

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title and commencement.
2. Definitions.

CHAPTER II RIGHTS AND ENTITLEMENTS

3. Equality and non-discrimination.
4. Women and children with disabilities.
5. Community life.
6. Protection from cruelty and inhuman treatment.
7. Protection from abuse, violence and exploitation.
8. Protection and safety.
9. Home and family.
10. Reproductive rights.
11. Accessibility in voting.
12. Access to justice.
13. Legal capacity.
14. Provision for guardianship.
15. Designation of authorities to support.

CHAPTER III EDUCATION

16. Duty of educational institutions.
17. Specific measures to promote and facilitate inclusive education.
18. Adult education.

CHAPTER IV SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.
20. Non-discrimination in employment.
21. Equal opportunity policy.
22. Maintenance of records.
23. Appointment of Grievance Redressal Officer.

CHAPTER V SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

24. Social security.
25. Healthcare.
26. Insurance schemes.

SECTIONS

27. Rehabilitation.
28. Research and development.
29. Culture and recreation.
30. Sporting activities.

CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

31. Free education for children with benchmark disabilities.
32. Reservation in higher educational institutions.
33. Identification of posts for reservation.
34. Reservation.
35. Incentives to employers in private sector.
36. Special employment exchange.
37. Special schemes and development programmes.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

38. Special provisions for persons with disabilities with high support.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

39. Awareness campaigns.
40. Accessibility.
41. Access to transport.
42. Access to information and communication technology.
43. Consumer goods.
44. Mandatory observance of accessibility norms.
45. Time limit for making existing infrastructure and premises accessible and action for that purpose.
46. Time limit for accessibility by service providers.
47. Human resource development.
48. Social audit.

CHAPTER IX

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

49. Competent authority.
50. Registration.
51. Application and grant of certificate of registration.
52. Revocation of registration.
53. Appeal.
54. Act not to apply to institutions established or maintained by Central or State Government.
55. Assistance to registered institutions.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

56. Guidelines for assessment of specified disabilities.

SECTIONS

57. Designation of certifying authorities.
58. Procedure for certification.
59. Appeal against a decision of certifying authority.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. Constitution of Central Advisory Board on Disability.
61. Terms and conditions of service of members.
62. Disqualifications.
63. Vacation of seats by Members.
64. Meetings of the Central Advisory Board on disability.
65. Functions of Central Advisory Board on disability.
66. State Advisory Board on disability.
67. Terms and conditions of service of Members.
68. Disqualification.
69. Vacation of seats.
70. Meetings of State Advisory Board on disability.
71. Functions of State Advisory Board on disability.
72. District-level Committee on disability.
73. Vacancies not to invalidate proceedings.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. Appointment of Chief Commissioner and Commissioners.
75. Functions of Chief Commissioner.
76. Action of appropriate authorities on recommendation of Chief Commissioner.
77. Powers of Chief Commissioner.
78. Annual and special reports by Chief Commissioner.
79. Appointment of State Commissioner in States.
80. Functions of State Commissioner.
81. Action by appropriate authorities on recommendation of State Commissioner.
82. Powers of State Commissioner.
83. Annual and special reports by State Commissioner.

CHAPTER XIII

SPECIAL COURT

84. Special Court.
85. Special Public Prosecutor.

CHAPTER XIV

NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. National Fund for persons with disabilities.
87. Accounts and audit.

CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

88. State Fund for persons with disabilities.

CHAPTER XVI
OFFENCES AND PENALTIES

SECTIONS

- 89. Punishment for contravention of provisions of Act or rules or regulations made thereunder.
- 90. Offences by companies.
- 91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.
- 92. Punishment for offences of atrocities.
- 93. Punishment for failure to furnish information.
- 94. Previous sanction of appropriate Government.
- 95. Alternative punishments.

CHAPTER XVII
MISCELLANEOUS

- 96. Application of other laws not barred.
- 97. Protection of action taken in good faith.
- 98. Power to remove difficulties.
- 99. Power to amend Schedule.
- 100. Power of Central Government to make rules.
- 101. Power of State Government to make rules.
- 102. Repeal and savings.

THE SCHEDULE.

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

ACT 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

1. Short title and commencement.—(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.

2. Definitions.—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 (41 of 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;

1. 19th April, 2017, *vide* notification no. S.O. 1215 (E) dated 19th April, 2017, *see* Gazette of India, Extraordinary, Part II, Section 3 (ii).

(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 (18 of 2013) and includes a Department of the Government;

(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 (41 of 2006); and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

(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

3. Equality and non-discrimination.—(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. Women and children with disabilities.—(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.

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

(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. Protection from cruelty and inhuman treatment.—(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading 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. Protection from abuse, violence and exploitation.—(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—

(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 (45 of 1860), 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.

8. Protection and safety.—(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 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 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.

(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.

9. Home and family.—(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.

10. Reproductive rights.—(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.

11. Accessibility in voting.—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.

12. Access to justice.—(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.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 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. Legal capacity.—(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.

(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. Provision for guardianship.—(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:

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.

15. Designation of authorities to support.—(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

16. Duty of educational institutions.—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.

17. Specific measures to promote and facilitate inclusive education.—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

fulfil 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. Adult education.—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.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.—(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.

(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. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to 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.

21. Equal opportunity policy.—(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.

22. Maintenance of records.—(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.

23. Appointment of Grievance Redressal Officer.—(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

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

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

27. Rehabilitation.—(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, 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.

28. Research and development.—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.

29. Culture and recreation.—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.

30. Sporting activities.—(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

31. Free education for children with benchmark disabilities.—(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 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.

(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. Reservation in higher educational institutions.—(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.

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

33. Identification of posts for reservation.—The appropriate Government shall—

(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. Reservation.—(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:—

(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.

35. Incentives to employers in private sector.—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.

36. Special employment exchange.—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.

37. Special schemes and development programmes.—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

38. Special provisions for persons with disabilities with high support.—(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

39. Awareness campaigns.—(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. Accessibility.—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.

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

(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. Access to information and communication technology.—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.

43. Consumer goods.—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.

44. Mandatory observance of accessibility norms.—(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.

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

(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.

46. Time limit for accessibility by service providers.—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.

47. Human resource development.—(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992 (34 of 1992), the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

(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.

48. Social audit.—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

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

50. Registration.—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 (14 of 1987) or any other Act for the time being in force, shall not be required to be registered under this Act.

51. Application and grant of certificate of registration.—(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.

(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. Revocation of registration.—(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,—

(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.

53. Appeal.—(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.

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

55. Assistance to registered institutions.—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

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

57. Designation of certifying authorities.—(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.

58. Procedure for certification.—(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.

59. Appeal against a decision of certifying authority.—(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. Constitution of Central Advisory Board on Disability.—(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.

(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, Secunderabad;

(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*.

61. Terms and conditions of Service of members.—(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.

62. Disqualifications.—(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 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. Vacation of seats by Members.—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. Meetings of the Central Advisory Board on disability.—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. Functions of Central Advisory Board on disability.—(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-a-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. State Advisory Board on disability.—(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*;

(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*.

67. Terms and conditions of service of Members.—(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.

68. Disqualification.—(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. Vacation of seats.—If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

70. Meetings of State Advisory Board on disability.—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.

71. Functions of State Advisory Board on disability.—(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.

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

73. Vacancies not to invalidate proceedings.—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.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. Appointment of Chief Commissioner and Commissioners.—(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.

(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.

75. Functions of Chief Commissioner.—(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.

76. Action of appropriate authorities on recommendation of Chief Commissioner.—Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) ¹[of subsection (1)] 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.

77. Powers of Chief Commissioner.—(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 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

(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 Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) 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).

1. Ins. by Act 4 of 2018, s. 3 and the second Schedule (w.e.f. 5-1-2018).

78. Annual and special reports by Chief Commissioner.—(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.

(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. Appointment of State Commissioner in States.—(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.

(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. Functions of State Commissioner.—The State Commissioner shall—

(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.

81. Action by appropriate authorities on recommendation of State Commissioner.—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.

82. Powers of State Commissioner.—(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 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (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 (45 of 1860) 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 (2 of 1974).

83. Annual and special reports by State Commissioner.—(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. Special Court.—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.

85. Special Public Prosecutor.—(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.

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

(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 (6 of 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. Accounts and audit.—(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.

(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

88. State Fund for persons with disabilities.—(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

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

90. Offences by companies.—(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. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.—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.

92. Punishment for offences of atrocities.—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,

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. Punishment for failure to furnish information.—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.

94. Previous sanction of appropriate Government.—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.

95. Alternative punishments.—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.

CHAPTER XVII MISCELLANEOUS

96. Application of other laws not barred.—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.

97. Protection of action taken in good faith.—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.

98. Power to remove difficulties.—(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.

99. Power to amend Schedule.—(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.

100. Power of Central Government to make rules.—(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. Power of State Government to make rules.—(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.

(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.

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

(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.

