1/2003-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

....

North Block, New Delhi,
dated the 29th June, 2015

OFFICE MEMORANDUM

Subject: Grant of age concession to the Persons with Disabilities suffering from (a) blindness or low vision, (b) hearing impairment and (c) locomotor disability or cerebral palsy for direct recruitment to civil posts/services under the Central Government.

....

The undersigned is directed to say that the following age concessions have been provided to physically handicapped persons for recruitment under the Central Government:

- (i) Provision of ten years concession in upper age limit for Group C and D posts filled through employment exchanges issued vide O.M.No.15012/6/77-Estt.(D) dated 28.1.1978;
- (ii) Provision of five years' concession in upper age limit (10 years for SC/ST, 8 years for OBC) for recruitment to Group 'A' and 'B' posts otherwise than through Open Competitive Examination issued vide O.M.No.15012/5/92-Estt.(D) dated 27.7.1995; and
- (iii) Provision of ten years concession in upper age limit (15 years for SC/ST, 13 years for OBC) for recruitment to Group A,B,C and D Civil Posts/Services filled through Open Competitive Examination issued vide O.M.No.43019/28/86-Estt.(D) dated 1.2.1999.

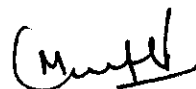
2. The question of prescribing uniform age-concession for direct recruitment to all Civil Posts/Services under the Central Government has since been examined and in supersession of the OMs referred to at (i), (ii) and (iii) above, the following has been decided:

- (i) Age relaxation of 10 years (15 years for SC/ST and 13 years for OBC candidates) in upper age limit shall be allowed to persons suffering from (a) blindness or low vision, (b) hearing impairment and (c) locomotor disability or cerebral palsy in case of direct recruitment to all civil posts/services under the Central Government identified suitable to be held by persons with such disabilities, subject to the condition that maximum age of the applicant on the crucial date shall not exceed 56 years.
- (ii) The age concession to the persons with disabilities shall be admissible irrespective of the fact whether the post is reserved for person with disabilities or not, provided the post is identified suitable for the relevant category of disability. This provision will not apply to the Civil Services Examination, in respect of which the List of Services Identified suitable for Physically Disabled Category along with the Physical Requirements and Functional Classifications is notified separately.
- (iii) Relaxation of age limit would be permissible to such persons who have a minimum of 40% disability.

- (iv) The definitions of above categories of disabilities, for the purpose of age relaxation, will be same as given in this Department's O.M. No. 36035/3/2004-Estt(Reservation) dated 29th December 2005.
- (v) If a person with disability is entitled to age concession by virtue of being a Central Government employee, concession to him/her will be admissible either as a 'person with disability' or as a 'Central Government employee' whichever may be more beneficial to him/her. This provision will not apply to the Civil Services Examination, which is governed by the Civil Services Examination Rules, published annually.
- (vi) Provisions of this O.M. will not be applicable to a post/service for which other specific provision regarding age relaxation is made by notification.

3. The Ministries/Departments are advised to ensure invariably that while sending the requisition to the UPSC/SSC and other recruitment agencies for direct recruitment posts by selection, they should clearly mention in the requisition the category of person(s) with disabilities suitable for the post(s) in question. No change or modification in identified post(s) for physically disabled persons with respect to an Examination, intimated after the Notification of that Examination, shall be acceptable.

4. These instructions come into effect from the date of their issue.



(Mukta Goel)
Director(E.I)

Ph.No.23092479

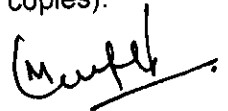
To

All Ministries/Departments of the Govt. of India.

Copy to:

1. All State Governments/Union Territory Administrations.
2. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
3. The Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
4. The Registrar General, Supreme Court of India, New Delhi.
5. The Election Commission of India, Ashoka Road, New Delhi
6. Rajya Sabha Secretariat, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. The Secretary, Central Vigilance Commission, New Delhi.
9. The President's Secretariat, New Delhi.
10. The Vice-President's Secretariat, New Delhi.
11. The Prime Minister's Office, South Block, New Delhi
12. The Cabinet Secretariat, New Delhi.
13. The Secretary, Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
14. The NITI Aayog, New Delhi.
15. The Controller General of Accounts, New Delhi.

16. The Chief Commissioner (Persons with Disabilities), Ministry of Social Justice and Empowerment, Sarojini House, 6, Bhagwan Dass Road, New Delhi.
17. National Commission for SC/ST, New Delhi.
18. National commission for OBC, New Delhi.
19. Principal Information Officer, Press Information Bureau, Government of India, Shastri Bhavan, New Delhi.
20. The Secretary, Staff Selection Commission, New Delhi
21. Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
22. General Secretary, National Federation for the Blind, 2721 Chowk Sangtrashan, 2nd Floor, Pahar Ganj, New Delhi.
23. All attached/subordinate offices under the Department of Personnel & Training.
24. All Officers/Sections in the Department of Personnel and Training..
25. Copy to NIC for inclusion of the Circular in the Ministry's Website.
26. Establishment(D), Department of Personnel and Training – (10 copies).



(Mukta Goel)
Director(E-I)
23092479

No. B-11011/1/2016-Ad-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Dated 11 March, 2016

Circular

Subject: Scheme for providing facilities to the Employees with Disabilities of
Department of Personnel & Training - reg.

In accordance with this Department's O.M. no. 36035/3/2013 - Estt (Res) dated 31.03.2014 a scheme for providing facilities to the Employees with Disabilities in this Department has been formulated.

2. The detail of the Scheme ^{are} enclosed & circulated herewith.



(Kulbhushan Malhotra)
Under Secretary to the Govt. of India
☎: 23093791

Copy to:

- i) PS to MOS(PP)
- ii) PS to EO & AS, AS (S&V) & AS & FA
- iii) PS to JS (PKD), JS (JB), JS (AV), JS (DC), JS(VV)
- iv) All Directors & DSs in DOP&T
- v) NIC for uploading it on the persmin.nic.in & e-office.

(Kulbhushan Malhotra)
Under Secretary to the Govt. of India
☎: 23093791

Scheme for providing facilities to the Employees with Disabilities of Department of Personnel and Training:-

Name of the Schemes:-

To provide facilities to the Employees with Disabilities working in Department of Personnel and Training, for ease of doing their day to day office work. The Scheme will come into effect from next financial year i.e. from April, 2016.

Objective of the Scheme:-

The objective of the Scheme is to enable and empower Persons with Disabilities (PwDs) of this Department by providing certain additional facilities to help them discharge their duties more conveniently and effectively.

Facilities under the Scheme: -

The Scheme provides the following facilities to the PwDs:-

- Wheelchairs (Motorised, if required)
- Special furniture
- Hearing aids with battery
- Low vision aids
- Smart Cane
- Special Software/computers
- Braille Signage near lift area, toilets, canteen, fire, exit etc. /Room Numbering/Section Name
- Provision of Beep sound in biometric attendance system
- Induction/lob specific training

Eligibility:-

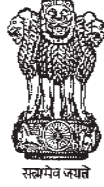
PwD employees who are serving in DoPT.

Implementation process:-

Employees with disability would be given option to apply for the items mentioned above to the Administration Division through proper channel, which will be examined on case to case basis and decided with the approval of competent authority.

Grievance Redressal:-

Shri Suresh Kumar DS (Admn), is the nodal authority/Grievance Officer to address the issues, if any, relating to operation and procurement of special items, as mentioned above.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 59]

नई दिल्ली, बुधवार, दिसम्बर 28, 2016/ पौष 07, 1938 (शक)

No. 59] NEW DELHI, WEDNESDAY, DECEMBER 28, 2016/PAUSHA 07, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th December, 2016/Pausha 17, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 27th December, 2016, and is hereby published for general information:—

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

(No. 49 OF 2016)

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appellate authority” means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) “barrier” means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

(d) “care-giver” means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(e) “certifying authority” means an authority designated under sub-section (1) of section 57;

(f) “communication” includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(g) “competent authority” means an authority appointed under section 49;

(h) “discrimination” in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

(i) “establishment” includes a Government establishment and private establishment;

(j) “Fund” means the National Fund constituted under section 86;

(k) “Government establishment” means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government;

18 of 2013.

(l) “high support” means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(m) “inclusive education” means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(n) “information and communication technology” includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(o) “institution” means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

(p) “local authority” means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

41 of 2006.

(q) “notification” means a notification published in the Official Gazette and the expression “notify” or “notified” shall be construed accordingly;

(r) “person with benchmark disability” means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) “person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(u) “prescribed” means prescribed by rules made under this Act;

(v) “private establishment” means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) “public building” means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) “public facilities and services” includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment

and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) “registered organisation” means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) “rehabilitation” refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(zb) “Special Employment Exchange” means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(i) persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) “specified disability” means the disabilities as specified in the Schedule;

(zd) “transportation systems” includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.;

(ze) “universal design” means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II

RIGHTS AND ENTITLEMENTS

Equality and
non-
discrimination.

3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. (1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

Women and children with disabilities.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.

5. (1) The persons with disabilities shall have the right to live in the community.

Community life.

(2) The appropriate Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. (1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

Protection from cruelty and inhuman treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. (1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

Protection from abuse, violence and exploitation.

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter. 45 of 1860.

Protection and safety.

8. (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities. 53 of 2005.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness. 53 of 2005.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

Home and family.

9. (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

Reproductive rights.

10. (1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

Accessibility in voting.

11. The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

Access to justice.

12. (1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

39 of 1987.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. (1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

Legal capacity.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. (1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provision for guardianship.

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.—For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

Designation of authorities to support.

15. (1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III

EDUCATION

Duty of educational institutions.

16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

Specific measures to promote and facilitate inclusive education.

17. The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

Adult education.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

19. (1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

Vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. (1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Non-discrimination in employment.

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

Equal
opportunity
policy.

21. (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

Maintenance
of records.

22. (1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

Appointment
of Grievance
Redressal
Officer.

23. (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

Social security.

24. (1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. (1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,— Healthcare.

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying “at-risk” cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities. Insurance schemes.

27. (1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of Rehabilitation.

rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

Research and development.

28. The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

Culture and recreation.

29. The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

Sporting activities.

30. (1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

35 of 2009.

31. (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

Free education for children with benchmark disabilities.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

Reservation in higher educational institutions.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. The appropriate Government shall—

Identification of posts for reservation.

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(iii) undertake periodic review of the identified posts at an interval not exceeding three years.

34. (1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

Reservation.

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

Incentives to employers in private sector.

35. The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

Special employment exchange.

36. The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

Special schemes and development programmes.

37. The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

Special provisions for persons with disabilities with high support.

38. (1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

Awareness campaigns.

39. (1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

40. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

Accessibility.

41. (1) The appropriate Government shall take suitable measures to provide,—

Access to transport.

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. The appropriate Government shall take measures to ensure that,—

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

Access to information and communication technology.

43. The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

Consumer goods.

44. (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

Mandatory observance of accessibility norms.

45. (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

Time limit for making existing infrastructure and premises accessible and action for that purpose.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

Time limit for accessibility by service providers.

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

Human resource development.

47. (1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

34 of 1992.

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

Social audit.

48. The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

Competent authority.

49. The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

Registration.

50. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, shall not be required to be registered under this Act.

14 of 1987.

51. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

Application and grant of certificate of registration.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2) ,—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

52. (1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

Revocation of registration.

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

Appeal.

53. (1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

Act not to apply to institutions established or maintained by Central or State Government.

54. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

Assistance to registered institutions.

55. The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

Guidelines for assessment of specified disabilities.

56. The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

Designation of certifying authorities.

57. (1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

Procedure for certification.

58. (1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

Appeal against a decision of certifying authority.

59. (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. (1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution of Central Advisory Board on Disability.

(2) The Central Advisory Board shall consist of,—

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio*;

(g) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(i) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(j) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, *ex officio*;

(l) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, *ex officio*;

(n) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(o) Chairperson, University Grants Commission, Member, *ex officio*;

(p) Chairperson, Medical Council of India, Member, *ex officio*;

(q) Directors of the following Institutes:—

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

- (v) National Institute for the Orthopaedically Handicapped, Kolkata;
- (vi) National Institute of Rehabilitation Training and Research, Cuttack;
- (vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;
- (viii) National Institute for Mental Health and Sciences, Bangalore;
- (ix) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio*;

(r) Members to be nominated by the Central Government,—

- (i) five Members who are experts in the field of disability and rehabilitation;
- (ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

- (iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, *ex officio*.

Terms and conditions of Service of members.

61. (1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

Disqualifications.

62. (1) No person shall be a Member of the Central Advisory Board, who —

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office prejudicial to the interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

63. If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

65. (1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities *vis-à-vis* information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

66. (1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of—

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

Vacation of seats by Members.

Meetings of the Central Advisory Board on disability.

Functions of Central Advisory Board on disability.

State Advisory Board on disability.

(e) Members to be nominated by the State Government:—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

Terms and conditions of service of Members.

67. (1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

Disqualification.

68. (1) No person shall be a Member of the State Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

Vacation of seats.

70. The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Meetings of State Advisory Board on disability.

71. (1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

Functions of State Advisory Board on disability.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

(a) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(b) develop a State policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the State Government.

72. The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

District-level Committee on disability.

73. No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

Vacancies not to invalidate proceedings.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. (1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

Appointment of Chief Commissioner and Commissioners.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

Functions of
Chief
Commissioner.

75. (1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

Action of
appropriate
authorities on
recommendation
of Chief
Commissioner.

76. Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

- 5 of 1908. **77. (1)** The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—
- Powers of
Chief
Commissioner.
- (a) summoning and enforcing the attendance of witnesses;
 - (b) requiring the discovery and production of any documents;
 - (c) requisitioning any public record or copy thereof from any court or office;
 - (d) receiving evidence on affidavits; and
 - (e) issuing commissions for the examination of witnesses or documents.
- 45 of 1860. **(2)** Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
- 2 of 1974. **78. (1)** The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.
- Annual and
special
reports by
Chief
Commissioner.
- (2)** The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.
- (3)** The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.
- 79. (1)** The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.
- Appointment
of State
Commissioner
in States.
- (2)** A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.
- (3)** The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.
- (4)** The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.
- (5)** The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.
- (6)** The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.
- (7)** The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.
- 80.** The State Commissioner shall—
- Functions of
State
Commissioner.
- (a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;
 - (b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

Action by appropriate authorities on recommendation of State Commissioner.

81. Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

Powers of State Commissioner.

82. (1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

Annual and special reports by State Commissioner.

83. (1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII

SPECIAL COURT

84. For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

Special Court.

85. (1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

Special Public Prosecutor.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV

NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. (1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

National Fund for persons with disabilities.

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890.

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(c) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(d) all sums received from the Central Government including grants-in-aid;

(e) all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

87. (1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

State Fund for persons with disabilities.

88. (1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI

OFFENCES AND PENALTIES

Punishment for contravention of provisions of Act or rules or regulations made thereunder.

89. Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

Offences by companies.

90. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

91. Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.

92. Whoever,—

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

Punishment for offences of atrocities.

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

93. Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

Punishment for failure to furnish information.

94. No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

Previous sanction of appropriate Government.

95. Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

Alternative punishments.

CHAPTER XVII

MISCELLANEOUS

Application of other laws not barred.

96. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Protection of action taken in good faith.

97. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to remove difficulties.

98. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

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

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

Power to amend Schedule.

99. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

Power of Central Government to make rules.