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.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 15 जून, 2017

सा.का.नि. 591(अ).—दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) और उपधारा (2) की अपेक्षानुसार दिव्यांगजन अधिकार नियम, 2017 का प्रारूप भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. 398(अ) तारीख 21.04.2017 द्वारा उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (i) में प्रकाशित किए गए थे, उस तारीख से जिसको उक्त अधिसूचना से युक्त राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे ;

और राजपत्र की प्रतियां जिसमें उक्त अधिसूचना प्रकाशित की गई थी, जनता को 22.04.2017 को उपलब्ध करा दी गई थी ;

और उक्त प्रारूप नियमों की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है ;

अतः अब केन्द्रीय सरकार दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात्:--

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम, विस्तार और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम दिव्यांगजन अधिकार नियम, 2017 है।

(2) इनका विस्तार संपूर्ण भारत पर होगा।

(3) वे उनके राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएं—(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) “अधिनियम” से दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) अभिप्रेत है ;
- (ख) “प्रमाणपत्र” अधिनियम की धारा 57 के अधीन जारी दिव्यांगता प्रमाणपत्र अभिप्रेत है ;
- (ग) “प्ररूप” से इन नियमों से उपाबद्ध प्ररूप अभिप्रेत है ;

(2) शब्द और पद, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, का क्रमशः वही अर्थ होगा, जो उनका अधिनियम में है।

अध्याय 2

अधिकार और हकदारियां

3. स्थापन का दिव्यांगता के आधार पर भेदभाव नहीं करना—(1) स्थापन का अध्यक्ष यह सुनिश्चित करेगा कि अधिनियम की धारा 3 की उपधारा (3) के उपबंधों का, अधिनियम के अंतर्गत आने वाले दिव्यांगजनों के किसी अधिकार और उनको प्राप्त होनो वाले किसी फायदे से इंकार करने के लिए दुरुपयोग नहीं किया जाता है।

(2) यदि सरकारी स्थापन का प्रमुख या कोई प्राइवेट स्थापन, जो बीस से अधिक व्यक्तियों को नियोजित कर रहा है, दिव्यांगता के आधार पर भेदभाव के संबंध में कोई शिकायत प्राप्त करता है तो वह,—

- (क) अधिनियम के उपबंधों के अनुसार कार्रवाई आरंभ करेगा ; या
- (ख) व्यथित व्यक्तियों को लिखित में सूचित करेगा कि किस प्रकार आक्षेपित कार्रवाई या लोप किसी विधिमान्य ध्येय को पूरा करने के लिए समानुपातिक साधन है।

(3) यदि व्यथित व्यक्ति, यथास्थिति, दिव्यांगजनों के लिए मुख्य आयुक्त या राज्य आयुक्त को शिकायत प्रस्तुत करता है तो शिकायत का निपटान साठ दिन की अवधि के भीतर किया जाएगा :

परंतु आपातकालीन मामलों में मुख्य आयुक्त या राज्य आयुक्त शिकायत का यथाशीघ्र निपटान करेगा।

(4) कोई स्थापन किसी दिव्यांगजन को युक्तियुक्त आवासन उपलब्ध कराने पर उपगत किसी लागत को भागतः या पूर्णतः संदत्त करने के लिए बाध्य नहीं करेगा।

4. दिव्यांगता अनुसंधान के लिए केंद्रीय समिति—(1) दिव्यांगता अनुसंधान के लिए केंद्रीय समिति निम्नलिखित व्यक्तियों से मिलकर बनेगी, अर्थात् :—

- (i) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला विज्ञान या औषधि अनुसंधान के क्षेत्र में बृहत्त अनुभव रखने वाला एक विख्यात व्यक्ति, -- पदेन अध्यक्ष ;
 - (ii) महानिदेशक, स्वास्थ्य सेवाएं का उप महानिदेशक की पंक्ति से अन्यून नामनिर्देशिती – सदस्य ;
 - (iii) भौतिक, दृश्य, श्रव्य और बौद्धिक दिव्यांगताओं का प्रतिनिधित्व करने वाले राष्ट्रीय संस्थानों से चार व्यक्ति, जिनको केंद्रीय सरकार द्वारा नामनिर्दिष्ट किया जाएगा – सदस्य ;
 - (iv) रजिस्ट्रीकृत संगठनों से प्रतिनिधि के रूप में पाँच व्यक्ति, जो अधिनियम की अनुसूची में विनिर्दिष्ट दिव्यांगताओं के पाँच समूहों का प्रतिनिधित्व करेंगे, जिनको केंद्रीय सरकार द्वारा नामनिर्दिष्ट किया जाएगा – सदस्य ;
- परंतु रजिस्ट्रीकृत संगठनों में से कम से कम एक प्रतिनिधि महिला होगी ;
- (v) निदेशक, दिव्यांगजन सशक्तिकरण विभाग, जो कि सदस्य-सचिव होगा।

(2) अध्यक्ष किसी विशेषज्ञ को विशेष आमंत्रिती के रूप में आमंत्रित कर सकेगा।

(3) नामनिर्दिष्ट सदस्यों की पदावधि, उस तारीख से, जिसको वह अपना पद धारण करते हैं, तीन वर्ष होगी और नामनिर्दिष्ट सदस्य एक और पदावधि के लिए पुनः नामनिर्देशन के लिए पात्र होंगे।

(4) आधे सदस्य बैठकों की गणपूर्ति करेंगे।

(5) गैर-शासकीय सदस्य और विशेष आमंत्रित केंद्रीय सरकार के समूह "क" अधिकारियों को अनुज्ञेय यात्रा भत्ते और दैनिक भत्ते के पात्र होंगे।

(6) केंद्रीय सरकार समिति को उतने लिपिकीय और अन्य कर्मचारिवृद्ध उपलब्ध कराएगी, जैसा केंद्रीय सरकार आवश्यक समझे।

5. दिव्यांगजन को अनुसंधान का एक विषय नहीं समझा जाना—कोई दिव्यांगजन किसी अनुसंधान का विषय नहीं होगा सिवाय तब जब अनुसंधान में उसके शरीर पर भौतिक प्रभाव अंतर्वलित हो।

6. कार्यापालक मजिस्ट्रेटों द्वारा अनुसरित की जाने वाली प्रक्रिया- अधिनियम की धारा 7 के अधीन परिवादों पर कार्यवाही करने के प्रयोजन के लिए कार्यापालक मजिस्ट्रेट दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 133 से धारा 143 में उपबंधित प्रक्रिया का अनुसरण करेगा।

अध्याय 3

जिला शिक्षा कार्यालय में नोडल अधिकारी

7. जिला शिक्षा कार्यालय में नोडल अधिकारी—दिव्यांग बालकों के दाखिले से संबंधित सभी मामलों से और अधिनियम की धारा 16 और 31 के निबंधनों में विद्यालयों में उपलब्ध कराई जाने वाली सुविधाओं से निपटने के लिए जिला शिक्षा कार्यालय में एक नोडल अधिकारी होगा।

अध्याय 4

नियोजन

8. समान अवसर नीति के प्रकाशन की रीति—(1) प्रत्येक स्थापन दिव्यांगजनों के लिए समान अवसर नीति का प्रकाशन करेगा।

(2) समान अवसर नीति का स्थापनों द्वारा उनकी वेबसाइट पर प्रदर्शन किया जाएगा, जिसके न हो सकने पर उनके परिसरों में सहज दृश्य स्थान पर उसका प्रदर्शन किया जाएगा।

(3) बीस कर्मचारी या उससे अधिक कर्मचारी रखने वाले प्राइवेट स्थापनों के लिए और सरकारी स्थापनों के लिए समान अवसर नीति में अन्य बातों के साथ, निम्नलिखित अंतर्विष्ट होंगे, अर्थात् :--

(क) दिव्यांगजनों के लिए सुविधाएं और प्रसुविधाएं ताकि वह स्थापनों में अपने कर्तव्यों का प्रभावी रूप से निर्वहन करने में समर्थ हो सकें ;

(ख) स्थापन में दिव्यांगजनों के लिए पहचाने गए समुचित पदों की सूची ;

(ग) विभिन्न पदों पर दिव्यांगजनों के चयन की रीति, भर्ती-पश्च और प्रोन्नति पूर्व प्रशिक्षण स्थानांतरण और तैनाती में अधिमानतः, विशेष छुट्टी; आवासों के आबंटन में अधिमानतः, यदि कोई हो, तथा अन्य सुविधाएं ;

(घ) सहायक युक्तियों, बाधा मुक्त पहुंच तथा दिव्यांगजनों के लिए अन्य उपबंध ;

(ङ) दिव्यांगजनों की भर्ती की देखरेख के लिए स्थापन में लायजन अधिकारी की नियुक्ति तथा ऐसे कर्मचारियों के लिए सुविधाओं और प्रसुविधाओं का उपबंध।

(4) बीस से कम कर्मचारियों वाले प्राइवेट स्थापनों में समान अवसर नीति में, अन्य बातों के साथ, दिव्यांगजनों को प्रदान की जाने वाली सुविधाएं और प्रसुविधाएं अंतर्विष्ट होंगी ताकि वह स्थापन में अपने कर्तव्यों का प्रभावी रूप से निर्वहन करने में समर्थ हो सकें।

9. स्थापनों में अभिलेखों को रखे जाने का प्ररूप और रीति—(1) नियम 8 के उपनियम (3) के अधीन आने वाला प्रत्येक स्थापन निम्नलिखित विशिष्टियों को अंतर्विष्ट करने वाले अभिलेख रखेगा, अर्थात् :--

- (क) दिव्यांगजनों की संख्या, जो नियोजित हैं तथा वह तारीख जिससे वे नियोजित हैं ;
- (ख) ऐसे नियोजित व्यक्तियों का नाम, लिंग और पता ;
- (ग) ऐसे नियोजित व्यक्तियों की दिव्यांगता की किस्म ;
- (घ) ऐसे नियोजित दिव्यांगजनों द्वारा किए जाने वाले कार्य की प्रकृति ; और
- (ङ) ऐसे दिव्यांगजनों को उपलब्ध कराई जाने वाली दिव्यांगता की किस्म ।

(2) प्रत्येक स्थापन मांग किए जाने पर इन नियमों के अधीन रखे गए अभिलेखों को निरीक्षण के लिए इस अधिनियम के अधीन प्राधिकारियों को उपलब्ध कराएगा तथा ऐसी सूचना प्रदान करेगा, जो यह पता लगाने के प्रयोजन के लिए अपेक्षित हो कि क्या उपबंधों का अनुपालन किया जा रहा है ।

10. सरकारी स्थापनों द्वारा शिकायत रजिस्ट्रों को रखे जाने की रीति—(1) प्रत्येक सरकारी स्थापन राजपत्रित अधिकारी के रैंक से अन्यून अधिकारी को शिकायत निपटान अधिकारी नियुक्त करेगा :

परंतु जहां किसी राजपत्रित अधिकारी को नियुक्त करना संभव न हो वहां सरकारी स्थापन ज्येष्ठतम अधिकारी को शिकायत निपटान अधिकारी के रूप में नियुक्त कर सकेगा ।

(2) शिकायत निपटान अधिकारी शिकायतों का एक रजिस्टर रखेगा जिसमें निम्नलिखित विशिष्टियां रखेगा, अर्थात् :--

- (क) शिकायत की तारीख ;
- (ख) शिकायतकर्ता का नाम ;
- (ग) उस व्यक्ति का नाम, जो शिकायत की जांच कर रहा है ;
- (घ) घटना का स्थान ;
- (ङ) स्थापन या व्यक्ति का नाम, जिसके विरुद्ध शिकायत की गई है ;
- (च) शिकायत का सार ;
- (छ) दस्तावेजी साक्ष्य, यदि कोई हो ;
- (ज) शिकायत निपटान अधिकारी द्वारा निपटान की तारीख ;
- (झ) जिला स्तरीय समिति द्वारा अपील के निपटान के ब्यौरे ; और
- (ञ) कोई अन्य सूचना ।

अध्याय 5

बैंचमार्क दिव्यांग व्यक्तियों के लिए रिक्तियां

11. रिक्तियों की संगणना—(1) रिक्तियों की संगणना के प्रयोजन के लिए पदों के प्रत्येक समूह में कैडर संख्या में कुल रिक्तियों के चार प्रतिशत को समुचित सरकार द्वारा बैंचमार्क दिव्यांगताओं के लिए गणना में लिया जाएगा ।

परंतु प्रोन्नति में आरक्षण, समय-समय पर समुचित सरकार द्वारा जारी अनुदेशों के अनुसार होगा ।

(2) प्रत्येक सरकारी स्थापन दिव्यांगजनों के लिए कैडर संख्या में रिक्तियों की संगणना करने के प्रयोजन के लिए समुचित सरकार द्वारा समय-समय पर जारी अनुदेशों के अनुसार एक रिक्ति आधारित रोस्टर रखेगा ।

(3) रिक्तियों को भरने के लिए विज्ञापन जारी करते समय प्रत्येक सरकारी स्थापन प्रत्येक वर्ग के व्यक्तियों के लिए आरक्षित रिक्तियों की संख्या के साथ अधिनियम की धारा 34 के उपबंधों के अनुसार बेंचमार्क दिव्यांगताओं को उपदर्शित करेगा।

(4) अधिनियम की धारा 34 के उपबंधों के अनुसार दिव्यांगजनों के लिए आरक्षण शैतिजिक होगा और बेंचमार्क दिव्यांगताओं वाले व्यक्तियों के लिए रिक्तियों को पृथक वर्ग के रूप में अनुरक्षित किया जाएगा।

12. रिक्तियों का अंतर-परिवर्तन—सरकारी स्थापन अधिनियम की धारा 34 के निबंधनों में रिक्तियों का अंतर-परिवर्तन केवल तब करेगा जब भर्ती की सम्यक् प्रक्रिया जैसे बेंचमार्क दिव्यांगताओं वाले व्यक्तियों के लिए अभिप्रेत रिक्तियों को भरने के लिए विज्ञापन जारी करने का अनुसरण किया गया है और भर्ती प्रक्रिया का अनुसरण करने के पश्चात् कोई समुचित अभ्यर्थी नहीं पाया गया है।

13. विवरणियों का प्रस्तुत किया जाना—(1) प्रत्येक सरकारी स्थापन स्थानीय विशेष रोजगार एक्सचेंज को प्ररूप दिव्यांगजन नियोक्ता विवरणी प्ररूप-1 में प्रत्येक छह मास में 1 अप्रैल से 30 सितंबर और 1 अक्टूबर से 31 मार्च के लिए एक बार तथा प्ररूप-2 में प्रत्येक दो वर्ष में एक बार विवरणियां प्रस्तुत करेगा।

(2) छमाही विवरणी को संबंधित तारीखों से तीस दिन के भीतर अर्थात् प्रत्येक वित्तीय वर्ष की 31 मार्च और 30 सितंबर को प्रस्तुत किया जाएगा।

(3) द्विवार्षिक विवरणी को प्रत्येक एकांतर वित्तीय वर्ष की समाप्ति से 30 दिन के भीतर प्रस्तुत किया जाएगा।

14. प्ररूप, जिसमें नियोक्ता द्वारा अभिलेख रखे जाने हैं— सरकारी स्थापन का प्रत्येक नियोक्ता प्ररूप-3 में दिव्यांग कर्मचारियों के अभिलेख रखेगा।

अध्याय 6

पहुंच

15 निर्धारण के नियम—(1) प्रत्येक स्थापन निम्नलिखित मानकों का अनुपालन करेगा—भौतिक पर्यावरण, परिवहन और सूचना तथा संचार प्रौद्योगिकी, अर्थात् :--

(क) भारत सरकार, शहरी विकास मंत्रालय द्वारा मार्च 2016 में अधिसूचित लोक भवन मानक जैसा कि "हारमोनाइज्ड गाइडलाइन्स एंड स्पेश स्टैंडर्ड्स फार परसन्स विद डिस्सेबिलिटीज एंड एल्डरली पर्सन्ज" में विनिर्दिष्ट है ;

(ख) (i) भारत सरकार, सड़क और राजमार्ग परिवहन मंत्रालय द्वारा जारी अधिसूचना सं. सा.का.नि 895(अ) तारीख 20 सितम्बर, 2016 में यथाविनिर्दिष्ट पब्लिक बस परिवहन बाडी कोड ;

(ग) सूचना और संचार प्रौद्योगिकी

(i) प्रशासनिक सुधार और लोक शिकायत विभाग, भारत सरकार, द्वारा यथा अंगिकृत भारत सरकार वेबसाइट—मार्गदर्शक सिद्धांत ;

(ii) वेबसाइट पर रखेजाने वाले दस्तावेज ePUB या OCR आधारित PDF फॉर्मेट में होंगे :

परंतु अन्य सेवाओं और प्रसुविधाओं के संबंध में पहुंच मानकों को केन्द्रीय सरकार द्वारा इन नियमों की अधिसूचना की तारीख से छह मास की अवधि में विनिर्दिष्ट किया जाएगा।

(2) संबंधित मंत्रालय और विभाग इस नियम के अधीन विनिर्दिष्ट पहुंच मानकों को संबंधित डोमेन विनियमों या अन्यथा के माध्यम से लागू करने के लिए उत्तरदायी होंगे।

16. पहुंच मानकों का पुनर्विलोकन—केंद्रीय सरकार समय-समय पर संबंधित मंत्रालयों और विभागों द्वारा अधिसूचित पहुंच मानकों का नवीनतम वैज्ञानिक जानकारी और प्रौद्योगिकी के आधार पर पुनर्विलोकन करेगी।

अध्याय 7

दिव्यांगता प्रमाणपत्र

17. दिव्यांगता प्रमाण-पत्र के लिए आवेदन—(1) विनिर्दिष्ट दिव्यांगताग्रस्त कोई व्यक्ति प्ररूप 4 में दिव्यांगता प्रमाणपत्र के लिए आवेदन कर सकेगा और निम्नलिखित को आवेदन प्रस्तुत कर सकेगा—

- (क) उस जिले, जिसमें आवेदक निवास करता है, जैसा कि आवेदन में आवास के सबूत के रूप में वर्णन किया गया है, का कोई चिकित्सा प्राधिकारी या कोई अन्य अधिसूचित सक्षम प्राधिकारी ; या
- (ख) किसी सरकारी अस्पताल में संबंधित चिकित्सा प्राधिकारी, जिसमें उसने अपनी दिव्यांगता के संबंध में वह उपचार करा रहा है या उसने उपचार कराया है :

परंतु जहां दिव्यांगजन कोई अल्पव्यव है या बौद्धिक दिव्यांगता से ग्रस्त है या किसी ऐसी दिव्यांगता से ग्रस्त है जो उसे स्वयं ऐसा आवेदन करने में अनफिट या असमर्थ बनाती है तो उसके निमित्त आवेदन उसके विधिक अभिभावक या इस अधिनियम के अधीन रजिस्ट्रीकृत ऐसे संगठन द्वारा किया जा सकेगा, जिसकी देखभाल के अधीन अल्पवय है ।।