100. (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;

(g) rules for person with disabilities laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. (1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;

(b) the manner of providing support of a limited guardian under sub-section (1) of section 14;

(c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;

(g) the period within which an appeal to be made under sub-section (1) of section 53;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(l) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(o) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Repeal and savings.

102. (1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed. 1 of 1996.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditons, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour,—

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated

tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 182]

नई दिल्ली, शुक्रवार, मार्च 10, 2017/फाल्गुन 19, 1938

No. 182]

NEW DELHI, FRIDAY, MARCH 10, 2017/PHALGUNA 19, 1938

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 10 मार्च, 2017

सा.का.नि.237(अ).— दिव्यांगजनों के अधिकारों का निम्नलिखित प्रारूप नियमों, जिन्हें निःशक्तजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का इस्तेमाल करते हुये बनाने का प्रस्ताव है, एतद्वारा इससे प्रभावित होने वाले सभी संभावित व्यक्तियों की सूचनार्थ प्रकाशित किया जाता है; और एतद्वारा नोटिस दिया जाता है कि उक्त प्रारूप नियमों पर, उस राजपत्र की प्रतियाँ, जिसमें अधिसूचना प्रकाशित होती है, जनता को उपलब्ध कराये जाने के तीस दिन की अवधि समाप्त हो जाने के बाद विचार किया जायेगा।

आपत्तियाँ और सुझाव, यदि कोई हों तो, श्री के.वी.एस. राव, निदेशक, दिव्यांगजन सशक्तिकरण विभाग, कमरा संख्या 518, 5वाँ तल, पंडित दीनदयाल अंत्योदय भवन, सीजीओ कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003 को भेजे जा सकते हैं अथवा kvs.rao13@nic.in द्वारा ई मेल किये जा सकते हैं।

ऊपर उल्लिखित अवधि की समाप्ति से पूर्व उक्त प्रारूप नियमों के संबंध में किसी व्यक्ति से प्राप्त आपत्तियों और सुझावों पर केन्द्र सरकार द्वारा विचार किया जायेगा।

प्रारूप नियम

अध्याय—I

- लघु शीर्षक और विषय** — (1) ये नियम निःशक्तजन अधिकार नियम, 2017 कहलायेंगे।
(2) ये समस्त भारत में लागू होंगे।
- परिभाषा** — (1) नियमों में जब तक संदर्भ में किसी अन्य की आवश्यकता न हो—
(क) “अधिनियम” का अर्थ निःशक्तजन अधिकार अधिनियम, 2016 (2016 का 49) है;
(ख) “प्रमाण पत्र” अथवा “विकलांगता प्रमाण पत्र” का अर्थ अधिनियम की धारा 57 के अंतर्गत जारी विकलांगता प्रमाण पत्र है;
(ग) “प्रपत्र” का अर्थ इन नियमों के साथ संलग्न प्रपत्र से है।

- (2) इन नियमों में इस्तेमाल किये गये शब्द और उल्लेख परिभाषित नहीं किये गये हैं परंतु वे क्रमशः अधिनियम में परिभाषित किये गये उनके अर्थ धारण करेंगे।

अध्याय—II

3. सरकारी संस्थापन विकलांगता के आधार पर भेदभाव नहीं करेंगे—

- (1) कोई सरकारी संस्थापन किसी दिव्यांगजन को आंशिक रूप से अथवा पूर्णतः उपयुक्त आवास मुहैया कराने हेतु व्यय हुई लागत का भुगतान करने हेतु विवश नहीं करेगा।
- (2) कोई सरकारी संस्थापन किसी दिव्यांगजन के साथ विकलांगता के आधार पर भेदभाव नहीं करेगा और पीड़ित दिव्यांगजन दिव्यांगजनों के लिये मुख्य आयुक्त अथवा राज्य आयुक्त के समक्ष, जैसा भी मामला हो, अभ्यावेदन प्रस्तुत कर सकता है जो साठ दिन की अवधि के अन्दर अभ्यावेदन का निपटान करेगा:
- परन्तु आपातकालिक मामलों में मुख्य आयुक्त अथवा राज्य आयुक्त ऐसी शिकायतों का निपटान संभव शीघ्र अवधि में करेंगे।

4. विकलांगता पर अनुसंधान हेतु केन्द्रीय समिति — (1) विकलांगता पर अनुसंधान हेतु केन्द्रीय समिति में निम्नलिखित व्यक्ति शामिल होंगे :—

- (i) विज्ञान और अनुसंधान के क्षेत्र में विस्तृत अनुभव रखने वाला एक प्रतिष्ठित व्यक्ति, जिसे केन्द्रीय सरकार द्वारा नामित किया जायेगा, पदेन अध्यक्ष;
- (ii) स्वास्थ्य सेवा महानिदेशक का नामित—सदस्य;
- (iii) राष्ट्रीय संस्थानों से लिये गये शारीरिक, दृष्टि, श्रवण और बौद्धिक विकलांगता का प्रतिनिधित्व करने वाले चार व्यक्ति—सदस्य;
- (iv) अधिनियम की अनुसूची में उल्लिखित विकलांगताओं के पांच समूहों का (प्रत्येक का) प्रतिनिधित्व करने वाले पंजीकृत संगठनों के पांच व्यक्ति, जिन्हें केन्द्र सरकार द्वारा नामित किया जायेगा—सदस्य;
- (v) निदेशक, दिव्यांगजन सशक्तिकरण विभाग, नई दिल्ली, सदस्य सचिव होगा;
- (vi) अध्यक्ष द्वारा नियुक्त कोई विशेषज्ञ विशेष आमंत्रित के तौर पर।
- (2) नामित सदस्यों का कार्यकाल कार्यालय ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिये होगा परन्तु ये पुनः नामित किये जाने के पात्र होंगे।
- (3) सदस्यों के आधे सदस्य, एक नामित उपस्थित सदस्य सहित, बैठक का कोरम निर्धारित करेंगे।
- (4) गैर-सरकारी सदस्य और विशेष आमंत्रित केन्द्र सरकार के समूह "क" के अधिकारी को लागू यात्रा भत्ते और मंहगाई भत्ते का पात्र होगा।
- (5) केन्द्रीय सरकार समिति को ऐसा लिपिकीय और अन्य स्टाफ मुहैया करा सकती है जैसा केन्द्रीय सरकार आवश्यक समझती हो।

अध्याय—III

5. समान अवसर नीति प्रकाशन का ढंग—(1) प्रत्येक सरकारी संस्थापन दिव्यांगजनों हेतु समान अवसर नीति प्रकाशित करेगी।

- (2) समान अवसर नीति संस्थापन द्वारा, विशेषकर उनकी वेबसाइट पर, प्रदर्शित की जायेगी, ऐसा न होने पर अपने परिसर में किसी विशिष्ट स्थान पर।
- (3) समान अवसर नीति में निम्नलिखित शामिल होंगे:—
- (क) किसी संस्थापन में अपनी ड्यूटी प्रभावी ढंग से निष्पादित करने के सक्षम बनाने हेतु दिव्यांगजनों को प्रदान की जाने वाली सुविधायें और जन सुविधायें;
- (ख) संस्थापन के दिव्यांगजनों हेतु चिह्नित उपयुक्त पदों की सूची;
- (ग) दिव्यांगजनों को विभिन्न पदों पर भर्ती करने का ढंग, भर्ती उपरांत और पदोन्नति पूर्व प्रशिक्षण, स्थानांतरण और तैनाती में प्राथमिकता, विशेष अवकाश, आवास आबंटन में प्राथमिकता, यदि कोई हो तो, और अन्य सुविधायें;
- (घ) दिव्यांगजनों हेतु सहायक उपकरणों, बाधामुक्त सुगम्यता और अन्य प्रावधान;
- (ङ) दिव्यांगजनों की भर्ती के लिये संस्थापन द्वारा संपर्क अधिकारी की नियुक्ति और ऐसे कर्मचारियों के लिये सुविधाओं और जन सुविधाओं के प्रावधान;

परन्तु ऐसे संपर्क अधिकारी को विकलांगता समानता और शिष्टता पर प्रशिक्षण प्रदान किया जायेगा।

6. **संस्थापन द्वारा रिकार्डस रखरखाव की किस्म और ढँग—**(1) प्रत्येक सरकारी संस्थापन हार्ड और सॉफ्ट कापियों में रिकार्डस का अनुरक्षण करेगा जिसमें पुस्तकों के रूप में अथवा कम्प्यूटर में स्टोर किये गये अथवा टेपस अथवा डिस अथवा किसी अन्य इलैक्टॉनिक रूप में अथवा किसी किस्म की प्रतिलिपि सूचना, जिसे सामान्य अथवा मशीनी भाषा में व्यक्त किया गया हो और ऐसे अन्य प्रलेख, जो इन नियमों के लिये लाभदायक हो, शामिल होंगे।

(2) रिकार्डस में निम्नलिखित विवरण प्रदर्शित किये जायेंगे:—

- (क) उन दिव्यांग कर्मचारियों की संख्या जो नियोजित हैं और नियोजित होने की तारीख;
- (ख) नियोजित कर्मचारियों के नाम और पते;
- (ग) ऐसे नियोजित दिव्यांगजनों की विकलांगता की किस्म;
- (घ) ऐसे नियोजित दिव्यांगजनों द्वारा किये जा रहे कार्य की किस्म; और
- (ङ) ऐसे दिव्यांगजनों को प्रदान की जा रही सुविधाओं की किस्म।

(3) प्रत्येक सरकारी संस्थापन इन नियमों के अंतर्गत मांग करने पर इस अधिनियम के अंतर्गत अधिकारियों को निरीक्षण हेतु अनुरक्षित रिकार्ड प्रस्तुत करेगा और यह अभिनिश्चयन के उद्देश्यार्थ कि क्या प्रावधानों का पालन किया गया है, मांगी गई ऐसी अपेक्षित सूचना की आपूर्ति करेगा।

(4) प्रत्येक सरकारी संस्थापन अधिकृत व्यक्ति द्वारा पूछे जाते समय उन रिकार्डस का सत्यापन करेगा जिनका निरीक्षण किया जा रहा है।

7. **सरकारी संस्थापनों द्वारा शिकायत का रजिस्टर अनुरक्षण करने का ढँग —** (1) शिकायत निवारण अधिकारी शिकायतों के एक रजिस्टर का रखरखाव करेगा और इस उद्देश्यार्थ विशेष तौर पर एक सॉफ्ट कॉपी का रखरखाव किया जायेगा और प्रत्येक शिकायत हेतु अलग पृष्ठ आबटित किया जायेगा।

(2) शिकायत निवारण अधिकारी रजिस्टर में निम्नलिखित विवरण दर्ज करेगा :

- (क) शिकायत की तारीख;
- (ख) शिकायतकर्ता का नाम;
- (ग) शिकायत की जांच कर रहे व्यक्ति का नाम;
- (घ) घटना का स्थान;
- (ङ) उस संस्थापन अथवा व्यक्ति का नाम जिसके विरुद्ध शिकायत की गई है;
- (च) शिकायत का सारांश;
- (छ) कोई अतिरिक्त सूचना;
- (ज) प्रलेखी साक्ष्य, यदि कोई हो तो;
- (झ) शिकायत निवारणकर्ता अधिकारी द्वारा निपटान की तारीख;
- (ञ) जिला स्तरीय समिति द्वारा अपील के निपटान के विवरण; और
- (च) कोई अन्य सूचना।

अध्याय—IV

8. **रिक्तियों का परिकलन—**(1) रिक्तियों के परिकलन हेतु उपयुक्त सरकारों द्वारा पदों के प्रत्येक समूह में संवर्ग संख्या में रिक्तियों की कुल संख्या का चार प्रतिशत बैचमार्क विकलांगताओं वाले व्यक्तियों हेतु रखा जायेगा।

(2) कुल रिक्तियों के परिकलन में चिह्नित और गैर-चिह्नित पदों से उठने वाली रिक्तियाँ शामिल होंगी:

परन्तु पदोन्नति में आरक्षण उपयुक्त सरकारों द्वारा समय-समय पर जारी अनुदेशों के अनुसार होगा।

9. **रिक्तियों की अदला-बदली—**सरकारी संस्थापन अधिनियम की धारा 34 के अंतर्गत रिक्तियों की केवल तभी अदला-बदली करेगा जब बैचमार्क विकलांगताओं वाले व्यक्तियों हेतु निर्धारित रिक्तियों को भरे जाने हेतु विज्ञापन जारी किये जाने जैसी भर्ती की प्रक्रिया का विधिवत अनुसरण किया गया होगा और भर्ती प्रक्रिया कोई अनुसरण करने के बाद को उपयुक्त उम्मीदवार उपलब्ध न हुआ हो।

10. **विशेष रोजगार कार्यालयों को रिक्तियों की अधिसूचना—(1)** सरकारी संस्थापनों द्वारा विशेष रोजगार कार्यालयों को निम्नलिखित रिक्तियां अधिसूचित की जायेंगी :—
- (क) केन्द्रीय सरकारी संस्थापनों में प्रतिमाह होने वाली स्तर 6 अथवा इससे अधिक वेतनमान वाली तकनीकी और वैज्ञानिक प्रकृति में रिक्तियां; और
- (ख) उन रिक्तियों को, जिन्हें केन्द्रीय सरकार के नियोक्ता द्वारा उस राज्य अथवा संघ राज्य क्षेत्र से बाहर, जहाँ वह अवस्थित है, सर्कुलेट किया जाता है, सरकारी राजपत्र में अधिसूचित किया जायेगा।
- (2) सरकारी संस्थापन रिक्तियों की अधिसूचना को प्रति संबंधित दिव्यांगजन व्यावसायिक पुनर्वास केन्द्र को भेजेगा।
- (3) उप-नियम (1) में उल्लिखित रिक्तियों को छोड़कर रिक्तियां संबंधित स्थानीय रोजगार कार्यालय को अधिसूची की जायेगी और सरकारी संस्थापन रिक्तियों की अधिसूचना की एक प्रति संबंधित दिव्यांगजन व्यावसायिक पुनर्वास केन्द्र भेजेगा।
11. **प्रपत्र और रिक्तियों को अधिसूचित करने का ढँग —(1)** सरकारी संस्थापन रिक्तियों को संबंधित विशेष रोजगार कार्यालय को लिखित में अधिसूचित करेगा और प्रत्येक किस्म की रिक्ति के संबंध में निम्नलिखित सूचना प्रस्तुत करेगा :—
- (क) नियोक्ता का नाम और पता;
- (ख) नियोक्ता का टेलीफोन नम्बर;
- (ग) रिक्ति की प्रकृति:—
- (i) अपेक्षित कर्मियों का पद;
- (ii) ड्यूटियों का विवरण;
- (iii) जॉब हेतु शारीरिक अपेक्षाएँ अर्थात् दृष्टि परिशुद्धता, सतत चलनशीलता अथवा चाल, सतत लंबे समय तक बैठन और अन्य शारीरिक आवश्यकताएँ;
- (iv) योग्यता आवश्यकतायें :—
- (i) अनिवार्य;
- (ii) वांछनीय;
- (v) आयु सीमा, यदि कोई हो तो;
- (vi) क्या महिलायें पात्र हैं?
- (घ) दिव्यांगजनों अर्थात् शारीरिक, दृष्टि, श्रवण, बौद्धिक और मानसिक रूग्णता हेतु आरक्षित रिक्तियों की संख्या—
- (i) नियमित;
- (ii) अस्थायी;
- (ङ) वेतन और भत्ते;
- (च) कार्य स्थान अर्थात् उस कस्बे, गांव और जिले का नाम जिसमें वह अवस्थित है;
- (छ) वह संभावित तारीख जब तक रिक्ति भरी जानी है;
- (ज) आवेदकों के साक्षात्कार/परीक्षा के संबंध में विवरण:—
- (क) साक्षात्कार अथवा परीक्षा की तारीख;
- (ख) साक्षात्कार अथवा परीक्षा का समय;
- (ग) साक्षात्कार अथवा परीक्षा का स्थान;
- (घ) उस व्यक्ति का पदनाम और पता जिसको आवेदकों को रिपोर्ट करना है;
- (ङ) कोई अन्य संबंधित सूचना।
- (2) यदि विशेष रोजगार कार्यालय और दिव्यांगजन व्यावसायिक पुनर्वास केन्द्र को पहले से इस नियम के अंतर्गत पहले से प्रस्तुत की गई सूचना में कोई परिवर्तन हो तो उपयुक्त सरकार संबंधित विशेष रोजगार कार्यालय को रिक्तियों को पुनः अधिसूचित करेगा।
12. **रिक्तियों की अधिसूचना हेतु समय सीमा :** (1) यदि कोई साक्षात्कार अथवा परीक्षा न हुई हो तो, स्थानीय विशेष रोजगार कार्यालय को अधिसूचित किये जाने हेतु अपेक्षित रिक्तियां आवेदकों का साक्षात्कार होने अथवा परीक्षा होने,

साक्षात्कार अथवा परीक्षा होने के स्थान अथवा रिक्तियां भरे जाने की संभावित तारीख, कम से कम तीस दिन पहले अधिसूचित की जायेगी।

(2) एक सरकारी संस्थापन का नियोक्ता संबंधित विशेष कार्यालय को चयन का परिणाम चयन की तारीख से 15 दिन के अंदर भेजेगा।

13. रिटर्नस का प्रस्तुतिकरण :- (1) सरकारी संस्थापन का नियोक्ता हर तीन माह में पीडीईआर-I प्रपत्र में स्थानीय विशेष रोजगार कार्यालय को रिटर्न प्रस्तुत करेगा और पीडीईआर-II प्रपत्र में हर दो माह में प्रस्तुत करेगा।

(2) रिटर्नस संबंधित तारीखों को अर्थात् 31 मार्च, 30 जून, 30 सितंबर और 31 दिसंबर तक तीस दिन के अन्दर प्रस्तुत की जायेगी।

(3) द्विमासिक रिपोर्ट सरकारी राजपत्र में उपयुक्त सरकार द्वारा अधिसूचित किये गये अनुसार निर्धारित तारीख से तीस दिन के अंदर प्रस्तुत की जायेगी।

14. वह प्रपत्र जिसमें नियोजक द्वारा रिकार्ड रखा जाना है.- सरकारी संस्थापन का प्रत्येक नियोक्ता पीडीईआर-III प्रपत्र में दिव्यांगजन कर्मचारियों का रिकार्ड रखेगा।

अध्याय-V

15. आंकलन बोर्ड का गठन:- (1) उच्च सहायता अपेक्षित व्यक्तियों की आवश्यकताओं से संबंधित मामलों के आंकलन हेतु आंकलन बोर्ड में निम्नलिखित शामिल होंगे :-

- (क) जिले का मुख्य चिकित्सा अधिकारी, जो आंकलन बोर्ड का अध्यक्ष होगा;
- (ख) संबंधित जिले का सिविल सर्जन - सदस्य;
- (ग) संबंधित जिले के जिला मजिस्ट्रेट अथवा उपायुक्त का एक नामित-सदस्य;
- (घ) विशेष आमंत्रित कोई अन्य विशेषज्ञ, जिसे अध्यक्ष आमंत्रित करे- सदस्य;

(2) आंकलन बोर्ड के कम से कम दो सदस्य बैठक का कोरम होगा।

(3) आंकलन बोर्ड उसमें कोई रिक्ति होते हुए कार्य करेगा।

16. उच्च सहायता की विकलांगता का आंकलन - (1) आंकलन बोर्ड प्रलेखी और अन्य प्रचलित वैज्ञानिक और मेडिकल साक्ष्य और अन्य सामाजिक-आर्थिक कारकों के आधार पर प्राधिकार द्वारा इसको संदर्भित एप्लिकेशन का आंकलन करेगा।

(2) प्राधिकार आंकलन बोर्ड को इसकी बैठक से कम से कम तीस दिन पूर्व आवेदक संदर्भित करेगा।

(3) आवेदक प्राप्ति के बाद आंकलन बोर्ड आवेदक को उसके समक्ष अपना मामला या तो अपने आप अथवा किसी प्राधिकृत प्रतिनिधि के तहत निर्धारित तारीख को जो नोटिस जारी करने से 30 दिन से अधिक की नहीं होंगी, प्रस्तुत करने का नोटिस जारी करेगा।

(4) आंकलन बोर्ड आवेदक के अनुरोध पर अपने विवेक के आधार पर आगे और अवसर दे सकता है।

(5) आंकलन बोर्ड जाँच के दौरान एप्लिकेशन का आंकलन करने हेतु संबंधित व्यक्ति को बुला सकता है।

(6) आंकलन बोर्ड प्राधिकार को आवेदक के आंकलन की अपनी रिपोर्ट तीस दिन की अवधि के अन्दर भेजेगा।

(7) उप-नियम (6) के अंतर्गत रिपोर्ट प्राप्ति पर प्राधिकार धारा 38 की उप-धारा (4) के अनुसार कार्रवाई करेगा और उपयुक्त सरकार को सूचित करेगा।

अध्याय-VI

17. सुगम्यता हेतु नियम - प्रत्येक संस्थापन निम्नलिखित मामलों का अनुपालन करेगा - भौतिक वातावरण, परिवहन और सूचना और सूचना प्रौद्योगिकी नामक :

(क) भारत सरकार, शहरी विकास मंत्रालय द्वारा अधिसूचित माडल बिल्डिंग उप-नियम;

(ख) (i) भारत सरकार, सड़क परिवहन और राजमार्ग मंत्रालय द्वारा अधिसूचित सार्वजनिक बस परिवहन बॉडी कोड;

(ii) भारत सरकार, रेल मंत्रालय द्वारा अधिसूचित रेल कोच मानक;

(iii) भारत सरकार, जहाजरानी मंत्रालय द्वारा अधिसूचित शिप वैशलस मानक; और

(iv) भारत सरकार, नागर विमानन मंत्रालय द्वारा अधिसूचित एयरपोर्ट और एयरक्राफ्ट मानक।

- (ग) (i) भारत सरकार, इलैक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय के वैबसाइट – w3c मानक दिशा निदेश;
- (ii) भारत सरकार, टेलिकामुनिकेशन मंत्रालय द्वारा अधिसूचित टेलिकामुनिकेशन सेवा मानक;
- (iii) भारत सरकार, सूचना और प्रसारण मंत्रालय द्वारा अधिसूचित टेलिकास्टिंग और रेडियो सेवा मानक;
- (घ) भारत सरकार के संबंधित मंत्रालयों और विभागों द्वारा अधिसूचित अन्य सेवाएं और सुविधा मानक।

18. **सुगम्यता मानकों की समीक्षा** – केन्द्र सरकार समय-समय पर संबंधित मंत्रालयों और विभागों द्वारा अधिसूचित सुगम्यता मानकों का नवीनतम वैज्ञानिक जानकारी और तकनीकी आधार पर समीक्षा करेगी।

अध्याय—VII

19. **दिव्यांगता प्रमाण पत्र हेतु आवेदन पत्र** – (1) उल्लिखित विकलांगता से ग्रस्त कोई व्यक्ति या तो प्रपत्र-I में यूनिक डिसेबिलिटी आईडेंटिटी पोर्टल (www.swavalambancard.gov.in) के तहत ऑनलाईन दिव्यांगता प्रमाण पत्र हेतु आवेदन कर सकता है अथवा वस्तुगत आवेदन निम्न को प्रस्तुत कर सकता है :-

- (क) मेडिकल प्राधिकारी अथवा आवेदन पत्र में आवास प्रमाण में उल्लिखित अनुसार आवेदक के आवास के जिले में ऐसा प्रमाण पत्र जारी करने हेतु अधिसूचित अधिकृत सक्षम प्राधिकारी; अथवा
- (ख) किसी सरकारी अस्पताल का, जहाँ उसका विकलांगता के संबंध में उपचार हो रहा है अथवा उपचार हुआ हो, संबंधित मेडिकल प्राधिकारी:

परन्तु जहाँ एक दिव्यांगजन नाबालिक हो अथवा बौद्धिक विकलांगता अथवा किसी अन्य ऐसी विकलांगता से ग्रस्त हो जो उसे स्वयं एप्लिकेशन के अयोग्य बनाती हो अथवा उसे ऐसा एप्लिकेशन बनने में अक्षम बनाती हो वहाँ उसकी और उसके कानूनी अभिभावक द्वारा आवेदन किया जा सकता है।

(2) आवेदन के साथ निम्नलिखित संलग्न किये जाने चाहिये :-

- (क) आवास का प्रमाण;
- (ख) पासपोर्ट साइज दो नवीनतम फोटोग्राफस; और
- (ग) आधार नम्बर अथवा आधार इनरोलमेंट नम्बर, यदि कोई हो तो।

नोट: जिस आवेदक के पास आधार इनरोलमेंट नम्बर होगा उसे किसी अन्य आवास प्रमाण के देने की आवश्यकता नहीं होगी।

20. **विकलांगता प्रमाण पत्र जारी करना** .—(1) नियम 19 के अंतर्गत ऑनलाईन आवेदन प्राप्त हो जाने के बाद मेडिकल प्राधिकारी आवेदक द्वारा दी गई सूचना का सत्यापन करेगा और केन्द्र सरकार द्वारा जारी किये गये दिशा-निर्देशों के अनुसार विकलांगता का आंकलन करेगा। अपने आप को इस बात से संतुष्ट कर लेने के बाद कि आवेदक एक दिव्यांगजन है यूडीआईडी पोर्टल के तहत उसके पक्ष में दिव्यांगता प्रमाण पत्र जारी करेगा।

(2) ऑनलाईन मोड के अतिरिक्त आवेदनों हेतु मेडिकल प्राधिकारी यह सुनिश्चित करेगा कि आवेदन ऑनलाईन मोड में कनवर्ट कर लिया गया है और उसी प्रक्रिया का अनुसरण करेगा जो दिव्यांगता प्रमाण जारी किये जाने हेतु उप-नियम (7) के अंतर्गत दी गया है।

(3) विकलांगता प्रमाण पत्र मेडिकल प्राधिकारी द्वारा आवेदन की प्राप्ति की तारीख से एक माह के अन्दर जारी किया जायेगा।

(4) विधिवत जाँच के बाद चिकित्सा अधिकारी:-

- (क) उन मामलों में जहाँ विकलांगता की डिग्री में लंबे समय में कोई परिवर्तन होने की संभावना नहीं है एक स्थायी विकलांगता प्रमाण पत्र जारी करेगा; अथवा
- (ख) एक अस्थायी प्रमाण पत्र जारी करेगा और उन मामलों में जहाँ विकलांगता की डिग्री में लंबे समय के बाद कोई भिन्नता होने की संभावना होगी प्रमाण पत्र की वैधता अवधि का उल्लेख करेगा।

(5) यदि कोई आवेदक विकलांगता प्रमाण पत्र जारी किये जाने हेतु अपात्र पाया जाता है तो मेडिकल प्राधिकारी आवेदन पत्र की प्राप्ति की तारीख से एक माह की अवधि के अन्दर प्रपत्र-II में लिखित में उसको कारण संसूचित करेगा।

अध्याय—VIII

21. **सलाहकार बोर्ड के सदस्यों को भत्ते** — (1) केन्द्रीय सलाहकार बोर्ड के गैर-सरकारी सदस्य नई दिल्ली में वास्तविक बैठक हेतु प्रतिदिन दो हजार रूपए का भत्ता दिया जाएगा ।
- (2) केन्द्रीय सलाहकार बोर्ड के दिल्ली में न रह रहे गैर-सरकारी सदस्यों को वास्तविक बैठक हेतु केन्द्रीय सरकार के एक समूह 'क' अधिकारी को देय प्रतिदिन हेतु दैनिक और यात्रा भत्ता दिया जाएगा:
- परन्तु एक संसद सदस्य के केन्द्रीय सलाहकार बोर्ड का सदस्य होने की दशा में उसे उसके द्वारा यह प्रमाण पत्र प्रस्तुत कर दिये जाने पर कि उसने उसी यात्रा और ठहरने के लिए किसी अन्य स्रोत से ऐसा कोई भत्ता झा नहीं किया है संसद सत्र न होने के समय उसको संसद सदस्य होने को लागू दर पर दैनिक और यात्रा भत्ता दिया जायेगा ।
- (3) केन्द्रीय सलाहकार बोर्ड के गैर-सरकारी सदस्य को उसके द्वारा इस आशय का प्रमाण पत्र, कि उसने उसी यात्रा अथवा ठहराव के लिये किसी अन्य सरकारी स्रोत से ऐसा भत्ता झा नहीं किया है, प्रस्तुत किये जाने के बाद संबंधित सरकारी नियमों के अंतर्गत, जिसके अधीन वह सेवा कर रहा है, दैनिक और यात्रा भत्ता प्रदान किया जायेगा ।
22. **बैठक का नोटिस** : (1) सामान्यतः केन्द्रीय सलाहकार बोर्ड की विकलांगता पर बैठक नई दिल्ली में अध्यक्ष द्वारा निर्धारित की गई तारीख को आयोजित की जायेगी:
- परन्तु इसकी हर छः माह में कम से कम एक बैठक होगी ।
- (2) केन्द्रीय सलाहकार बोर्ड के कम से कम दस सदस्यों के लिखित अनुरोध पर बोर्ड की विशेष बैठक बुलायेगा ।
- (3) सदस्य सचिव ऐसी बैठक आयोजित किये जाने का समय और स्थान और उसमें किए जाने वाले कार्य का उल्लेख करते हुए एक सामान्य बैठक का 15 क्लियर दिवस नोटिस और विशेष बैठक आयोजित किये जाने हेतु 5 दिन का क्लियर नोटिस देगा ।
- (4) सदस्य सचिव इसे संदेशवाहक अथवा आवास के अंतिम परिचित स्थान पर अथवा व्यवसाय स्थान पर रजिस्टर्ड पोस्ट द्वारा भेजकर अथवा अध्यक्ष हालातों में जो उचित समझता हो उस ढंग से डिलिवर करके देगा ।
- (5) कोई सदस्य उसके द्वारा 10 दिन का क्लीयर नोटिस दिये जाये बिना, अध्यक्ष द्वारा उसको अनुमति प्रदान किये जाने बिना बैठक के विचारार्थ किसी मामले को विचारार्थ नहीं रखेगा ।
- (6) केन्द्रीय सलाहकार बोर्ड बैठक को दिन से दिन को अथवा किसी विशिष्ट दिन स्थगित कर सकता है ।
- (7) जब केन्द्रीय सलाहकार बोर्ड की बैठक दिन से दिन को स्थगित की गई हो वहां तब सदस्य सचिव उस स्थगित बैठक का संदेशवाहक द्वारा नोटिस देगा जहां बैठक स्थगित की गई होगी, यदि आयोजित की जाती है तो, और स्थगित बैठक का नोटिस अन्य सदस्यों को दिया जाना आवश्यक नहीं होगा ।
- (8) जब केन्द्रीय सलाहकार बोर्ड की बैठक दिन से दिन को स्थगित नहीं की गई हो अपितु बैठक आयोजित किये जाने को निर्धारित तारीख से दूसरे दिन स्थगित की गई हो तब उप नियम (4) में उल्लिखित अनुसार सभी सदस्यों को ऐसी बैठक का नोटिस दिया जायेगा ।
23. **पीठासीन अधिकारी** — अध्यक्ष केन्द्रीय सलाहकार बोर्ड की प्रत्येक बैठक की अध्यक्षता करेगा। उसकी अनुपस्थिति में उपाध्यक्ष अध्यक्षता करेगा। परंतु किसी बैठक से अध्यक्ष और उपाध्यक्ष दोनों की अनुपस्थिति में उपस्थित सदस्य बैठक की सदस्यता करने हेतु एक सदस्य का चुनाव करेंगे।
24. **कोरम** — (1) केन्द्रीय सलाहकार बोर्ड के कुल सदस्यों के एक तिहाई सदस्य किसी बैठक हेतु कोर्म बनायेंगे।
- (2) यदि किसी बैठक हेतु निर्धारित समय अथवा किसी बैठक के दौरान कुल सदस्यों के एक-तिहाई से कम सदस्य उपस्थित हों तो अध्यक्ष द्वारा आगे के समय लिये अथवा आगे की किसी तारीख हेतु बैठक को स्थगित करेगा।
- (3) स्थगित बैठक हेतु कोई कोरम आवश्यक नहीं होगा।
- (4) किसी मामले पर जिस सामान्य अथवा विशेष बैठक, जैसा भी मामला हो, के एजेंडे के, कि एजेंडे नहीं रखा गया है स्थगित बैठक में चर्चा नहीं की जायेगी।
25. **कार्यवृत्त** — (1) सदस्य सचिव उन सदस्यों के नामों का, जिन्होंने बैठक में भाग लिया होगा रिकार्ड रखेगा और बैठक की कार्यवाही दर्ज करने हेतु रखी गई पुस्तिका में बैठक की कार्यवाही दर्ज करेगा।
- (2) पिछली बैठक के कार्यवृत्त प्रत्येक अगली बैठक के प्रारंभ में पढे जायेंगे और उनकी पुष्टि की जायेगी और ऐसी बैठक के पीठासीन अधिकारों द्वारा हस्ताक्षर किये जायेंगे।
- (3) कार्यवाही सदस्य-सचिव के कार्यालय में कार्यालय के समय निरीक्षण हेतु उपलब्ध होगी।