(2) आवेदन के साथ निम्नलिखित संलग्न होंगे—

- (क) निवास का सबूत ;
- (ख) दो नवीनतम पासपोर्ट आकार के फोटो ; और
- (ग) आधार नंबर या आधार नामांकन नंबर, यदि कोई हो ।

टिप्पण : आवेदक से निवास का कोई अन्य सबूत अपेक्षित नहीं होगा, जिसके पास आधार या आधार नामांकन संख्या है ।

18. दिव्यांगता प्रमाणपत्र का जारी किया जाना—(1) नियम 17 के अधीन आनलाइन आवेदन की प्राप्ति पर चिकित्सा प्राधिकारी आवेदक द्वारा यथा प्रस्तुत सूचना का सत्यापन करेगा और केंद्रीय सरकार द्वारा जारी सुसंगत मार्गदर्शक सिद्धांतों के निबंधनों में दिव्यांगता का पता लगाएगा तथा स्वयं का यह समाधान हो जाने पर कि आवेदक दिव्यांगजन है, यथास्थिति, प्ररूप 5, प्ररूप 6 और प्ररूप 7 में उसके पक्ष में दिव्यांगता प्रमाणपत्र जारी करेगा ।

(2) चिकित्सा प्राधिकारी द्वारा आवेदन की प्राप्ति की तारीख से एक मास के भीतर दिव्यांगता प्रमाणपत्र जारी किया जाएगा ।

(3) सम्यक् जांच के पश्चात् चिकित्सा प्राधिकारी—

- (i) उन मामलों में स्थायी दिव्यांगता प्रमाणपत्र जारी करेगा, जहां दिव्यांगता की डिग्री में समय के साथ परिवर्तन की कोई संभावना नहीं है ; या
- (ii) उन मामलों में, जहां समय के साथ दिव्यांगता के स्तर में परिवर्तन की संभावना है, अस्थायी दिव्यांगता प्रमाणपत्र देगा और प्रमाणपत्र की विधिमान्यता की अवधि को उपदर्शित करेगा ।

(4) यदि किसी आवेदक को दिव्यांगता प्रमाणपत्र जारी करने के लिए पात्र नहीं पाया जाता है तो चिकित्सा प्राधिकारी लिखित में कारणों से उसे प्ररूप 8 में आवेदन की प्राप्ति की तारीख से एक मास की अवधि के भीतर सूचित करेगा ।

(5) राज्य सरकार और संघ राज्यक्षेत्र प्रशासन यह सुनिश्चित करेंगे कि किसी आनलाइन प्लेटफार्म पर दिव्यांगता प्रमाण पत्र उस तारीख से मंजूर किया जाता है, जो केन्द्रीय सरकार द्वारा अधिसूचित की जाए ।

19. नियम 18 के अधीन जारी प्रमाण पत्र का साधारणतया सभी प्रयोजनों के लिए विधिमान्य होना – नियम 18 के अधीन जारी कोई प्रमाणपत्र किसी व्यक्ति को सरकार और सरकार द्वारा वित्तपोषित गैर-सरकारी संगठनों की स्कीमों के अधीन अनुज्ञेय प्रसुविधाओं, रियायतों फायदों हेतु आवेदन करने में समर्थ करेगा ।

20. निरसित अधिनियम के अधीन जारी दिव्यांगता प्रमाणपत्र की विधिमान्यता- निःशक्त व्यक्ति (समान अवसर, अधिकारों का संरक्षण और पूर्ण भागीदारी) अधिनियम, 1995 (1996 का 1) के अधीन जारी दिव्यांगता प्रमाणपत्र इस अधिनियम के प्रारंभ के पश्चात् उसमें विनिर्दिष्ट अवधि तक विधिमान्य बना रहेगा।

अध्याय 8

दिव्यांगता केंद्रीय सलाहकार बोर्ड

21. सलाहकार बोर्ड के सदस्यों के भत्ते—(1) दिल्ली में केंद्रीय सलाहकार बोर्ड के गैर-शासकीय सदस्यों को बैठक के वास्तविक दिन के लिए दो हजार रुपए प्रतिदिन के भत्ते का संदाय किया जाएगा।

(2) केंद्रीय सलाहकार बोर्ड के गैर-शासकीय सदस्यों को, जो दिल्ली में निवास नहीं कर रहे हैं, को वास्तविक बैठक के प्रत्येक दिन के लिए दैनिक भत्ता और यात्रा भत्ता का उस दर से संदाय किया जाएगा, जो केंद्रीय सरकार के समूह "क" अधिकारी को अनुज्ञेय है :

परंतु संसद् सदस्य की दशा में, जो केंद्रीय सलाहकार बोर्ड का सदस्य है, को उसे संसद् सदस्य के रूप में अनुज्ञेय दर पर यात्रा भत्ते और दैनिक भत्ते का तब संदाय किया जाएगा जब संसद् सत्र में नहीं हो और सदस्य द्वारा प्रमाणपत्र प्रस्तुत किया जाए कि उसने किसी अन्य सरकारी स्रोत से उसी यात्रा और ठहराव के लिए कोई ऐसा भत्ता आहरित नहीं किया है।

(3) केंद्रीय सलाहकार बोर्ड के शासकीय सदस्यों को दैनिक भत्ते और यात्रा भत्ते का संदाय संबंधित सरकार, जिसके अधीन वह कार्य कर रहा है, के सुसंगत नियमों के अधीन इस निमित्त एक प्रमाणपत्र प्रस्तुत करने पर कि उसने किसी अन्य सरकारी स्रोत से उसी यात्रा और ठहराव के लिए कोई ऐसा भत्ता आहरित नहीं किया है, किया जाएगा।

22. बैठक की सूचना—(1) दिव्यांगता केंद्रीय सलाहकार बोर्ड की बैठक साधारणतया दिल्ली में और ऐसी तारीख को, जो अध्यक्ष द्वारा नियत की जाए, आयोजित की जाएगी :

परंतु यह कि प्रत्येक छह मास में कम से कम एक बैठक होगी।

(2) अध्यक्ष, केंद्रीय सलाहकार बोर्ड के कम से कम दस सदस्यों के लिखित अनुरोध पर बोर्ड की विशेष बैठक आयोजित करेगा।

(3) सदस्य-सचिव साधारण बैठक की 15 स्पष्ट दिनों की और विशेष बैठक की 6 स्पष्ट दिनों की उसमें ऐसी बैठक के समय और स्थान की सूचना देते हुए और उनमें किए जाने वाले संबन्धित सूचना देगा।

(4) सदस्य-सचिव ऐसी सूचना सदस्यों को संवाहक द्वारा या उनके पते पर रजिस्टर डाक द्वारा या ऐसी अन्य रीति से, जो अध्यक्ष मामले की परिस्थितियों में उचित समझे, सूचना देगा।

(5) कोई भी सदस्य बैठक में विचारण के लिए किसी विषय को, जिसकी सदस्य-सचिव द्वारा दस स्पष्ट दिन की सूचना नहीं दी गई है, को लाने का तब तक हकदार नहीं होगा जब तक कि अध्यक्ष ऐसा करने के लिए उसे अनुज्ञात न करे।

(6) केंद्रीय सलाहकार बोर्ड दिन-प्रतिदिन या किसी विशिष्ट दिन के लिए अपनी बैठक को स्थगित कर सकेगा।

(7) जब केंद्रीय सलाहकार बोर्ड की बैठक को किसी दिन के लिए स्थगित किया जाता है तो सदस्य-सचिव ऐसी स्थगित बैठक के समय, जहां बैठक स्थगित की गई थी, यदि आयोजित की गई हो कि संवाहक द्वारा सूचना देगा और स्थगित बैठक की अन्य सदस्यों को सूचना देना आवश्यक नहीं होगा।

(8) जब केंद्रीय सलाहकार बोर्ड की किसी दिन के लिए बैठक स्थगित नहीं की जाती है किंतु उस दिन के लिए, जिसको बैठक आयोजित की जानी है, से किसी अन्य दिन के लिए स्थगित की जाती है तो ऐसी बैठक की सूचना सभी सदस्यों को उपनियम (4) में यथाउपबंधित रीति में दी जाएगी।

23. पीठासीन अधिकारी—अध्यक्ष केंद्रीय सलाहकार बोर्ड की प्रत्येक बैठक की अध्यक्षता करेगा और उसकी उपस्थिति में उपाध्यक्ष अध्यक्षता करेगा किंतु जब अध्यक्ष और उपाध्यक्ष, दोनों किसी बैठक में अनुपस्थित हों तो उपस्थित सदस्य किसी एक सदस्य को बैठक की अध्यक्षता करने के लिए चुने।

24. गणपूर्ति—(1) केंद्रीय सलाहकार बोर्ड के कुल सदस्यों का एक-तिहाई किसी बैठक के लिए गणपूर्ति होंगे ।

(2) किसी बैठक के लिए नियत समय या किसी बैठक के प्रक्रम के दौरान कुल सदस्यों का एक-तिहाई सदस्यों से कम उपस्थित हैं तो अध्यक्ष बैठक को ऐसे समय के लिए आगामी या किसी भावी तारीख के लिए जैसा कि वह नियत करे, स्थगित कर सकेगा ।