26. **बैठक में किया जाने वाला कार्य** —एजेंडा में प्रविष्टि न हुये कार्य पर अथवा जिसके लिये नियम 22 के उप नियम (5) के अंतर्गत एक सदस्य द्वारा कोई नोटिस न दिया गया होगा अध्यक्ष की अनुमति के बिना किसी बैठक में कोई विचार नहीं किया जायेगा।
27. **केन्द्रीय सलाहकार बोर्ड की बैठक हेतु एजेंडा** — (1) प्रत्येक बैठक में एजेंडे पर चर्चा, जब तक पीठासीन अधिकारी ने अनुमति न दी हो, एजेंडे में प्रविष्टि के क्रम के अनुसार की जायेगी।
- (2) या तो बैठक के प्रारंभ में या बैठक के दौरान किसी प्रस्ताव पर चर्चा के निष्कर्ष के बाद पीठासीन अधिकारी अथवा कोई सदस्य एजेंडा नोट में प्रविष्टित कारोबार के क्रम में परिवर्तन सुझा सकता है। यदि अध्यक्ष इससे सहमत हो जाता है तो ऐसे परिवर्तन किया जा सकता है।
28. **बहुमत द्वारा निर्णय** — समिति की बैठक में विचार किये गये सभी प्रश्नों को उपस्थित सदस्यों के मतों के बहुमत और मतदान से निर्णित किया जाएगा। मतों के समान होने की दशा में अध्यक्ष अथवा उनकी उपस्थिति में उपाध्यक्ष अथवा उन दोनों की अनुपस्थिति में बैठक की अध्यक्षता कर रहा सदस्य, जैसा भी मामला हो, दूसरा मत और निर्णायक मत देगा।
29. **रिक्त अथवा किसी दोष के कारण कोई कार्यवाही अविधि मान्य नहीं होना** : केन्द्रीय सलाहकार बोर्ड की कोई कार्यवाही किसी रिक्ति के होने अथवा बोर्ड के गठन में दाये होने के कारण अविधिमान्य नहीं होगी।

अध्याय IX

30. **मुख्य आयुक्त के लिए योग्यतायें** — (1) कोई व्यक्ति निम्नलिखित के बिना मुख्य आयुक्त के तौर पर नियुक्त किये जाने का पात्र नहीं होगा—
- (क) वह किसी मान्यता प्राप्त यूनिवर्सिटी से स्नातक हो; और
- नोट : सामाजिक कार्य अथवा विधि प्रबंधन अथवा मानव अधिकार अथवा दिव्यांगजन पुनर्वास और शिक्षा में मान्यता प्राप्त डिग्री अथवा डिप्लोमा धारक को प्राथमिकता प्रदान की जायेगी।
- (ख) केन्द्र सरकार अथवा राज्य सरकार अथवा विकलांगता से संबंधित अथवा सामाजिक क्षेत्र के मामले देख रहे सार्वजनिक क्षेत्र के उपक्रम अथवा अर्ध सरकारी अथवा स्वायत्त: निकाय का कम से कम पच्चीस वर्ष का अनुभव रखने वाला समूह 'क' अधिकारी अथवा विकलांगता अथवा सामाजिक विकास के क्षेत्र में पंजीकृत राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन में, का एक वरिष्ठ स्तरीय कार्यकर्ता;
- परन्तु कुल पच्चीस वर्ष के अनुभव में से उसे दिव्यांगजनों के पुनर्वास और सशक्तिकरण के क्षेत्र में कम से कम तीन वर्ष का अनुभव होना चाहिये; और
- (ग) नियुक्त किये जाने के वर्ष की 1 जनवरी को वह 60 वर्ष की आयु का हो।
- नोट: यदि वह केन्द्र सरकार अथवा राज्य सरकार के अधीन सेवारत हो तो पद पर नियुक्त किये जाने से पूर्व, वह ऐसी सेवा से सेवा निवृत्ति प्राप्त करेगा।
31. **आयुक्त की नियुक्ति के लिए योग्यतायें** — (1) कोई व्यक्ति निम्नलिखित के बिना मुख्य आयुक्त के तौर पर नियुक्त किये जाने का पात्र नहीं होगा—
- (क) वह किसी मान्यता प्राप्त यूनिवर्सिटी से स्नातक हो; और
- नोट : सामाजिक कार्य अथवा विधि अथवा प्रबंधन अथवा मानव अधिकार अथवा दिव्यांगजन पुनर्वास और शिक्षा में मान्यता प्राप्त डिग्री अथवा डिप्लोमा धारक को प्राथमिकता प्रदान की जायेगी।
- (ख) केन्द्र सरकार अथवा राज्य सरकार अथवा विकलांगता से संबंधित अथवा सामाजिक क्षेत्र के मामले देख रहे सार्वजनिक क्षेत्र के उपक्रम अथवा अर्ध सरकारी अथवा स्वायत्त: निकाय का कम से कम बीस वर्ष का अनुभव रखने वाला समूह 'क' स्तर का अधिकारी अथवा विकलांगता अथवा सामाजिक विकास के क्षेत्र में राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन का एक वरिष्ठ स्तरीय कार्यकर्ता; और
- (ग) नियुक्त किये जाने के वर्ष की 1 जनवरी को वह 56 वर्ष की आयु का हो।

- 32. मुख्य आयुक्त और आयुक्त की नियुक्ति का तरीका** — (1) केन्द्र सरकार मुख्य आयुक्त के पद के रिक्त होने से छः माह पूर्व नियम 30 और 31 में उल्लिखित योग्यताओं को पूरा करने वाले पात्र उम्मीदवारों से पद हेतु अंग्रेजी और हिंदी के कम से कम दो राष्ट्रीय स्तर के दैनिक समाचार पत्रों में विज्ञापन देगी।
- (2) मुख्य आयुक्त अथवा आयुक्त के पद हेतु तीन उपयुक्त उम्मीदवारों के एक पैनल की संस्तुति हेतु एक खोज-सह-चयन समिति का गठन किया जायेगा।
- (3) खोज-सह-चयन समिति का गठन कार्मिक और प्रशिक्षण विभाग द्वारा समय-समय पर जारी किये गये अनुदेशों के अनुसार किया जायेगा।
- (4) समिति द्वारा संस्तुत पैनल में वे व्यक्ति होंगे जिन्होंने उप नियम (1) में उल्लिखित विज्ञापन के प्रत्युत्तर में आवेदन किया होगा और वे अन्य पात्र व्यक्ति होंगे जिन्हें समिति उपयुक्त समझती हो।
- (5) केन्द्रीय सरकार खोज-सह-चयन समिति द्वारा संस्तुत उम्मीदवारों में से मुख्य आयुक्त अथवा आयुक्त के तौर पर नियुक्ति करेगी।
- 33. आयुक्त और आयुक्त का कार्यकाल:** — (1) पदधारण किये जाने की तारीख से अथवा 65 वर्ष की आयु हो जाने तक, जो भी पहले हो, मुख्य आयुक्त का कार्यकाल तीन वर्ष के लिए होगा।
- (2) आयुक्त का कार्यकाल तीन वर्ष के लिए होगा और आगे 2 वर्ष की अवधि हेतु अथवा 60 वर्ष की आयु तक बढ़ाया जा सकेगा।
- (3) एक व्यक्ति मुख्य आयुक्त अथवा आयुक्त के तौर पर अधिकतम दो कार्यकाल अवधि हेतु कार्य कर सकता है : बशर्ते कि मुख्य आयुक्त अथवा आयुक्त क्रमशः 65 वर्ष अथवा 60 वर्ष की आयु के ना हो गये हो।
- 34. मुख्य आयुक्त और आयुक्त के वेतन और भत्ते:**—(1) मुख्य आयुक्त भारत सरकार के सचिव को लागू वेतन एवं भत्तों का पात्र होगा।
- (2) आयुक्त भारत सरकार के अपर सचिव को लागू वेतन एवं भत्तों का पात्र होगा।
- (3) जहां कोई मुख्य आयुक्त अथवा आयुक्त एक सेवानिवृत्त सरकारी सेवक हो अथवा सरकार द्वारा वित्त पोषित किसी संस्थान अथवा स्वायत्त निकाय का सेवानिवृत्त अधिकारी हो और अपनी पूर्व की सेवा से पेंशन प्राप्त कर रहा हो इन नियमों के अंतर्गत उसको लागू वेतन राशि में से पेंशन राशि कम कर दी जायेगी। यदि उसने पेंशन के भाग के बदले ले लिया हो तो उसकी परिवर्तित मूल्य पेंशन के ऐसे परिवर्तित भाग की राशि द्वारा उसका परिवर्तित मूल्य कम कर दिया जायेगा।
- 35. मुख्य आयुक्त और आयुक्त की सेवा की अन्य भांति और निबंधन** — (1) मुख्य आयुक्त और आयुक्त उस छुट्टी के लिए पात्र होगा जो केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन सरकारी सेवकों के लिए अनुज्ञेय है।
- (2) मुख्य आयुक्त और आयुक्त ऐसी छुट्टी यात्रा रियायत का हकदार होगा जो केन्द्रीय सिविल सेवा (एलटीसी) नियम, 1988 के अधीन समूह "क" के अधिकारियों के लिए अनुज्ञेय है।
- (3) मुख्य आयुक्त और आयुक्त ऐसे चिकित्सा लाभ प्राप्त करने का हकदार होगा जो केन्द्रीय सरकार स्वास्थ्य योजना (सीजीएचएस) के अंतर्गत समूह "क" अधिकारियों के लिए अनुज्ञेय है।
- 36. त्यागपत्र और हटाना** — (1) मुख्य आयुक्त और आयुक्त अपने पद से केन्द्रीय सरकार को संबोधित अपने हाथ से लिखित नोटिस द्वारा त्यागपत्र दे सकता है।
- (2) केन्द्रीय सरकार मुख्य आयुक्त और आयुक्त के पद से किसी व्यक्ति को तब हटा सकती है, जब वह—
- (क) अनुमोचन दिवालिया हो गया हो;
- (ख) अपने कार्यकाल के दौरान किसी आर्थिक लाभ वाले रोजगार अथवा अपने कार्यालय के बाहर के कार्यकलापों का निष्पादन करता है;
- (ग) ऐसे अपराध जिसमें केन्द्रीय सरकार की राय में नैतिक अधमता में अंतर्वलित हो, के लिए दोषसिद्ध और दंडादेश का कारावास पाया हो;
- (घ) केन्द्रीय सरकार की राय में मन या शरीर के अंग-शैथिल्य अथवा अधिनियम में यथा वर्णित उसके कार्य संपादन के कारण से कार्यालय में निरंतर अनुपयुक्त रहा हो;
- (ङ) केन्द्र सरकार से छुट्टी की अनुमति लिए बिना 15 दिन अथवा इससे अधिक की एक क्रमिक अवधि के दौरान कार्य से अनुपस्थित रहा हो; और
- (च) केन्द्रीय सरकार की राय में मुख्य आयुक्त के पद का ऐसा दुरुपयोग हो जिससे निःशक्त व्यक्तियों के हित के लिए पद पर बने रहना हानिकारक होता हो :

- परंतु किसी व्यक्ति को केन्द्रीय सरकार के समूह "क" कर्मचारी को हटाने के लिए विहित प्रक्रिया का अनुसरण किये जाने के सिवाय, समय-समय पर परिवर्तित, इस नियम के अधीन नहीं हटाया जा सकेगा।
- (3) केन्द्रीय सरकार ऐसे मुख्य आयुक्त और आयुक्त को, जिसके संबंध में उप-नियम (2) के अनुसार हटाने के लिए कार्यवाहियों की गई हैं, इस प्रकार की कार्यवाहियों के निर्णय लंबित रहने के दौरान निलंबित कर सकती है।
37. **अपशिष्ट उपबंध** — ऐसे मुख्य आयुक्त और आयुक्त की सेवा शर्तों जिनके संबंध में इन नियमों में कोई स्पष्ट उपबंध नहीं किया गया है, भारत सरकार के सचिव और अपर सचिव, जैसा भी मामला हो, को तत्समय लागू नियमों और आदेशों द्वारा निर्धारित की जाएगी।
38. **मुख्य आयुक्त और आयुक्त द्वारा अनुसरण किए जाने वाली प्रक्रिया** —(1) कोई शिकायतकर्ता मुख्य आयुक्त अथवा आयुक्त को निम्नलिखित विवरण के साथ व्यक्तिगत तौर पर अथवा अपने एजेंडे के माध्यम से शिकायत भेज सकता है अथवा मुख्य आयुक्त अथवा आयुक्त को पता पंजीकृत डाक द्वारा भेज सकता है :-
- (क) शिकायतकर्ता का नाम, विवरण और पता;
- (ख) विरोधी पार्टी अथवा पार्टियों का नाम, विवरण और पता, जैसा कि मामला हो, ताकि उनका पता लगाया जा सके;
- (ग) शिकायत से संबंधित तथ्य और इसके होने का समय और स्थान;
- (घ) शिकायत में लगाये गये आरोपों के समर्थन में प्रलेख;
- (ङ) शिकायतकर्ता द्वारा दावा की गई राहत।
- (2) मुख्य आयुक्त और आयुक्त शिकायत प्राप्त होने पर शिकायत की एक प्रति शिकायत में उल्लिखित विरोधी पार्टी अथवा पार्टियों को मामले पर अपना बयान तीस दिन अथवा 15 दिन की विस्तारित अवधि के अंदर, जैसा कि मुख्य आयुक्त अथवा आयुक्त द्वारा प्रदान किया जा सकता हो, प्रस्तुत करने के निदेश के साथ भेजेगा।
- (3) सुनवाई की तारीख को अथवा किसी अन्य तारीख को, जिसको सुनवाई स्थगित की जा सकती हो पार्टियां और एजेंट्स मुख्य आयुक्त अथवा आयुक्त के समक्ष प्रस्तुत होंगे।
- (4) ऐसे दिनों को जहां शिकायतकर्ता अथवा उसका एजेंट मुख्य आयुक्त अथवा आयुक्त के समक्ष उपस्थित होने में असमर्थ रहता है तो मुख्य आयुक्त अथवा आयुक्त चूक के आधार पर शिकायत को अस्वीकार कर सकता है अथवा मेरिट्स पर निर्णय ले सकता है।
- (5) जहां विरोधी पार्टी अथवा उसका एजेंट सुनवाई की तारीख को उपस्थित रहने में असफल रहता है मुख्य आयुक्त अथवा आयुक्त अधिनियम की धारा 77 के अंतर्गत सम्मन करने हेतु और विरोधी पार्टी को उपस्थित होने हेतु आवश्यक कार्यवाई कर सकता है।
- (6) मुख्य आयुक्त अथवा आयुक्त, यदि आवश्यक समझे तो, शिकायत का एकतरफा निपटारा कर सकते हैं।
- (7) मुख्य आयुक्त अथवा आयुक्त कार्यवाही के किसी चरण पर, किसी ऐसे आधार पर, जिसे वह उचित समझता हो, शिकायत की सुनवाई स्थगित कर सकता है।
- (8) मुख्य आयुक्त अथवा आयुक्त विरोधी पार्टी द्वारा नोटिस प्राप्ति की तारीख से, जहां तक संभव हो, तीन मास के अंदर शिकायत का निपटारा करेगा।
39. **मुख्य आयुक्त की सलाह करने हेतु सलाहकार समिति**— (1) केन्द्र सरकार निम्नलिखित सदस्यों को मिलाकर एक सलाहकार समिति का गठन करेगी :-
- (क) अधिनियम की अनुसूची में उल्लिखित निर्धारित विकलांगताओं के प्रत्येक पांच समूहों का प्रतिनिधित्व करने वाले पांच विशेषज्ञ;
- (ख) तीन बाधामुक्त वातावरण विशेषज्ञ, भौतिक वातावरण, परिवहन और सूचना और संचार तकनीक और अथवा जनता को उपलब्ध कराई गई अन्य सेवाओं और सुविधाओं से;
- (ग) दिव्यांगजनों के नियोजन के क्षेत्र में एक विशेषज्ञ;
- (घ) एक विधि विशेषज्ञ; और
- (ङ) दिव्यांगजनों के लिए मुख्य आयुक्त द्वारा संस्तुत अनुसार एक विशेषज्ञ।
- (2) मुख्य आयुक्त आवश्यकता के आधार विषय अथवा क्षेत्र विशेषज्ञ आमंत्रित कर सकता है जो उसकी बैठक अथवा सुनवाई और रिपोर्ट तैयार करने में सहायता करेगा।

40. **केन्द्रीय सरकार को रिपोर्ट का प्रस्तुत किया जाना** — मुख्य आयुक्त अधिनियम के क्रियान्वयन की रिपोर्ट केन्द्रीय सरकार को छह-छह मास के अंतराल पर ऐसी रीति में प्रस्तुत करेगा कि एक वित्तीय वर्ष में न्यूनतम दो रिपोर्ट भेजी जाएं।
41. **वार्षिक रिपोर्ट का प्रस्तुत किया जाना** — (1) मुख्य आयुक्त वित्तीय वर्ष की समाप्ति के यथासंभव किंतु पश्चात्तवर्ती आगामी वर्ष के 30 सितंबर के पश्चात् केन्द्रीय सरकार को एक वार्षिक रिपोर्ट प्रस्तुत करेगा जिसमें उक्त वित्तीय वर्ष के दौरान अपने क्रियाकलाप का सही और निश्चित विवरण लेखा देगा।
- (2) विशेषतया, उप नियम (1) में विनिर्दिष्ट वार्षिक रिपोर्ट में निम्नलिखित विषयों में से प्रत्येक के संबंध में सूचना अंतर्विष्ट होगी, अर्थात् :-
- (क) बोर्ड के कर्मचारीवृंद और अधिकारियों के नाम और संगठनात्मक स्थापन प्रदर्शित करने वाला एक चार्ट;
- (ख) अधिनियम की धारा 75 और धारा 76 के अधीन जिन कृत्यों के लिए मुख्य आयुक्त को सशक्त किया गया है और इस संबंध में निष्पादन की मुख्य-मुख्य बातें;
- (ग) मुख्य आयुक्त द्वारा की गई मुख्य सिफारिशें;
- (घ) अधिनियम के क्रियान्वयन में की गई प्रगति-राज्य;
- (ङ) मुख्य आयुक्त द्वारा अंतर्विष्ट किए जाने के लिए समुचित समझा गया या केन्द्रीय सरकार द्वारा समय-समय विनिर्दिष्ट कोई अन्य विषय।

अध्याय X

42. **राष्ट्रीय निधि का प्रबंधन** — राष्ट्रीय निधि के प्रबंधन हेतु निम्नलिखित सदस्यों को मिलकर एक शासी निकाय होगा;
- (क) सचिव, दिव्यांगजन सशक्तिकरण विभाग, भारत सरकार — अध्यक्ष;
- (ख) अध्यक्ष, भारतीय पुनर्वास परिषद — सदस्य;
- (ग) अध्यक्ष, आटिज्म, प्रमस्तिष्क घात, मानसिक मंदता और बहु-विकलांगताओं से ग्रस्त व्यक्तियों के कल्याण हेतु राष्ट्रीय न्यास — सदस्य;
- (घ) वित्तीय सलाहकार, सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार — सदस्य;
- (ङ) स्वास्थ्य एवं परिवार कल्याण विभाग, मानव संसाधन विकास (स्कूल शिक्षा और साक्षरता विभाग और उच्च शिक्षा विभाग), श्रम और रोजगार, वित्तीय सेवायें और ग्रामीण विकास, भारत सरकार, रोटेशन पर, संयुक्त सचिव के पद से नीचे नहीं — सदस्य;
- (च) विभिन्न किस्म की विकलांगताओं का प्रतिनिधित्व करते हुये रोटेशन के आधार पर केन्द्र सरकार द्वारा दो नामित व्यक्ति — सदस्य;
- (छ) संयुक्त सचिव, दिव्यांगजन सशक्तिकरण विभाग — संयोजक और मुख्य कार्यकारी अधिकारी।
- (2) शासी निकाय की प्रायः आवश्यकता अनुसार बैठके होगी परंतु प्रत्येक वर्ष में कम से कम एक बार।
- (3) नामित सदस्य तीन वर्ष से अधिक अवधि तक पदधारित नहीं करेंगे।
- (4) शासी निकाय का कोई भी सदस्य ऐसी सदस्यता धारित करने के दौरान निधि का लाभार्थी नहीं होगा।
- (5) नामित गैर-सरकारी सदस्य शासी निकाय की बैठकों में भाग लेने हेतु केन्द्र सरकार के एक समूह "क" कर्मचारी को लागू यात्रा भत्ते और मंहगाई भत्ते का भुगतान पाने का पात्र होगा।
- (6) कोई व्यक्ति शासी निकाय का सदस्य नहीं हो सकता यदि—
- (क) उसे ऐसे अपराध के लिए सजा दी गई है जिसे केन्द्र सरकार की राय में चरित्रहीनता मानी गई हो; और
- (ख) दिवालिया हो अथवा किसी समय दिवालिया रहा हो।
43. **राष्ट्रीय न्यास का इस्तेमाल** — (1) अधिनियम लागू होने की तारीख को दिव्यांगजनों के सशक्तिकरण हेतु स्थायी जमा और दिव्यांगजनों हेतु राष्ट्रीय न्यास राष्ट्रीय निधि का कार्पस होगा।
- (2) उप नियम (1) में संदर्भित दोनो निधियों के अंतर्गत उपलब्ध समस्त धनराशि राष्ट्रीय निधि में स्थानांतरित की जाती है।

- (3) निधि से संबंधित समस्त राशि केन्द्र सरकार द्वारा निर्णित किये जाने वाले दिशा-निर्देशों के अनुसार ऐसे बैंको में जमा होगी अथवा ऐसे ढंग से निवेश किया जायेगा जैसा केन्द्रीय सरकार के दिशा निर्देशों के अनुसार शासी निकाय चाहेगा।
- (4) केवल कार्पस से उपचित ब्याज का निम्नलिखित उद्देश्यार्थ इस्तेमाल किया जायेगा :-
- (क) उन क्षेत्रों में वित्तीय सहायता जिन्हें विशेष तौर पर केन्द्र सरकार की किसी योजना अथवा कार्यक्रम के अंतर्गत कवर नहीं किया गया है;
- (ख) इस अधिनियम द्वारा अथवा इसके अंतर्गत अपेक्षित अनुसार निधि के प्रशासनिक और अन्य व्यय; और
- (ग) ऐसे अन्य उद्देश्य जो शासी निकाय द्वारा निर्णित किए जायेंगे।
- (5) व्यय का प्रत्येक प्रस्ताव अनुमोदन हेतु शासी निकाय के समक्ष रखा जाएगा।
- (6) राष्ट्रीय निधि से आपातकाल में व्यय किया जाने वाला कोई व्यय शासी निकाय के अध्यक्ष के अनुमोदन से किया जाएगा:
- परन्तु ऐसा व्यय कार्योत्तर अनुमोदन हेतु शासी निकाय के समक्ष उसकी निकट भविष्य में होने वाली अगली बैठक में रखा जाएगा।
- (7) शासी निकाय निधि के प्रबंधन और निधि के इस्तेमाल का कार्य देखने हेतु आवश्यकता के आधार पर लेखापाल सहित लिपिकीय स्टाफ नियुक्त कर सकता है।
44. **बजट** — निधि का मुख्य कार्यकारी अधिकारी हर वर्ष जनवरी में निधि की आकलित प्राप्ति और व्यय दर्शाते हुये प्रत्येक वित्तीय वर्ष निधि के अंतर्गत व्यय करने हेतु एक बजट तैयार करेगा और उसे विचार किए जाने हेतु शासी निकाय के समक्ष रखेगा।
45. **वार्षिक रिपोर्ट** — दिव्यांगजन सशक्तिकरण विभाग, राष्ट्रीय निधि पर एक अध्याय वार्षिक रिपोर्ट में शामिल करेगा।

प्रपत्र पीडीईआर-1

(नियोक्ता द्वारा रिटर्न)

(नियम 13 (1))

को समाप्त तिमाही के लिये विशेष रोजगार कार्यालय को प्रस्तुत की जाने वाली तिमाही रिटर्न.....

नियोक्ता का नाम और पता.....

क्या है- मुख्यालय.....

शाखा कार्यालय.....

व्यवसाय की प्रकृति/प्रमुख कार्यकलाप:.....

1 (क) नियोजन

संस्थान के वेतन पत्रक पर (pay Rules) पर अंशकालिक कार्मिकों को और शिक्षुओं (apprentices) को छोड़कर कार्यरत प्रोपराइटरस/पार्टनरस/कमिशन एजेंटस/आकस्मिक वेतन प्रदत्त और अनुबंधित कार्मिकों सहित व्यक्तियों की कुल संख्या (आंकड़ों में हर उस व्यक्ति को शामिल किया जाना चाहिए जिसकी मजदूरी/वेतन का संस्थापन द्वारा भुगतान किया जाता है)।

पिछली तिमाही के अंतिम कार्य दिवस पर			
दृष्टि बाधिता और अल्प दृष्टि बाधित	बधिर और कम सुनाई देना	प्रमस्तिष्क घात, कुष्ठ उपचारित, बौनेपन, अम्ल आक्रमण पीड़ित और बहुदुष्पोषण सहित चलन विकलांगता	आटिज्म, बौद्धिक विकलांगता, विशिष्ट सीखन विकलांगता और मानसिक रुग्णता
			अधिनियम की धारा 34 की उप धारा (1) सहित धारा (क) से (घ) तक के अंतर्गत व्यक्तियों में से बहु-विकलांगतायें

रिपोर्टाधीन तिमाही के अंतिम कार्य दिवस				
दृष्टि बाधिता और अल्प दृष्टि	बधिर और कम सुनाई देना	प्रमस्तिष्क घात, कुष्ठ उपचारित, बौनेपन, अम्ल आक्रमण पीडित और बहुदुष्पोषण सहित चलन विकलांगता	आटिज्म, बौद्धिक विकलांगता, विशिष्ट सीखन विकलांगता और मानसिक रुग्णता	अधिनियम की धारा 34 की उप धारा (1) सहित धारा (क) से (घ) तक के अंतर्गत व्यक्तियों में से बहु-विकलांगतायें

विकलांग पुरुष:.....

विकलांग महिलाएं:.....

कुल -----

(क) कृपया यदि तिमाही के दौरान 5% से अधिक वृद्धि अथवा कमी हो तो नियोजन में वृद्धि अथवा कमी के मुख्य कारण बतायें।

2. रिक्तियां:- प्रतिमाह और तीन माह से अधिक अवधि के कुल प्रचलित न्यूनतम वेतन के अनुसार कुल परिलब्धियों वाली रिक्तियां।

(क) तिमाही के दौरान उपचित और अधिसूचित रिक्तियों की संख्या और तिमाही के दौरान भरी गई रिक्तियों की संख्या (विकलांग पुरुषों और महिलाओं के अलग आंकड़े दिये जाने चाहिये)।

उन रिक्तियों की संख्या जो अधिनियम के दायरे के अंतर्गत आती हैं।

उपचित अधिसूचित भरी गई स्रोत

(उस स्रोत का उल्लेख करें जिससे भरी गई हैं)

स्थानीय/विशेष रोजगार

सामान्य रोजगार कार्यालय

1.

2

3

4

5

(ख) 2 (क) के तहत रिपोर्टाधीन तिमाही के दौरान उपचित सभी रिक्तियों को अधिसूचित न करने के कारण.....

3. जनशक्ति की कमी

उपयुक्त आवेदकों की कमी के कारण न भरी गई रिक्तियां/पद।

पेशे का नाम अथवा पदों का उपनाम भरी न गई रिक्तियों/पदों की संख्या

अनिवार्य

अनिवार्य

अनुभव

योग्यता अनुभव

आवश्यक नहीं

1.

2.

3.

4.