(3) स्थगित बैठक के लिए कोई गणपूर्ति आवश्यक नहीं होगी ।

(4) कोई विषय, जो यथास्थिति, किसी साधारण या विशेष बैठक का एजेंडा नहीं है, पर स्थगित बैठक में चर्चा नहीं की जाएगी ।

25. कार्यवृत्त—(1) सदस्य-सचिव उन सदस्यों के नामों को अंतर्विष्ट करने वाला अभिलेख रखेगा, जिन्होंने बैठक में भाग लिया था तथा बैठक की कार्यवाहियों की पुस्तिका उस प्रयोजन के लिए रखी जाएगी ।

(2) पूर्व बैठक के कार्यवृत्त को प्रत्येक पश्चातवर्ती बैठक के प्रारंभ में पढ़ा जाएगा और ऐसी बैठक के अध्यक्ष अधिकारी द्वारा उसकी पुष्टि की जाएगी और हस्ताक्षर किए जाएंगे ।

(3) कार्यवाहियां किसी सदस्य द्वारा निरीक्षण के लिए कार्यालय समय के दौरान सदस्य-सचिव के कार्यालय में उपलब्ध होंगी ।

26. बैठकों में संव्यवहार किया जाने वाला कारबार—सिवाय अध्यक्ष की अनुज्ञा के किसी कारबार को किसी एजेंडा में दर्ज नहीं किया जाएगा या जिसकी सूचना नियम 22 के उपनियम (5) के अधीन सदस्य द्वारा नहीं दी गई है, का किसी बैठक में संव्यवहार नहीं होगा ।

27. केंद्रीय सलाहकार बोर्ड की बैठक के लिए एजेंडा—(1) किसी बैठक में कारबार का संव्यवहार उसी क्रम में किया जाएगा, जिसमें वह एजेंडा में दर्ज है, सिवाय जब अन्यथा किसी बैठक में अध्यक्ष की अनुज्ञा के संकल्प न किया गया हो ।

(2) या तो बैठक के प्रारंभ में या बैठक में किसी प्रस्ताव पर चर्चा के समापन पर अध्यक्ष या सदस्य एजेंडा में यथा दर्ज कारबार के क्रम में परिवर्तन का सुझाव दे सकेगा और यदि अध्यक्ष सहमत होता है तो ऐसा परिवर्तन किया जाएगा ।

28. बहुमत द्वारा विनिश्चय—समिति की बैठक में विचार किए गए सभी प्रश्नों का विनिश्चय उपस्थित सदस्यों के और मत देने वाले सदस्यों के बहुमत के मत से किया जाएगा और मतों के समान होने की दशा में, यथास्थिति, अध्यक्ष या अध्यक्ष की अनुपस्थिति में उपाध्यक्ष या दोनों की अनुपस्थिति में बैठक की अध्यक्षता करने वाले सदस्य का द्वितीय या निर्णायक मत होगा ।

29. किसी कार्यवाही का रिक्ति या किसी अन्य त्रुटि से अविधिमान्य न होना—केंद्रीय सलाहकार बोर्ड की कोई कार्यवाही बोर्ड के गठन में किसी रिक्ति या किसी अन्य त्रुटि के विद्यमान होने के कारण से अविधिमान्य नहीं होगी ।

अध्याय 9

दिव्यांग व्यक्तियों के लिए मुख्य आयुक्त और आयुक्त

30. मुख्य आयुक्त के रूप में नियुक्ति के लिए अर्हता—(1) मुख्य आयुक्त के रूप में नियुक्ति के लिए कोई व्यक्ति तब तक पात्र नहीं होगा जब तक,—

(क) वह किसी मान्यताप्राप्त विश्वविद्यालय से स्नातक न हो :

परंतु उन व्यक्तियों को अधिमानतः दी जाएगी जिनके पास सामाजिक कार्य या विधि या प्रबंध या मानव अधिकार या पुनर्वास या दिव्यांगजनों की शिक्षा में मान्यताप्राप्त डिग्री या डिप्लोमा है ;

(ख) जिनके पास केंद्रीय सरकार या राज्य सरकार या पब्लिक सेक्टर उपक्रम या अर्ध-सरकारी या स्वायत्त निकायों में दिव्यांगता से संबंधित मामलों या सामाजिक क्षेत्र में समूह "क" स्तर के पद का या किसी रजिस्ट्रीकृत राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन में ज्येष्ठ स्तर के कृत्यकारी के रूप में दिव्यांगता या सामाजिक विकास के क्षेत्र में कम से कम 25 वर्ष का अनुभव है :

परंतु 25 वर्ष के कुल अनुभव में से उसके पास कम से कम तीन वर्ष का अनुभव दिव्यांगजनों के पुनर्वास या सशक्तिकरण के क्षेत्र में होना चाहिए ; और

(ग) वह भर्ती के वर्ष की 1 जनवरी को 60 वर्ष का होना चाहिए ;

टिप्पण : यदि वह केंद्रीय सरकार या राज्य सरकार की सेवा में है तो वह पद पर नियुक्ति से पूर्व ऐसी सेवा से सेवानिवृत्ति लेगा ।

31. आयुक्त के रूप में नियुक्ति के लिए अर्हता—(1) आयुक्त के रूप में नियुक्ति के लिए कोई व्यक्ति तब तक पात्र नहीं होगा जब तक,—

(क) वह किसी मान्यताप्राप्त विश्वविद्यालय से स्नातक न हो :

परंतु उन व्यक्तियों को अधिमानतः दी जाएगी जिनके पास सामाजिक कार्य या विधि या प्रबंध या मानव अधिकार या पुनर्वास या दिव्यांगजनों की शिक्षा में मान्यताप्राप्त डिग्री या डिप्लोमा है ;

(ख) जिनके पास केंद्रीय सरकार या राज्य सरकार या पब्लिक सेक्टर उपक्रम या अर्ध-सरकारी या स्वायत्त निकायों में दिव्यांगता से संबंधित मामलों या सामाजिक क्षेत्र में समूह "क" स्तर के पद का या किसी रजिस्ट्रीकृत राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन में ज्येष्ठ स्तर के कृत्यकारी के रूप में दिव्यांगता या सामाजिक विकास के क्षेत्र में कम से कम 20 वर्ष का अनुभव है : और

(ग) वह भर्ती के वर्ष की 1 जनवरी को 56 वर्ष का होना चाहिए ;

32. मुख्य आयुक्त और आयुक्त की नियुक्ति की विधि—(1) केंद्रीय सरकार मुख्य आयुक्त के पद की रिक्ति होने से छह मास पूर्व कम से कम दो राष्ट्रीय स्तर के अंग्रेजी और हिंदी के दैनिक समाचार-पत्रों में पद के लिए पात्र अभ्यर्थियों, जो नियम 30 और 31 में विहित अर्हताओं को पूरा करते हैं, से आवेदन आमंत्रित करने के लिए विज्ञापन देगी ।

(2) छानबीन-सह-चयन समिति का गठन मुख्य आयुक्त और आयुक्त के पद पर तीन उपयुक्त अभ्यर्थियों के पैनल की सिफारिश के लिए किया जाएगा ।

(3) छानबीन-सह-चयन समिति का गठन कार्मिक और प्रशिक्षण विभाग द्वारा समय-समय पर जारी अनुदेशों के अनुसार किया जाएगा ।

(4) समिति द्वारा सिफारिश किए गए पैनल में उन व्यक्तियों में से जिन्होंने उपनियम (1) में वर्णित विज्ञापन के प्रत्युत्तर में आवेदन किया हो तथा अन्य पात्र व्यक्ति, जिन्हें समिति समुचित समझे, व्यक्ति हो सकते हैं ।

(5) केंद्रीय सरकार छानबीन-सह-चयन समिति द्वारा सिफारिश किए गए किसी एक अभ्यर्थी को मुख्य आयुक्त या आयुक्त नियुक्त करेगी ।

33. मुख्य आयुक्त और आयुक्त की पदावधि—(1) मुख्य आयुक्त की पदावधि, उस तारीख से जिसको वह पद धारण करता है से तीन वर्ष या पैंसठ वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, होगी ।

(2) आयुक्त की पदावधि तीन वर्ष होगी और उसका दो वर्ष की अवधि के लिए विस्तार किया जा सकेगा या जब तक कि वह साठ वर्ष की आयु प्राप्त नहीं कर लेता है, इनमें से जो भी पूर्वतर हो ।

(3) कोई व्यक्ति मुख्य आयुक्त या आयुक्त के रूप में अधिकतम दो कार्यकाल के लिए इस शर्त के अधीन रहते हुए कि उसने क्रमशः पैंसठ वर्ष या साठ वर्ष की आयु प्राप्त नहीं की है, सेवा कर सकेगा ।

34. मुख्य आयुक्त और आयुक्त के वेतन और भत्ते—(1) मुख्य आयुक्त ऐसे वेतन और भत्तों के लिए हकदार होगा, जो भारत सरकार के सचिव को अनुज्ञेय हैं ।

(2) आयुक्त ऐसे वेतन और भत्तों के लिए हकदार होगा, जो भारत सरकार के अपर सचिव को अनुज्ञेय हैं।

(3) जहां मुख्य आयुक्त या आयुक्त कोई सेवानिवृत्त सरकारी सेवक या सरकार द्वारा वित्त पोषित किसी संस्था या स्वायत्त निकाय का सेवानिवृत्त कर्मचारी है और जो ऐसी पूर्व सेवा की बाबत पेंशन प्राप्त कर रहा है वहां उसे इन नियमों के अधीन अनुज्ञेय वेतन में से पेंशन की रकम को घटा दिया जाएगा, और यदि उसने पेंशन के किसी भाग के बदले उसका सारांशित मूल्य प्राप्त किया है, वहां पेंशन के ऐसे सारांशित भाग की रकम को भी वेतन में से घटा दिया जाएगा ।

35. मुख्य आयुक्त और आयुक्त की सेवा के अन्य निबंधन और शर्तें.- (1) मुख्य आयुक्त और आयुक्त ऐसी छुट्टी के लिए हकदार होंगे, जो किसी सरकारी सेवक को केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अनुज्ञेय हैं।

(2) मुख्य आयुक्त और आयुक्त ऐसी छुट्टी यात्रा रियायत के लिए हकदार होंगे, जो किसी समूह "क" अधिकारी को केन्द्रीय सिविल सेवा (छुट्टी यात्रा रियायत) नियम, 1988 के अधीन अनुज्ञेय हैं।

(3) मुख्य आयुक्त और आयुक्त ऐसे चिकित्सीय फायदों के लिए हकदार होंगे, जो किसी समूह "क" अधिकारी को केन्द्रीय सरकार स्वास्थ्य स्कीम के अधीन अनुज्ञेय हैं।

36. त्यागपत्र और हटाया जाना.- (1) मुख्य आयुक्त और आयुक्त, अपने हस्ताक्षर के अधीन केन्द्रीय सरकार को संबोधित एक लिखित सूचना देकर अपने पद से त्यागपत्र दे सकेंगे।

(2) केन्द्रीय सरकार किसी व्यक्ति को मुख्य आयुक्त और आयुक्त उसके पद से हटा सकेगी, यदि वह—

(क) अनुन्मोचित दिवालिया हो जाता है;

(ख) अपने कार्यकाल के दौरान किसी संदाययुक्त नियोजन में लगता है या उसके कार्यालय के कर्तव्यों से परे कोई क्रियाकलाप करता है;

(ग) किसी ऐसे अपराध को लिए दोषसिद्ध ठहराया जाता है या कारावास से दंडादिष्ट किया जाता है, जिसमें केन्द्रीय सरकार की राय में नैतिक अधमता अंतर्वलित है;

(घ) केन्द्रीय सरकार की राय में, मस्तिष्क या शरीर के अंग-शैथिल्य के कारण या अधिनियम में यथाअधिकथित उसके कृत्यों के निष्पादन में गंभीर व्यतिक्रम के कारण पद पर बने रहने के लिए उपयुक्त नहीं है;

(ङ) केन्द्रीय सरकार से अनुपस्थिति की अनुमति अभिप्राप्त किए बिना पन्द्रह दिन या अधिक की अनुक्रमिक अवधि के लिए कार्य से अनुपस्थित रहता है; या

(च) केन्द्रीय सरकार की राय में, मुख्य आयुक्त और आयुक्त के पद का इस प्रकार दुरुपयोग करता है कि उसका पद पर बने रहना दिव्यांग व्यक्तियों के हित के लिए हानिकारक है:

परंतु किसी व्यक्ति को इस नियम के अधीन, केन्द्रीय सरकार के समूह "क" के कर्मचारियों को हटाए जाने के लिए लागू प्रक्रिया का यथावश्यक परिवर्तनों सहित अनुसरण किए बगैर नहीं हटाया जाएगा।

(3) केन्द्रीय सरकार किसी ऐसे मुख्य आयुक्त या आयुक्त को, जिसके विरुद्ध उपनियम (2) के अनुसार उसे हटाए जाने के लिए प्रक्रियाएं प्रारंभ की गई हैं और ऐसी प्रक्रियाएं निष्कर्ष हेतु लंबित हैं, निलंबित कर सकेगी।

37. अवशिष्ट उपबंध.- किसी मुख्य आयुक्त और आयुक्त की किन्हीं ऐसी सेवा शर्तों की बाबत, जिसके लिए इन नियमों में कोई अभिव्यक्त उपबंध नहीं किया गया है, अवधारण, यथास्थिति, भारत सरकार के सचिव या अपर सचिव को सत्समय लागू नियमों और आदेशों द्वारा किया जाएगा।

38. मुख्य आयुक्त और आयुक्त द्वारा अनुसरित की जाने वाली प्रक्रिया.- (1) व्यथित व्यक्ति निम्नलिखित विशिष्टियों को अंतर्विष्ट करने वाला कोई परिवाद वैयक्तिक रूप से या अपने किसी अभिकर्ता के माध्यम से मुख्य आयुक्त या आयुक्त के समक्ष प्रस्तुत कर सकेगा या उसे मुख्य आयुक्त या आयुक्त को संबोधित करते हुए रजिस्ट्रीकृत डाक या ई-मेल द्वारा भेजेगा, अर्थात्:—

(क) व्यथित व्यक्ति का नाम, वर्णन और पता;

(ख) यथास्थिति, विरोधी पक्षकार या पक्षकारों का नाम, वर्णन और पता, जहां तक उन्हें अभिनिश्चित किया जा सकेगा;

(ग) परिवाद से संबंधित तथ्य और वह कब और कहां उदभूत हुआ;

(घ) परिवाद में अंतर्विष्ट अभिकथनों के समर्थन में दस्तावेज;

(ङ) वह अनुतोष, जिसके लिए व्यथित व्यक्ति दावा करता है।

(2) मुख्य आयुक्त या आयुक्त किसी परिवाद की प्राप्ति पर, परिवाद में उल्लिखित विरोधी पक्षकार या पक्षकारों को यह निदेश देते हुए परिवाद की एक प्रति निर्दिष्ट करेगा कि वे तीस दिन अथवा मुख्य आयुक्त या आयुक्त द्वारा मंजूर की जाने वाली पन्द्रह से अनधिक की विस्तारित अवधि के भीतर मामले का अपना पहलू प्रस्तुत करे।

(3) सुनवाई की तारीख या ऐसी अन्य तारीख को, जिसको सुनवाई आस्थगित की जा सकती है, पक्षकार या उनके अभिकर्ता मुख्य आयुक्त या आयुक्त के समक्ष उपसंजात होंगे।

(4) जहां परिवादी या उसका अभिकर्ता ऐसी तारीखों को मुख्य आयुक्त या आयुक्त के समक्ष उपसंजात होने में असफल रहता है, वहां मुख्य आयुक्त या आयुक्त व्यतिक्रम पर परिवाद को खारिज कर सकेगा या गुणागुण के आधार पर उसका विनिश्चय कर सकेगा।

(5) जहां विरोधी पक्षकार या उसका अभिकर्ता सुनवाई की तारीख को मुख्य आयुक्त या आयुक्त के समक्ष उपसंजात होने में असफल रहता है, वहां मुख्य आयुक्त या आयुक्त अधिनियम की धारा 77 के अधीन ऐसी आवश्यक कार्रवाई कर सकेगा, जिसे वह विरोधी पक्षकार को समन करने और उसे हाजिर करना के लिए आवश्यक समझता है।

(6) मुख्य आयुक्त या आयुक्त, यदि आवश्यक हो तो परिवाद को एकपक्षीय रूप से निपटा सकेगा।

(7) मुख्य आयुक्त या आयुक्त ऐसे निबंधनों पर, जिन्हें वह उचित समझे और कार्यवाहियों के किसी भी प्रक्रम पर परिवाद की सुनवाई को आस्थगित कर सकेगा।

(8) मुख्य आयुक्त या आयुक्त यथाशक्य रूप से, विरोधी पक्षकार द्वारा सूचना की प्राप्ति की तारीख से तीन मास की अवधि के भीतर परिवाद का विनिश्चय करेगा।

39. मुख्य आयुक्त की सहायता के लिए सलाहकार समिति.- (1) केन्द्रीय सरकार निम्नलिखित सदस्यों से मिलकर बनने वाली एक सलाहकार समिति नियुक्त करेगी, अर्थात्:-

(क) अधिनियम की अनुसूची में उल्लिखित विनिर्दिष्ट दिव्यांगताओं के पांच समूहों में से प्रत्येक का प्रतिनिधित्व करने के लिए पांच विशेषज्ञ, जिनमें से दो महिलाएं होंगी ;

(ख) अवरोध मुक्त वातावरण के क्षेत्र में निम्नानुसार नामनिर्दिष्ट किए जाने वाले तीन विशेषज्ञ :-

(i) भौतिक वातावरण में एक विशेषज्ञ ;

(ii) परिवहन प्रणालियों से एक विशेषज्ञ ; और

(iii) सूचना और संचार प्रौद्योगिकी या अन्य सेवाएं या जनता को उपलब्ध कराई जाने वाली प्रसुविधाओं के क्षेत्र में से एक विशेषज्ञ ;

(ग) दिव्यांगजनों के नियोजन के क्षेत्र में एक विशेषज्ञ;