कृपया उन अन्य पेशों का उल्लेख करें जिनके लिए संस्थापन को हाल ही में उपयुक्त आवेदक प्राप्त करने में कोई कठिनाई हुई थी।

नियोक्ता के हस्ताक्षर

सेवा में
रोजगार कार्यालय

नोटः— रिटर्न 31 मार्च/30 जून/30 सितंबर और 31 दिसंबर को समाप्त होने वाली तिमाहियों से संबंधित है और स्थानीय विशेष रोजगार कार्यालय को संबंधित तिमाही की समाप्ति के बाद तीस दिन के अंदर प्रस्तुत की जायेगी।

प्रपत्र—पीडीईआर—II
(नियम 13 (1) देखें)

विशेष स्थानीय रोजगार कार्यालय को दो वर्ष में एक बार प्रस्तुत की जाने वाली पेशेवर रिटर्न

नियोक्ता का नाम और पता.....

व्यवसाय की किस्म _____

(संस्थापन पर द्वारा बनाये जाने वाले अथवा किये जाने वाले प्रमुख कार्यकलापों का उल्लेख करें)

1. विशिष्ट तारीख को संस्थापन के वेतन पत्रक (Pay Roles) पर व्यक्तियों की कुल संख्या.....। (इन आंकड़ों में हर उस व्यक्ति को शामिल किया जाना चाहिये जिसकी मजदूरी अथवा वेतन संस्थापन द्वारा दिया जाता है (विकलांग पुरुषों और विकलांग महिलाओं के अलग-अलग आंकड़े दिये जायें)।
2. ऊपर मद संख्या I में दिये गये अनुसार सभी कर्मचारियों का पेशेवर श्रेणीकरण। (कृपया नीचे प्रत्येक पेशे में कर्मचारियों की संख्या का अलग-अलग विवरण दें)

पेशा	कर्मचारियों की संख्या			कुल
	विकलांग पुरुष	विकलांग महिलाएं		
कृपया सटीक शब्दावली का प्रयोग करें जैसे (मैकेनिकल);				कृपया सेवानिवृत्ति के परिणामस्वरूप अगले कलेंडर वर्ष के दौरान प्रत्येक पेशे में भरी जाने वाली संभावित रिक्तियों की संभावित संख्या दें।
अध्यापक (घरेलू/विज्ञान);				
आफिसर आन ड्यूटी (बीमांकक);				
सहायक निदेशक (धातुकर्मी);				
वैज्ञानिक सहायक (कैमिस्ट);				
अनुसंधान अधिकारी (अर्थशास्त्री)				
अनुदेशक (बढ़ाई);				

1. 2. 3. 4. 5. 6. 7. 8. 9.

सुपरवाइजर (टेलर) फिटर (इंटरनल कंबस्टन)	सी	सी
सेनिटरी इंस्पैक्टर (कार्यालय अधीक्षक)	ए	ए
एप्रेंटिस इलैक्ट्रिशियन)	वाई	वाई

योग

दिनांक.....

नियोक्ता के हस्ताक्षर

सेवा में

रोजगार कार्यालय

(कृपया यहां अपने स्थानीय विशेष रोजगार कार्यालय का पता भरें)

नोट: मंद संख्या 2 के अंतर्गत कालम 8 का योग मंद संख्या-I के विरुद्ध दिये गये आंकड़ों के अनुरूप होना चाहिये।

प्रपत्र पीडीईआर-III

[कृपया नियम 14 देखें]

नियोक्ता का नाम और पता.....

क्या है— मुख्यालय.....

शाखा कार्यालय.....

व्यवसायक की प्रकृति/प्रमुख कार्यकलाप:

संस्थान के वेतन पत्रक (Pay Roles) पर दिव्यांगजनों की कुल संख्या (इन आंकड़ों में हर उस दिव्यांगजन को शामिल किया जाना चाहिये जिसकी मजदूरी अथवा वेतन का संस्थापन द्वारा भुगतान किया जाता है)।

संस्थापन के वेतन पत्रक (Pay Roles) पर दिव्यांगजनों (विकलांगता वार) की कुल संख्या (इन आंकड़ों में हर उस दिव्यांगजन को शामिल किया जाना चाहिये जिसकी मजदूरी अथवा वेतन का संस्थापन द्वारा भुगतान किया जाता है)।

(क) ऊपर मंद संख्या 5 में दिए गये अनुसार सभी कर्मचारियों की पेशेवर योग्यता (कृपया प्रत्येक पेशे में कर्मचारियों की संख्या अलग-अलग दें)

पेशा कर्मचारियों की संख्या

कृपया सटीक शब्दावली का प्रयोग करें जैसे (मैकेनिकल);	विकलांग पुरुष	विकलांग महिलाएं	कुल
---	---------------	-----------------	-----

अध्यापक (घरेलू/विज्ञान);

आफिसर आन ड्यूटी
(बीमांकक);

सहायक निदेशक (धातुकर्मी);

वैज्ञानिक सहायक (कैमिस्ट);

कृपया सेवानिवृत्ति के परिणामस्वरूप अगले कलेंडर वर्ष के दौरान प्रत्येक पेशे में भरी जाने वाली संभावित रिक्तियों की संभावित संख्या दें।

अनुसंधान अधिकारी
(अर्थशास्त्री)
अनुदेशक (बढ़ई);

1.	2.	3.	4.	5.	6.	7.	8.	9.
----	----	----	----	----	----	----	----	----

योग

(क) कृपया यदि तिमाही के दौरान 5% से अधिक वृद्धि अथवा कमी हो तो नियोजन में वृद्धि अथवा कमी के मुख्य कारण बतायें।

2. रिक्तियां:- प्रतिमाह और तीन माह से अधिक अवधि के कुल प्रचलित न्यूनतम वेतन के अनुसार कुल परिलब्धियों वाली रिक्तियां।

(क) तिमाही के दौरान उपचित और अधिसूचित रिक्तियों की संख्या और तिमाही के दौरान भरी गई रिक्तियों की संख्या

उन रिक्तियों की संख्या जो अधिनियम के दायरे के अंतर्गत आती हैं।

उपचित	अधिसूचित	भरी गई	स्रोत	
	स्थानीय	सामान्य रोजगार कार्यालय	उस स्रोत का उल्लेख करें जहां से भरी गई हैं	
1.	2.	3.	4.	5.

योग

(ख) उपर्युक्त 2 (क) के तहत रिपोर्टाधीन तिमाही के दौरान उपचित सभी रिक्तियों को अधिसूचित न करने के कारण.....

3. जनशक्ति की कमी

उपयुक्त आवेदको की कमी के कारण न भरी गई रिक्तियां/पद।

पेशे का नाम अथवा पदों का उपनाम

भरी न गई रिक्तियों/पदों की संख्या

अनिवार्य

अनुभव

अनुभव आवश्यक नहीं

योग्यता

अनुभव

आवश्यक नहीं

1.	2.	3.	4.
----	----	----	----

कृपया उन अन्य पेशों का उल्लेख करें जिनके लिए संस्थापन को हाल ही में उपयुक्त आवेदक प्राप्त करने में कोई कठिनाई हुई थी।

नियोक्ता के हस्ताक्षर

FORM-I

[Application for certificate of disability]

[See Rule 19]

	<p>Unique Disability ID Department of Empowerment of Persons with Disabilities Ministry of Social Justice and Empowerment, Government of India</p>
---	--

PERSON WITH DISABILITY REGISTRATION FORM

1. Personal Details

Applicant Name : _____
First Name Middle Name Surname

Father's Name : _____

Mother's Name : _____

Date of Birth : _____ Age : _____
(DDMMYYYY)

Mobile No : _____ E-mail ID : _____

Gender : Male Female Other

Mark of Identification : _____
Signature / Thumb / Other Print

Category : General OBC* SC* ST* (*Attached cast certificate for OBC/SC/ST only)

Blood Group : O+ O- A+ A- B+ B- AB+ AB-

Marital Status : Married* Unmarried Widow Divorced Divorcee & Widower
 *If you are married give Spouse Name : _____

Name of Guardian/ Caretaker /Attendant / Related Person : _____ His/Her Contact No. : _____

Relation with Person with Disability : Father Mother Wife Husband Uncle Aunty Sister Other

Educational Details : Primary Middle/Higher Primary Senior Secondary Higher Secondary
 Diploma Graduate PG Diploma Post Graduate
 Doctorate

2. Address Details

Correspondence Address : _____

Pincode : _____

State/UTs : _____ District : _____

City/Sub District/Tehsil : _____ Village/Block : _____

Document for Address Proof : Driving Licence Ration Card Voter ID Other (Domicile Certificate)

Permanent Address : _____
 _____ Pincode : _____
 State/UTs : _____ District : _____
 City/Sub District/Tehsil : _____ Village/Block : _____

3. Disability Details

Have disability Certificate : Yes* No (*If yes, please fill in the following details & attach disability certificate)

Sr./Reg. No. of Certificate : _____ Date of Issue : _____
(DDMM/YYYY)

Disability Percentage (%) : _____ (For example: 30%, 40%, 50%, 60%)

Details of Issuing Authority : Chief Medical Office Medical Authority

Disability Type : Blindness Muscular Dystrophy Hearing Impairment Hemophilia
 Low Vision Parkinson's Disease Intellectual Disability Thalassemia
 Leprosy Cured Sickle Cell Disease Acid Attack Victim Locomotor Disability
 Cerebral Palsy Dwarfism Mental illness Multiple Sclerosis
 Specific Learning Disabilities Speech and Language Disability Autism Spectrum Disorder Chronic Neurological Conditions
 Multiple Disabilities including Deaf Blindness

Disability By Birth : Yes* No Disability Since : _____
(in Year)

Pension Card Number : _____ Disability Scheme : _____

Hospital Treating Disability : _____

Disability Area : Chest Ears Head Left Eye Left Hand Left Leg Mouth
 Nose Shoulder Throat Right Eye Right Hand Right Leg Stomach

Disability Due to : Accident Congenital Hereditary

4. Employment Details

Employed : Yes No* Unemployed Since : _____

Occupation : Govt. Job Professional/Technical Agriculture Service & Shops
 Clerks Craft/Trade Workers Daily Wages Worker Plant/Factory
 Other Occupation _____

BPL/APL : N/A APL BPL Antodya

Personal Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Father Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Spouse Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

5. Identity DetailsAttached Identity Proof : Driving Licence PAN Card Ration Card Voter ID Aadhar Card

Identity Proof Number : _____

Aadhaar Card Number : _____ TIN (NPR) : _____

Any Other State/UTs ID : _____ Other State/UTs ID Value : _____

I _____, the applicant do hereby declare that what is stated above is true to the best of my own information and brief.

Date : _____ Applicant's Signature/Thumbprint : _____

प्रपत्र-II**(विकलांगता प्रमाण पत्र हेतु आवेदन पत्र अस्वीकृत करने की सूचना)****(नियम 20 (5) देखें)**

संख्या _____

दिनांक:

सेवा में

(विकलांगता प्रमाण पत्र हेतु आवेदक का नाम और पता)

विषय: विकलांगता प्रमाण पत्र हेतु आवेदन पत्र अस्वीकृत करना।

महोदय/महोदया,

कृपया निम्नलिखित विकलांगता हेतु प्रमाण पत्र जारी किये जाने हेतु अपने दिनांक.....के आवेदन पत्र का संदर्भ ग्रहण करें।

2. आपके उपर्युक्त आवेदन पत्र के आधार पर आपकी दिनांक.....को अधोहस्ताक्षरी/मेडिकल बोर्ड द्वारा जांच की गई थी। मुझे आपको खेद के साथ सूचित करना पड़ रहा है कि नीचे दिये गये कारणों से आपके पक्ष में विकलांगता प्रमाण पत्र जारी करना संभव नहीं है:

(i)

(ii)

(iii)

3. यदि आप अपने आवेदन की अस्वीकृति के संबंध में कोई शिकायत है तो आप इस निर्णय की समीक्षा करने का अनुरोध करते हुये.....को अपना अभ्यावेदन भेज सकते हैं।

भवदीय,

(अधिसूचित मेडिकल प्राधिकार के प्राधिकृत हस्ताक्षरी)

(नाम और मोहर)

[फा. सं. 03-01/2017-डीडी-III]

अवनीश कुमार अवस्थी, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment and Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 10th March, 2017

G.S.R.237(E).—The following draft of the Rights of Persons with Disabilities Rules, which the Central Government proposes to make, in exercise of the powers conferred by sub-sections (1) and (2) of Section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri K.V.S. Rao, Director, Department of Empowerment of Persons with Disabilities (Divyangjan), Room No 518, 5th Floor, Pandit Deen Dayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi, 110003 or by email at kvs.rao13@nic.in.

The objections and suggestions which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the Central Government.

Draft rules**CHAPTER-I**

1. Short title and extent.- (1) These rules may be called the Rights of Persons with Disabilities Rules, 2017.

(2) They shall extend to the whole of India.

2. Definitions.- (1) In the rules, unless the context otherwise require,-

- (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
- (b) "certificate" means a certificate of disability issued under section 57 of the Act;
- (c) "Form" means a form appended to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

3. Government establishment not to discriminate on the ground of disability.- (1) no Government establishment shall compel a person with disability to partly or fully pay any of the costs incurred to provide reasonable accommodation.

(2) No Government establishment shall discriminate a person with disability only on the ground of disability and the aggrieved person with disability may submit a representation before the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, who shall dispose of the representation within a period of sixty days:

Provided that in emergency cases, the Chief Commissioner or State Commissioner may dispose of such complaint as soon as possible.

4. Central Committee for Research on Disability.- (1) The Central Committee for Research on Disability shall consist of the following persons, namely:-

- (i) an eminent person having a vast experience in the field of science and research, to be nominated by the Central Government, ex officio-Chairperson;
- (ii) nominee of Director General of Health Services –Member;
- (iii) four persons drawn from national institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government – Members;
- (iv) five persons of the registered organisation, representing each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members;
- (v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary;
- (vi) any expert appointed by the Chairperson as a special invitee.

(2) The term of office of the nominated members shall be for a period of three years from the date on which they enter open office but shall be eligible for re-nomination.

(3) One half of the members including one nominated member present shall constitute the quorum of the meeting.

(4) The non-official members and special invitees shall be entitled for traveling allowance and dearness allowance as admissible to Group “A” officer of the Central Government.

(5) The Central Government may provide the Committee with such clerical and other staff as the Central Government consider necessary.

CHAPTER III

5. Manner of publication of equal opportunity policy.- (1) Every Government establishment shall publish equal opportunity policy for persons with disabilities.

(2) The equal opportunity policy shall be displayed by the establishment preferably on their website failing which at a conspicuous places in their premises.

(3) The equal opportunity policy shall contain the following, namely:-

- (a) facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
- (b) list of posts identified suitable for persons with disabilities in the establishment;
- (c) the manner of selection of persons with disabilities for various posts, post recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allocation of residential accommodation if any, and other facilities;
- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disability;
- (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees:

Provided that such liaison officer shall be imparted training on disability equality and etiquettes.

6. Form and manner of maintaining records by the establishments.- (1) Every Government establishment shall maintain records in hard and soft copies which include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules.

(2) The records shall show the following particulars, namely:-

- (a) the number of persons with disability who are employed and the date from when they are employed;
- (b) the name and address of such person who are employed;
- (c) the kind of disability of such persons employed;
- (d) the nature of work being rendered by such employed person with disability; and
- (e) the kinds of facilities being provided to such person with disability.

(3) Every Government establishment shall produce for inspection on demand records maintained under these rules to the authorities under this Act and shall supply such information as sought which it may require for the purpose of ascertaining whether the provisions have been complied with.

(4) Every Government establishment shall at the time of asking by the authorized person, verify the records which are being complied with.

7. Manner of maintenance of register of complaints by the Government establishments.- (1) The grievance redressal officer shall maintain a register of complaints and soft copy specifically maintained for the purpose and separate page shall be allotted for each complaint.

(2) The grievance redressal officer shall record the following particulars in the register, namely:-

- (a) date of complaint;
- (b) name of complainant;
- (c) name of the person who is enquiring the complaint;
- (d) place of incident;
- (e) the name the establishment or person against whom the complaint is made;

- (f) gist of the complaint;
- (g) any additional information;
- (h) documentary evidence, if any;
- (i) date of disposal by the grievance redressal officer;
- (j) details of disposal of the appeal by the district level committee; and
- (k) any other information.

CHAPTER IV

8. Computation of vacancies.- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities.

(2) The computation of total vacancies shall include vacancies arising in the identified and non-identified posts:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

9. Interchange of vacancies.-The Government establishment shall interchange vacancies in terms of section 34 of the Act only if due process of recruitment such as issuance of advertisement to fill up the vacancies meant for persons with benchmark disabilities has been followed and no suitable candidate is found after following the recruitment process.

10. Notification of vacancies to the Special Employment Exchange.-(1) The following vacancies shall be notified by the Government establishments to the special employment exchange namely:-

(a) vacancies in posts of a technical and scientific nature carrying a basic pay in Level 6 or more per month occurring in Central Government establishments; and

(b) vacancies which the employer of the Central Government establishment may circulate to the special employment exchange outside the State or Union territory in which the establishment is situated, as may be notified in the Official Gazette.

(2) The Government establishment shall send the copy of the notification of vacancies to the concerned Vocational Rehabilitation Centre for persons with disabilities.

(3) The vacancies other than those specified in sub-rule (1) shall be notified to the local special employment exchange concerned and the Government establishment shall send a copy of the notification of vacancies to the concerned Vocational Rehabilitation Centre for persons with disabilities.

11. Form and manner of notification of vacancies.- (1) the Government establishment shall notify the vacancies in writing to the concerned special employment exchange, and furnish the following particulars in respect of each type of vacancy, namely:-

- (a) Name and address of the employer;
- (b) telephone number of the employer;
- (c) nature of vacancy, namely:-
 - (i) designation of workers required;
 - (ii) description of duties;
 - (iii) physical requirements for the job, namely, visual accuracy, frequent movement or walking, continuous long hours sitting and other physical requirements;
 - (iv) qualification requirements, namely:-
 - (i) essential;
 - (ii) desirable;
- (v) age limit, if any;
- (vi) whether women are eligible?
- (d) number of vacancies reserved for persons with disabilities, that is, persons with physical, visual, hearing, intellectual and mental illness-
 - (i) regular;
 - (ii) temporary;

- (e) pay and allowances;
- (f) place of work, that is, name of town and village and district in which it is situated;
- (g) probable date by which the vacancy will be filled;
- (h) particulars regarding interview/test of applicants, namely:-
 - (a) date of interview or test;
 - (b) time of interview or test;
 - (c) place of interview or test;
 - (d) designation and address of the person to whom applicants should report;
 - (i) any other relevant information.

(2) The appropriate Government shall re-notify the vacancies to the concerned special employment exchange if there is any change in the particulars already furnished to the special employment exchange and vocational rehabilitation centre for persons with disabilities under this rule.

12. Time limit for the notification of vacancies.- (1) The vacancies, required to be notified to the local special employment exchange, shall be notified at least thirty days before the date on which the applicants are to be interviewed or tested, where interview or test is held, or the date on which vacancies are intended to be filled, if no interview or test is held.

(2) An employer of the Government establishment shall furnish to the concerned special employment exchange, the result of the selection within fifteen days from the date of selection.

13. Submission of Returns.- (1) An employer of the Government establishment shall furnish to the local special employment exchange returns once in every three months in Form PDER-I and once in every two months in Form PDER-II.

(2) The return shall be furnished within thirty days of the respective dates that is, 31st March, 30th June, 30th September and 31st December.

(3) The two months return shall be furnished within thirty days of the due date as may be notified by the appropriate Government in the Official Gazette.

14. Form in which record to be kept by an employer.- Every employer of the Government establishment shall maintain the record of employees with disabilities in Form PDER III.

CHAPTER V

15. Constitution of Assessment Board.- (1) The Assessment Board for the assessment of the cases regarding requirement of persons with high support needs shall consist of:-

- (a) Chief Medical Officer of the District who shall be the Chairperson of the Assessment Board;
- (b) civil surgeon of the respective district - Member;
- (c) one nominee of the District Magistrate or Deputy Commissioner of the respective district – Member;
- (d) any other expert as a special invitee which the Chairman may invite – Member;

(2) At least two persons of the Assessment Board shall constitute the quorum for the meeting.

(3) The Assessment Board may function notwithstanding any vacancy therein.

16. Assessment of disability with high support.- (1) The Assessment Board shall assess the application referred to it by the authority on the basis of documentary and other current scientific and medical evidence and other socio-economic factors.

(2) The authority shall refer the application to the Assessment Board at least thirty days before its meeting.

(3) On receipt of the application, the Assessment Board may issue notice to the applicant for presentation of his case before it either by himself or through an authorised representative on the designated date which shall not be more than thirty days from the date of issue of notice.

(4) The Assessment Board may give further opportunity as it thinks fit on the request of the applicant.

(5) The Assessment Board may during its examination call the person concerned on a fixed date to assess the application.

(6) The Assessment Board shall forward its report to the authority within a period of thirty days of the assessment of the applicant.

(7) On receipt of the report under sub rule (6), the authority shall take steps as provided in sub-section (4) of section 38 and inform the appropriate Government.

CHAPTER VI

17. Rules for Accessibility.- Every establishment shall comply with the following standards - physical environment, transport and information and communication technology, namely:-

- a. model building bye-laws notified by the Government of India Ministry of the Urban Development;
- b. (i) public bus transport body code notified by the Government of India, Ministry of Road Transport and Highways;
(ii) rail coach standards notified by the Government of India, Ministry of Railways;
(iii) ship vessels standards notified by the Government of India, Ministry of Shipping; and
(iv) airports and aircrafts standards notified by the Government of India, Ministry of Civil Aviation.
- c. (i) website - w3c standards guidelines of the Government of India, Ministry of Electronics and Information Technology;
(ii) telecommunication services standards notified by the Government of India, Ministry of Telecommunication;
(iii) telecasting and radio broadcasting services standards notified by the Government of India, Ministry of Information and Broadcasting;
- d. any other service and facility standards notified by the respective Ministries and Departments of the Government of India.

18. Review of Accessibility Standards.- The Central Government shall review from time to time the accessibility standards notified by the respective ministries and departments based on the latest scientific knowledge and technology.

CHAPTER VII

19. Application for disability certificate.- (1) Any person with specified disability may apply in Form I for a disability certificate either online through Unique Disability Identity Portal (www.swavalambancard.gov.in) or submit the physical application to -

- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence in the application; or
- (b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

(2) The application shall be accompanied by -

- (a) proof of residence;
- (b) two recent passport size photographs; and
- (c) aadhar number or aadhar enrollment number, if any.

Note: No other proof of residence shall be required from the applicant who has aadhar enrollment number.

20. Issue of disability certificate.- (1) On receipt of an online application under rule 19, the medical authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a disability certificate in his favour through the UDID portal.

(2) For applications other than online mode, the medical authority shall, ensure that the application is converted to the online mode and shall follow the same procedure as provided under sub-rule (1) for issuing of disability certificate.

(3) The disability certificate shall be issued within a month from the date of receipt of the application by the medical authority.

(4) The medical authority shall, after due examination -

- (i) issue a permanent disability certificate in cases where there are no chances of variation over time in the degree of disability; or
- (ii) give a temporary disability certificate and indicate the period of validity in the certificate, in cases where there is any chance of variation over time in the degree of disability.

(5) If an applicant is found ineligible for issue of disability certificate, the medical authority shall convey the reasons to him in writing under Form II within a period of one month from the date of receipt of the application.

CHAPTER VIII

21. Allowances for the members of the Advisory Board.- (1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) Non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Group A officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily and travelling allowances shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) Non-official member of the Central Advisory Board shall be paid daily and travelling allowances, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.- (1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.

(3) The Member Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.

(4) The Member Secretary may give to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case thinks fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member Secretary, unless the Chairperson may permit him to do so.

(6) The Central Advisory Board may adjourn its meeting from day to day or to any particular day.

(7) Where a meeting of the Central Advisory Board adjourned from day to day, the Member Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(8) Where a meeting of the Central Advisory Board is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).

23. Presiding officer.- The Chairperson shall preside over every meeting of the Central Advisory Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside over that meeting.

24. Quorum.- (1) One-third of the total members of the Central Advisory Board shall form the quorum for any meeting.

(2) If time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.

25. Minutes.- (1) The Member Secretary shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

26. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22 shall be transacted at any meeting.

27. Agenda for the meeting of the Central Advisory Board.- (1) At any meeting, the business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

28. Decision by majority.- All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or in the absence of both the Member presiding at the meeting, as the case may be, shall have a second or casting vote.

29. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Central Advisory Board shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

30. Qualification for appointment of Chief Commissioner.- (1) No person shall be eligible for appointment as Chief Commissioner unless -

- (a) he is a graduate from a recognized University; and

Note:- Preference shall be given for a person having recognized degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

- (b) having experience of at least twenty-five years in a Group 'A' level post in Central Government or State Government or public sector undertakings or semi Government or autonomous bodies dealing with disability related matters or social sector or as a senior level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

- (c) he attained the age of sixty years as on 1st January of the year of recruitment.

Note:- If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post.

31. Qualification for appointment of Commissioner.- No person shall be eligible for appointment as Commissioner unless -

- (a) he is a graduate from a recognized University; and

Note:- preference shall be given for a person having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

- (b) having experience of at least three years in the post of the level of Joint Secretary or equivalent in Central Government or State Government or public sector undertakings or semi Government or autonomous bodies or at least twenty years experience in a Group 'A' level posting in a Central Government or State Government or public sector undertakings or semi Government or autonomous bodies dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development; and

- (c) he attained the age of fifty six years as on 1st January of the year of recruitment.

32. Method of appointment of the Chief Commissioner and Commissioner.- (1) The Central Government shall, six months before the post of Chief Commissioner is due to fall vacant, advertise in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the qualifications specified in rule 30 and 31.

(2) A search-cum-selection Committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner or Commissioner.

(3) The search-cum-selection Committee shall be constituted in accordance with the instructions issued by the Department of Personnel and Training from time to time.

(4) The panel recommended by the Committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) and other eligible persons whom the Committee may consider suitable.

(5) The Central Government shall appoint one of the candidates recommended by the search-cum-selection Committee as the Chief Commissioner or Commissioner.

33. Term of the Chief Commissioner and Commissioner.- (1) The term of office of Chief Commissioner shall be for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

(2) The term of office of the Commissioner shall be for a period of three years and may be extended for a period of another two years or till he attain age of sixty years.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms: Provided that the Chief Commissioner or the Commissioner have not attained age of sixty five years or sixty years respectively.

34. Salary and allowances of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner shall be entitled for the salary and allowances as admissible to a Secretary to the Government of India.

(2) The Commissioner shall be entitled for the salary and allowances as admissible to a Additional Secretary to the Government of India

(3) Where a Chief Commissioner or Commissioner being a retired Government servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.

35. Other terms and conditions of service of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner and Commissioners shall be entitled to such leave as is admissible to a Government servant under the Central Civil Service (Leave) Rules, 1972.

(2) The Chief Commissioner and Commissioners shall be entitled to such leave travel concession as is admissible to a Group 'A' officer under the Central Civil Services Rules, 1988.

(3) The Chief Commissioner and Commissioners shall be entitled to such medical benefits as is admissible to a Group 'A' officer under the Central Government Health Scheme.

36. Resignation and removal.- (1) The Chief Commissioner and Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the post.

(2) The Central Government may remove a person from the office of the Chief Commissioner and Commissioner, if he -

- (a) becomes an undischarged insolvent;
- (b) engages during his term of office in any paid employment or activity outside the duties of his office;
- (c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
- (e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group A employee of the Central Government.

(3) The Central Government may suspend a Chief Commissioner and Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

37. Residuary provision.- The conditions of service of a Chief Commissioner and a Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to a Secretary and Additional Secretary to the Government of India, as the case may be.

38. Procedure to be followed by Chief Commissioner and Commissioner.- (1) A complainant may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or Commissioner or be sent by registered post addressed to the Chief Commissioner or Commissioner, namely:-

- (a) the name, description and the address of the complainant;
- (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;
- (c) the facts relating to complaint and when and where it arose;

- (d) documents in support of the allegations contained in the complaint;
- (e) the relief which the complainant claims.

(2) The Chief Commissioner or Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.

(4) Where the complainant or his agent fails to appear before the Chief Commissioner or the Commissioner on such days, the Chief Commissioner or the Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner or the Commissioner may dispose of the complaint ex-parte, if necessary

(7) The Chief Commissioner or the Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The Chief Commissioner or the Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

39. Advisory Committee to assist the Chief Commissioner.- (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-

- (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of whom two shall be women;
- (b) three experts in the field of barrier-free environment, one each from physical environment, transportation and information and communication technology or other services and facilities provided to the public;
- (c) one expert in the area of employment of persons with disabilities;
- (d) one legal expert; and
- (e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.

(2) The Chief Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

40. Submission of Report to Central Government.- The Chief Commissioner shall submit his report to the Central Government on the implementation of the Act at the interval of six months in such a manner that at least two reports are sent in a financial year.

41. Submission of Annual Report.- (1) The Chief Commissioner shall as soon as possible after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

- (a) names of its officers and staff and a chart showing the organizational set up;
- (b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;
- (c) the main recommendations made by the Chief Commissioner;
- (d) the progress made in the implementation of the Act;
- (e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

42. Management of National Fund.- Their shall be governing body consisting of following members to manage the National Fund, namely:-

- (a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;

- (b) Chairperson, Rehabilitation Council of India -Member;
 - (c) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;
 - (d) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;
 - (e) two representatives from the Ministries or Departments of health and family welfare, human resource development (department of school education and literacy and department of higher education), labour and employment, financial services and rural development in the Central Government, not below the rank of a Joint Secretary, by rotation - Members;
 - (f) two persons representing different types of disabilities to be nominated by the Central Government, by rotation – Members;
 - (g) Joint Secretary in the Department of Empowerment of Persons with Disabilities – Convener and Chief Executive Officer.
- (2) The governing body shall meet as often as necessary, but at least once in every financial year.
 - (3) The nominated members shall hold office for not more than three years.
 - (4) No member of the governing body shall be a beneficiary of the Fund during the period such Member holds office.
 - (5) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group 'A' employees of the Central Government for attending the meetings of the governing body.
- (6) No person shall be nominated as a member of the governing body if he -**
- (a) is, or has been, convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
 - (b) is, or at any time has been, adjudicated as an insolvent.