(घ) एक विधिक विशेषज्ञ; और

(ङ) दिव्यांगजनों के लिए मुख्य आयुक्त द्वारा सिफारिश किए गए अनुसार एक विशेषज्ञ।

(2) मुख्य आयुक्त आवश्यकता के अनुसार विषय-वस्तु या डोमेन विशेषज्ञ को आमंत्रित कर सकेगा, जो उसकी बैठक या सुनवाई में और रिपोर्ट तैयार करने में सहायता करेगा।

(3) सलाहकार समिति के सदस्यों की पदावधि तीन वर्ष होगी और सदस्य पुनः नामनिर्देशन के पात्र नहीं होंगे।

(4) दिल्ली में सलाहकार समिति के गैर-शासकीय सदस्यों को वास्तविक बैठक के प्रत्येक दिन के लिए दो हजार रुपए प्रतिदिन के भत्ते का संदाय किया जाएगा।

(5) सलाहकार समिति के गैर-शासकीय सदस्य, जो दिल्ली में निवास नहीं करते हैं, को वास्तविक बैठक के प्रत्येक दिन के लिए दैनिक भत्ते और यात्रा भत्ते का उस दर पर संदाय किया जाएगा, जो केन्द्रीय सरकार के समूह 'क' अधिकारी को अनुज्ञेय है।

40. वार्षिक रिपोर्ट का प्रस्तुत किया जाना.- (1) मुख्य आयुक्त, वित्तीय वर्ष के अंत के पश्चात् यथासंभव शीघ्र, किंतु आगामी वर्ष के तीस सितंबर से पूर्व एक वार्षिक रिपोर्ट तैयार करेगा और केन्द्रीय सरकार को प्रस्तुत करेगा जिसमें उक्त वित्तीय वर्ष के दौरान उसके क्रियाकलापों का पूर्ण लेखा-जोखा दिया जाएगा।

(2) विशिष्ट रूप से, उपनियम (1) में निर्दिष्ट वार्षिक रिपोर्ट में निम्नलिखित मामलों में से प्रत्येक के संबंध में जानकारी अंतर्विष्ट होगी, अर्थात्:-

- (क) उसके अधिकारियों और कर्मचारिवृंद के नाम और संगठनात्मक गठन और दर्शित करने वाला एक चार्ट;
- (ख) ऐसे कृत्य, जिनके लिए मुख्य आयुक्त को अधिनियम की धारा 75 और धारा 76 के अधीन सशक्त किया गया है और इस संबंध में उसके कार्यपालन की मुख्य विशिष्टियां;
- (ग) मुख्य आयुक्त द्वारा की गई प्रमुख सिफारिशें;
- (घ) अधिनियम के कार्यान्वयन की दिशा में की गई प्रगति;
- (ङ) अन्य कोई विषय, जिसे मुख्य आयुक्त द्वारा सम्मिलित किया जाना समुचित समझा जाए या जिसे केन्द्रीय सरकार द्वारा समय-समय पर विनिर्दिष्ट किया जाए।

अध्याय 10

दिव्यांगजन राष्ट्रीय निधि

41. राष्ट्रीय निधि का प्रबंध.- (1) राष्ट्रीय निधि का प्रबंध करने के लिए एक शासी निकाय होगा, जिसमें निम्नलिखित सदस्य सम्मिलित होंगे, अर्थात्:-

- (क) सचिव, केन्द्रीय सरकार के दिव्यांगजन सशक्तिकरण विभाग- अध्यक्ष;
- (ख) अध्यक्ष, प्रमस्तिष्क घात, मानसिक मंदता और बहुनिःशक्तता व्यक्ति कल्याण राष्ट्रीय न्यास बोर्ड - सदस्य;
- (ग) वित्तीय सलाहकार, केन्द्रीय सरकार का सामाजिक न्याय और सशक्तिकरण मंत्रालय - सदस्य;
- (घ) केन्द्रीय सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय, मानव संसाधन विकास मंत्रालय (विद्यालय शिक्षा और साक्षरता विभाग तथा उच्चतर शिक्षा विभाग), श्रम और नियोजन मंत्रालय, वित्तीय सेवा विभाग और ग्रामीण विकास विभाग के दो प्रतिनिधि, जो संयुक्त-सचिव से पंक्ति से नीचे का न हो, वर्णानुक्रम के अनुसार चक्रानुक्रम से - सदस्य;
- (ङ) केन्द्रीय सरकार द्वारा चक्रानुक्रम से नामनिर्दिष्ट किए जाने वाले दो व्यक्ति जो भिन्न-भिन्न किस्मों की निशक्तताओं का प्रतिनिधित्व करेंगे - सदस्य;
- (च) केन्द्रीय सरकार के दिव्यांगजन सशक्तिकरण विभाग का संयुक्त-सचिव - संयोजक और मुख्य कार्यपालक अधिकारी।

(2) शासी निकाय उतनी बार अपने अधिवेशन करेगा, जितने वह आवश्यक समझे, किंतु प्रत्येक वित्तीय वर्ष में कम से कम एक अधिवेशन किया जाएगा।

(3) नामनिर्दिष्ट सदस्य तीन वर्ष से अधिक की अवधि के लिए पद धारण नहीं करेंगे।

(4) शासी निकाय का कोई भी सदस्य, उस अवधि के दौरान निधि का फायदाग्राही नहीं होगा, जिसके दौरान ऐसा सदस्य पद धारण करता है।

(5) नामनिर्दिष्ट गैर-शासकीय सदस्य शासी निकाय के अधिवेशनों में भाग लेने के लिए ऐसे यात्रा भत्ते और दैनिक भत्ते के संदाय के लिए पात्र होंगे, जो केन्द्रीय सरकार के समूह "क" के कर्मचारियों को अनुज्ञेय है।

(6) किसी भी व्यक्ति को उपनियम (1) के खंड (ङ) के अधीन शासी निकाय के सदस्य के रूप में नामनिर्दिष्ट नहीं किया जाएगा, यदि वह -

(क) किसी ऐसे अपराध को लिए दोषसिद्ध ठहराया जाता है या गया है जिसमें केन्द्रीय सरकार की राय में नैतिक अधमता अंतर्वलित है;

(ख) किसी भी समय दिवालिये के रूप में अधिनिर्णीत किया जाता है या किया गया है।

42. राष्ट्रीय निधि का उपयोग.—(1) इस अधिनियम के प्रारंभ की तारीख को दिव्यांगजनों के सशक्तिकरण के लिए न्यास निधि और दिव्यांगजन राष्ट्रीय निधि के अधीन उपलब्ध रकम, मिलकर राष्ट्रीय निधि बनेंगी।

(2) उपनियम (1) में निर्दिष्ट दोनों निधियों के अधीन उपलब्ध सभी धन राष्ट्रीय निधि को अंतरित हो जाएंगे।

(3) निधि से संबंधित सभी धनों को ऐसे बैंकों में जमा किया जाएगा या उनका ऐसी रीति में विनिधान किया जाएगा, जैसाकि शासी निकाय द्वारा केन्द्रीय सरकार के साधारण मार्गदर्शक सिद्धांतों के अधीन रहते हुए विनिश्चय किया जाए।

(4) निधि का विनिधान ऐसी रीति में किया जाएगा, जो शासकीय निकाय द्वारा विनिश्चय किया जाए।

(5) निधि का उपयोग निम्नलिखित प्रयोजनों के लिए किया जाएगा, अर्थात् :—

(क) ऐसे क्षेत्रों में वित्तीय सहायता प्रदान करने, जो विनिर्दिष्ट रूप से केन्द्रीय सरकार की किसी स्कीम और कार्यक्रम के अंतर्गत नहीं आते हैं या पर्याप्त रूप से केन्द्रीय सरकार की किसी स्कीम या कार्यक्रम के अधीन वित्तपोषित नहीं है ;

(ख) निधि के प्रशासनिक और अन्य व्यय, जिन्हें इस अधिनियम द्वारा या उसके अधीन उपगत किया जाना अपेक्षित है ; और

(ग) ऐसे अन्य प्रयोजनों के लिए, जो शासी निकाय द्वारा विनिश्चित किए जाएं।

(6) व्यय के प्रत्येक प्रस्ताव को शासी निकाय के समक्ष, उसके अनुमोदन के लिए रखा जाएगा।

(7) शासी निकाय, लेखापालों सहित अनुसचिवीय कर्मचारिवृंद की नियुक्ति ऐसे निबंधनों और शर्तों के साथ कर सकेगा जिन्हें वह आवश्यकता आधारित अपेक्षा के आधार पर निधि के प्रबंध और उपयोग की देखभाल करने के लिए उपयुक्त समझे।

43. बजट.—निधि का मुख्य कार्यपालक अधिकारी, प्रत्येक वित्त वर्ष के लिए निधि के अधीन व्यय उपगत करने के लिए बजट तैयार करेगा, जिसमें प्रत्येक वर्ष के जनवरी मास में निधि की प्राक्कलित प्राप्तियों और व्यय को दर्शित किया जाएगा और उसे शासी निकाय के समक्ष विचारार्थ रखा जाएगा।

44. वार्षिक रिपोर्ट.—दिव्यांगजन सशक्तिकरण विभाग की वार्षिक रिपोर्ट में राष्ट्रीय निधि के संबंधित एक अध्याय सम्मिलित होगा।

प्ररूप-1

(नियोक्ता द्वारा विवरणी)

[देखिए नियम 13(1)]

..... को समाप्त

छमाही के लिए विशेष रोजगार एक्सचेंज को प्रस्तुत की जाने वाली छमासिक विवरणी

नियोक्ता का नाम और पता

क्या - मुख्यालय.....