43. Utilization of the National Fund.- (1) The amount available as fixed deposits for empowerment of persons with disabilities and the National Fund for people with disability as on the date of the commencement of the Act shall form the corpus of the National Fund.

- (2) All moneys available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.
- (3) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body, may, subject to the general guidelines of the Central Government, decide.
- (4) Only the interest accruing on the corpus shall be utilized for the following purposes, namely:-
 - (a) financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government;
 - (b) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
 - (c) such other purposes as may be decided by the governing body.
- (5) Every proposal of expenditure shall be placed before the governing body for its approval.
- (6) Any expenditure in any exigency is to be incurred from the National Fund, the said expenditure may be incurred with the approval of the Chairperson of the governing body:

Provided that such expenditure shall be placed before the governing body for ex-post-facto approval in its earliest meeting.

- (7) The governing body may appoint secretarial staff including accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the Fund based on need based requirement.

44. Budget.- The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund in each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

45. Annual Report.- The annual report of the Department of Empowerment of persons with Disability shall include a chapter on National Fund.

FORM PDER -I

(Return by the Employer)

[See rule 13(1)]

Quarterly return to be submitted to the Special Employment Exchange for the Quarter ended.....

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:.....

1(a) EMPLOYMENT

Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the establishment).

On the last working day of the previous quarter				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with under clauses (a) to (d) of the including deaf-blindness of sub section (1) of section 34 of the Act

On the last working day of the quarter under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with under clauses (a) to (d) of the including deaf-blindness of sub section (1) of section 34 of the Act

Men with disability

Women with disability

----- Total

(a) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter.

2.Vacancies:- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter (Separate figures may be given for men with disability and women with disability).

Number of vacancies which come within the purview of the Act.

Occurred	Notified	Filled	Source
			(Describe the source from which filled)

Local/Special Employment Exchange	General Employment Exchange			
1.	2	3	4	5

(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a)

.....

3. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts		
	Essential	Essential	Experience
Qualification experience	Not Necessary		
1.	2.	3.	4.

Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

To

The Employment Exchange

Note : This return relates to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Special Employment Exchange within thirty days after the end of the quarter concerned.

Form PDER-II

[see rule 13(1)]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer.....

Nature of business_____

(describe what the establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the establishment on

Specify date.....(This figure should include every person whose wage or salary is paid by the establishment)(Separate figures for men with disability and women with disability may be given).

2. Occupational Classification of all employees as given in item -1 above.

(please give below the number of employees in each occupation separately

Occupation	Number of Employees		
	Men with Disability	Women with Disability	Total
Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on Duty (actuary); Assistant Director			Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar

(Metallurgist);
Scientific Assistant
(chemist); Research Officer
(economist); Instructor
(carpenter);

year due to
retirement.

1.	2.	3.	4.	5.	6.	7.	8.	9.
Supervisor(tailor)	C	C						
Fitter(internal Combustion engine); Inspector	A	A						
Sanitary),Superintendent Office);apprentice Electrician)	Y	Y						
Total								

Dated..... Signature of Employer
To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 8 under item 2 should correspond to the figure given against item-1.

FORM PDER -III

[See rule 14]

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:

Total number of persons on the pay rolls of the establishment (This figure should include every person whose wage or salary is paid by the establishment).

Total number of disabled persons (disability-wise) on the payroll of the establishment(This figure should include every person with disability whose wage or salary is paid by the establishment).

(a) Occupational qualification of all employees as given in item 5 above(Please give below the number of employees in each occupation separately.

Occupation	Number of Employees			Total
	Men with Disability	Women with Disability		
Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on Duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.

(economist); Instructor
(carpenter);

1.	2.	3.	4.	5.	6.	7.	8.	9.
----	----	----	----	----	----	----	----	----

Total

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter.....

7. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter.

Number of vacancies which come within the purview of the Act

Occurred	Notified		Filled	Sources (Describe the Source form which filled)
	Local Employment Exchange	Special Employment		
1.	2	3	4	5

Total

(b) Reasons for not notifying all vacancies occurred during the quarter under report vide (a)2.....above.
3. Manpower shortages

Vacancies/posts unfiled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfiled vacancies/posts		
	Essential Qualification	Essential experience	Experience Not Necessary
1	2.	3.	4.

Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

FORM-I
[Application for certificate of disability]
[See rule 19]



Unique Disability ID
 Department of Empowerment of Persons with Disabilities
 Ministry of Social Justice and Empowerment, Government of
 India

PERSON WITH DISABILITY REGISTRATION FORM

1. Personal Details

Applicant Name : _____
First Name Middle Name Surname

Father's Name : _____

Mother's Name : _____

Date of Birth : _____ Age : _____
(DD/MM/YYYY)

Mobile No : _____ E-mail ID : _____

Gender : Male Female Other

Mark of Identification : _____
Signature / Thumb / Other Print

Category : General OBC* SC* ST* (*Attached cast certificate for OBC/SC/ST only)

Blood Group : O+ O- A+ A- B+ B- AB+ AB-

Marital Status : Married* Unmarried Widow Divorced Divorcee & Widower
 *If you are married give Spouse Name : _____

Name of Guardian/ Caretaker /Attendant / Related Person : _____ His/Her Contact No. : _____

Relation with Person with Disability : Father Mother Wife Husband Uncle Aunty Sister Other

Educational Details : Primary Middle/Higher Primary Senior Secondary Higher Secondary
 Diploma Graduate PG Diploma Post Graduate
 Doctorate

2. Address Details

Correspondence Address : _____

Pincode : _____

State/UTs : _____ District : _____

City/Sub District/Tehsil : _____ Village/Block : _____

Document for Address Proof : Driving Licence Ration Card Voter ID Other (Domicile Certificate)

Permanent Address : _____
 _____ Pincode : _____
 State/UTs : _____ District : _____
 City/Sub District/Tehsil : _____ Village/Block : _____

3. Disability Details

Have disability Certificate : Yes* No (*If yes, please fill in the following details & attach disability certificate)

Sr./Reg. No. of Certificate : _____ Date of Issue : _____
(DD/MM/YYYY)

Disability Percentage (%) : _____ (For example: 30%, 40%, 50%, 60%)

Details of Issuing Authority : Chief Medical Office Medical Authority

Disability Type : Blindness Muscular Dystrophy Hearing Impairment Hemophilia
 Low Vision Parkinson's Disease Intellectual Disability Thalassemia
 Leprosy Cured Sickle Cell Disease Acid Attack Victim Locomotor Disability
 Cerebral Palsy Dwarfism Mental Illness Multiple Sclerosis
 Specific Learning Disabilities Speech and Language Disorder Autism Spectrum Chronic Neurological Conditions
 Multiple Disabilities including Deaf Blindness

Disability By Birth : Yes* No Disability Since : _____
(in Year)

Pension Card Number : _____ Disability Scheme : _____

Hospital Treating Disability : _____

Disability Area : Chest Ears Head Left Eye Left Hand Left Leg Mouth
 Nose Shoulder Throat Right Eye Right Hand Right Leg Stomach

Disability Due to : Accident Congenital Hereditary

4. Employment Details

Employed : Yes No* Unemployed Since : _____

Occupation : Govt. Job Professional/Technical Agriculture Service & Shops
 Clerks Craft/Trade Workers Daily Wages Worker Plant/Factory
 Other Occupation _____

BPL/APL : N/A APL BPL Antodya

Personal Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Father Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Spouse Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

5. Identity Details

Attached Identity Proof : Driving Licence PAN Card Ration Card Voter ID Aadhar Card

Identity Proof Number : _____

Aadhaar Card Number : _____ TIN (NPR) : _____

Any Other State/UTs ID : _____ Other State/UTs ID Value : _____

I _____, the applicant do hereby declare that what is stated above is true to the best of my own information and brief.

Date : _____ Applicant's Signature/Thumbprint : _____

FORM-II**[Intimation of Rejection of Application for Certificate of Disability]****[See rule 20(5)]**

No. _____

Dated :

To,

(Name and address of applicant
for Disability Certificate)

Sub: Rejection of Application for Disability Certificate

Sir/ Madam,

Please refer to your application dated_____ for issue of a Disability Certificate for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned/ Medical Board on_____, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a disability certificate in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to_____, requesting for review of this decision.

Yours faithfully,

(Authorised Signatory of the notified Medical Authority)

(Name and Seal)

[F. No. 03-01/2017-DD-III]

AWANISH KUMAR AWASTHI, Jt. Secy.

**Frequently Asked Questions (FAQs) on the policy of reservation to
Persons with Disabilities**

Q.1 What is the policy of the Government on reservation for Persons with Disabilities?

Ans.: Reservation to Persons with Disabilities is provided in line with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in posts and services under the Government of India.

Three per cent of the vacancies in case of direct recruitment to Group A,B,C and D posts shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability;

Three per cent of the vacancies in case of promotion to Group D and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

Q.2 What is the provision for exemption from reservation to Ministries/Departments?

Ans.: If any Department / Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment.

Q.3 What are the definitions of Disabilities?

Ans.: Definitions of categories of disabilities for the purpose of this Office Memorandum are given below:

(i)(a) Blindness: "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-

(i) total absence of sight; or

- (ii) visual acuity not exceeding 6/60 or 20/200(snellen) in the better eye with correcting lenses; or
- (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (b) Low vision: “Person with low vision” means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.
- (ii) Hearing Impairment:- “Hearing Impairment” means loss of sixty decibels or more in the better ear in the conversational range of frequencies.
- (iii)(a) Locomotor disability : “Locomotor disability” means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.
- (b) Cerebral Palsy :- “Cerebral Palsy” means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development.
- (c) All the cases of orthopaedically handicapped persons would be covered under the category of “locomotor disability or cerebral palsy.”

Q.4 What should be the degree of disability for claiming reservation in posts/services under the Central Government?

Ans.: Only such persons would be eligible for reservation in services / posts who suffer from not less than 40 per cent of relevant disability. A person who wants to avail of benefit of reservation would have to submit a Disability Certificate issued by a competent authority.

Q.5 Who is the competent authority to issue Disability Certificate?

Ans.: The competent authority to issue Disability Certificate shall be a Medical Board duly constituted by the Central or a State Government. The Central / State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral / visual / hearing disability, as the case may be.

The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On

representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit.

At the time of initial appointment and promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

An employee who acquires disability after entering into service will be entitled to get the benefit of reservation as a person with disability from the date he produces a valid certificate of disability.

Q.6 Which Ministry/Department identifies the jobs/posts suitable for Persons with Disabilities?

Ans.: The Ministry of Social Justice and Empowerment have identified the jobs / posts suitable to be held by persons with disabilities and the physical requirement for all such jobs / posts vide their notification no. 16-25/99.N.I.I dated 31.5.2001. The jobs / posts given in Annexure II of the said notification as amended from time to time shall be used to give effect to 3 per cent reservation to the persons with disabilities. It may, however, be noted that:

- (a) The nomenclature used for any job / post shall mean and include nomenclature used for other comparable jobs / posts having identical functions.
- (b) The list of jobs / posts notified by the Ministry of Social Justice & Empowerment is not exhaustive. The concerned Ministries / Departments shall have the discretion to identify jobs / posts in addition to the jobs / posts already identified by the Ministry of Social Justice & Empowerment. However, no Ministry / Department / Establishment shall exclude any identified job / post from the purview of reservation at its own discretion.
- (c) If a job/ post identified for persons with disabilities is shifted from one group or grade to another group or grade due to change in the pay-scale or otherwise, the job/ post shall remain identified.

If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in

such a way that the persons of three categories of disabilities, as far as possible, get equal representation.

Q.7 How can a Person with Disability be appointed against an unreserved vacancy?

Ans.: In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

Q.8 Who is an own merit candidate?

Ans.: Persons with disabilities selected on their own merit without relaxed standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

Q.9 How is the reservation for Persons with Disabilities computed?

Ans.: Reservation for persons with disabilities in case of Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'C' and Group 'D' posts. Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

Q.10 How are the reservation roster registers for Persons with Disabilities maintained?

Ans.: (a) All establishments shall maintain separate 100 point reservation roster registers in the format given in **Annexure II** for determining / effecting reservation for the disabled – one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'C' posts filled by promotion, Group 'D' posts filled by direct recruitment and Group 'D' posts filled by promotion.

(b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising the following points:

1st Block – point No.1 to point No.33

2nd Block – point No. 34 to point No.66

3rd Block – point No.67 to point No.100

(c) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities – one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(d) All the vacancies in Group C posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(e) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66

are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

(g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(h) A separate roster shall be maintained for group C posts filled by promotion and procedure as explained above shall be followed for giving reservation to persons with disabilities. Likewise two separate rosters shall be maintained for Group D posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(i) Reservation in group A and group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

Q.11 What is meant by inter se exchange and carry forward of reservation in case of direct recruitment quota as well as in promotion quota?

Ans.

(a) Reservation for each of the three categories of persons with disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept

reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the

vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the relatively later carried forward reservation would be further carried forward.

While filling up the reserved vacancies by promotion by selection, the disabled candidates who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, whereafter it shall lapse.

In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years whereafter it shall lapse.

Q.12 What is vertical reservation and horizontal reservation?

Ans. Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called inter-locking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of two persons with disabilities appointed, one belongs to a Scheduled Caste and the other to general category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the general candidate against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

Q.13 What are the relaxations/concessions available to Persons with Disabilities?

Ans.: **RELAXATION IN AGE LIMIT :**

- (i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.

- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

RELAXATION OF STANDARD OF SUITABILITY: If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post / posts in question.

EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE: Persons with disabilities shall be exempt from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission etc. for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

MEDICAL EXAMINATION: As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

Q.14 What are the points which the Ministries/Departments should keep in mind while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. while advertising the vacancies?

Ans.: In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, the following points shall be

kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

- (i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/Persons suffering from Locomotor Disability or Cerebral Palsy should be indicated clearly.
- (ii) In case of vacancies in posts identified suitable to be held by persons with disability, it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or locomotor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.
- (iii) In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or
- (iv) not, the categories of disabilities viz blindness or low vision, hearing impairment and locomotor disability or cerebral palsy, for which the post is identified suitable alongwith functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
- (v) It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

In order to ensure proper implementation of the provisions of reservation for persons with disabilities, the requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no. of cycle no. of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities.”

Q.15 What is the procedure to monitor the representation of Persons with Disabilities in posts and services under the Central Government?

Ans.: (i) Soon after the first of January of every year, each appointing authority shall send to its administrative Ministry/Department:-

- (a) PWD Report-I in the prescribed proforma (Annexure III) showing the total number of employees, total number of employees in the posts which have been identified suitable for persons with disabilities and number of employees suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy as on the 1st January of the year, and
- (b) PWD Report-II in the prescribed proforma (Annexure IV) showing the number of vacancies reserved for persons suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy and number of such persons actually appointed during the preceding calendar year.

(ii) The administrative Ministry/Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proformae in respect of the Ministry/Department including information in respect of all attached and subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(iii) The following points may be kept in view while sending the reports to the Department of Personnel & Training:-

- (a) The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information in the prescribed proforma to the administrative Ministry/Department concerned who may scrutinize, monitor and maintain it at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.
- (b) The attached/subordinate offices shall send information to their administrative Ministry/Department only and shall not send it direct to this Department.
- (c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.
- (d) The PWD Report I relates to persons and not to posts. Therefore, while furnishing this report the posts vacant etc. should not be

taken into account. In this report persons on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions on reservation for Persons with Disabilities.