शाखा कार्यालय है

कारबार/मुख्य कार्यकलाप की प्रकृति :.....

1(क) रोजगार

सरकारी स्थापन के पे-रोल पर व्यक्तियों की कुल संख्या, जिसके अंतर्गत प्रोपाइटर/भागीदार/कमीशन अभिकर्ता/ आकस्मिक संदत्त और ठेका श्रमिक हैं, किंतु जिसमें अंशकालिक कर्मकार और प्रशिक्षु नहीं है। (इन आंकड़ों में ऐसा प्रत्येक व्यक्ति शामिल होना चाहिए, जिसकी मजदूरी या वेतन का संदाय सरकारी स्थापन द्वारा किया जाता है)।

पूर्व छमाही के अंतिम कार्य दिवस को				
अंधता और निम्न दृश्यता	बधिर और जिन्हें सुनने में कठिनाई होती है	चलन दिव्यांगता, जिसके अंतर्गत परा-मस्तिष्क घात, ठीक किया गया कुष्ठ, बौनापन, अम्ल हमले के पीड़ित और पेशीय दुर्विकास है	आटिज्म, बौद्धिक दिव्यांगता, सीखने में विशिष्ट दिव्यांगता और मानसिक रोग	स्तंभ (1) से (4) के अधीन दिव्यांगताओं से युक्त व्यक्तियों में से बहु दिव्यांगता, जिसके अंतर्गत बधिर-अंधता है
(1)	(2)	(3)	(4)	(5)

रिपोर्ट के अधीन छमाही के अंतिम कार्य दिवस को				
अंधता और निम्न दृश्यता	बधिर और जिन्हें सुनने में कठिनाई होती है	चलन दिव्यांगता, जिसके अंतर्गत परा-मस्तिष्क घात, ठीक किया गया कुष्ठ, बौनापन, अम्ल हमले के पीड़ित और पेशीय दुर्विकास है	आटिज्म, बौद्धिक दिव्यांगता, सीखने में विशिष्ट दिव्यांगता और मानसिक रोग	स्तंभ (1) से (4) के अधीन दिव्यांगताओं से युक्त व्यक्तियों में से बहु दिव्यांगता, जिसके अंतर्गत बधिर-अंधता है
(1)	(2)	(3)	(4)	(5)

दिव्यांगताग्रस्त पुरुष

दिव्यांगताग्रस्त महिला

योग -----

(क) यदि छमाही के दौरान वृद्धि या कमी पाँच प्रतिशत से अधिक है तो रोजगार में कमी या वृद्धि के मुख्य कारणों को उपदर्शित करें।

2. रिक्तियां:- रिक्तियां, जिनकी कुल परिलब्धियां प्रतिमास विद्यमान न्यूनतम मजदूरी के अनुसार हैं और जो छह मास की अवधि से अधिक से हैं।

(क) छमाही के दौरान उद्भूत और अधिसूचित रिक्तियों की संख्या तथा छमाही के दौरान भरी गई रिक्तियों की संख्या (दिव्यांग पुरुष और दिव्यांग महिलाओं के लिए पृथक् आंकड़े दिए जाएं)

रिक्तियों की संख्या, जो अधिनियम की परिधि में आती हैं

उद्भूत

अधिसूचित

भरी गई

स्रोत

(उस स्रोत का वर्णन करें, जिससे भरी गई हैं)

स्थानीय/विशेष रोजगार एक्सचेंज

साधारण रोजगार एक्सचेंज

(ख) 2(क) द्वारा रिपोर्ट के अधीन छमाही के दौरान उद्भूत सभी रिक्तियों को अधिसूचित न करने के कारण

3. जनशक्ति की कमी

उपयुक्त आवेदकों की कमी के कारण रिक्तियां/ भरे नहीं गए पद

व्यवसाय या पद का नाम

भरी न गई रिक्तियाँ/पद (दिव्यांगता अनुसार)

अनिवार्य अर्हता

अनिवार्य अनुभव

अनुभव आवश्यक नहीं

1	2	3	4
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कृपया किसी अन्य व्यवसाय को सूचीबद्ध करें, जिसके लिए सरकारी स्थापन ने उपयुक्त आवेदकों को अभिप्राप्त करने में कठिनाई अनुभव की है।

नियोक्ता के हस्ताक्षर

तारीख

सेवा में

रोजगार एक्सचेंज

टिप्पण : यह विवरणी 31 मार्च और 30 सितंबर को समाप्त हुई छमाहियों के लिए है और इसे संबंधित छमाही के अंत के पश्चात् तीस दिन के भीतर विशेष रोजगार एक्सचेंज को भेज दिया जाएगा।

प्ररूप-2**(दिव्यांगजन नियोक्ता की विवरणी)****[देखिए नियम 13(1)]**

स्थानीय विशेष रोजगार एक्सचेंज को दो वर्षों में एक बार प्रस्तुत की जाने वाली व्यवसाय विवरणी

नियोक्ता का नाम और पता

कारबार की प्रकृति _____

(कृपया वर्णन करें कि सरकारी स्थापन क्या बनाता है या उसका प्रधान कार्यकलाप क्या है)

- सरकारी स्थापन के पे-रोल पर विनिर्दिष्ट तारीख को व्यक्तियों की कुल संख्या, (इन आंकड़ों में ऐसा प्रत्येक व्यक्ति शामिल होना चाहिए, जिसकी मजदूरी या वेतन का संदाय सरकारी स्थापन द्वारा किया जाता है) (दिव्यांग पुरुषों और दिव्यांग महिलाओं के लिए पृथक आंकड़े दिए जाएं।
- ऊपर मद 1 में दिए गए सभी कर्मचारियों के व्यवसाय का वर्गीकरण (कृपया प्रत्येक व्यवसाय में कर्मचारियों की संख्या नीचे पृथक्त: दें।

व्यवसाय

कर्मचारियों की संख्या

सटीक अभिव्यक्ति का उपयोग करें

दिव्यांग पुरुष

दिव्यांग महिला

योग

जैसे इंजीनियर (यांत्रिक) ;

शिक्षक (घरेलु/विज्ञान) कार्य

पर अधिकारी (बीमाकंक) ;

कृपया जहां तक संभव हो, प्रत्येक व्यवसाय में अनुमानित रिक्तियों

सहायक निदेशक (धातु
विज्ञान) ;
वैज्ञानिक सहायक (रसायनज्ञ) ;
अनुसंधान अधिकारी;
(अर्थशास्त्री)
अनुदेशक (बढ़ई);
पर्यवेक्षक (दर्जी)
फिटर (आंतरिक दहन इंजन) ;
निरीक्षक ;
स्वच्छता), कार्यालय अधीक्षक
प्रशिक्षु
वैद्युत मिस्त्री)

की संख्या दें, जिन्हें
आपके द्वारा अगले
कलेंडर वर्ष में
सेवानिवृत्ति के कारण
भरा जाएगा ।

योग

तारीख.....

नियोक्ता के हस्ताक्षर

सेवा में

रोजगार एक्सचेंज

(कृपया यहां अपने स्थानीय रोजगार एक्सचेंज का पता भरें)

टिप्पण : मद-2 के अधीन स्तंभ 5 का योग मद-1 के सामने दिए गए आंकड़ों के अनुरूप होना चाहिए ।

प्ररूप-3

(दिव्यांगजन नियोक्ता की विवरणी)

[देखिए नियम 14]

नियोक्ता का नाम और पता

क्या - मुख्यालय.....

शाखा कार्यालय

कारबार/मुख्य कार्यकलाप की प्रकृति :.....

सरकारी स्थापन के पे-रोल पर व्यक्तियों की कुल संख्या (इन आंकड़ों में ऐसा प्रत्येक व्यक्ति शामिल होना चाहिए, जिसकी मजदूरी या वेतन का संदाय सरकारी स्थापन द्वारा किया जाता है) ।

स्थापन के पे-रोल पर दिव्यांगजनों (दिव्यांगता-वार) की कुल संख्या (इन आंकड़ों में दिव्यांगताग्रस्त प्रत्येक व्यक्ति शामिल होना चाहिए, जिसकी मजदूरी या वेतन का संदाय स्थापन द्वारा किया जाता है) ।

(क) सभी कर्मचारियों की व्यवसायिक अर्हता (नीचे प्रत्येक व्यवसाय में कर्मचारियों की संख्या पृथक्त: दें)

व्यवसाय	कर्मचारियों की संख्या		
सटीक पद का उपयोग करें	दिव्यांग पुरुष	दिव्यांग महिला	योग
जैसे इंजीनियर (यांत्रिक) ; शिक्षक (घरेलु/विज्ञान) कार्य पर अधिकारी (बीमाकंक) ; सहायक निदेशक (धातु विज्ञान) ; वैज्ञानिक सहायक (रसायनज्ञ) ; अनुसंधान अधिकारी (अर्थशास्त्री); अनुदेशक (बढ़ई);			कृपया जहां तक संभव हो, प्रत्येक व्यवसाय में अनुमानित रिक्तियों की संख्या दें, जिन्हें आपके द्वारा अगले कलेंडर वर्ष में सेवानिवृत्ति के कारण भरा जाएगा।
योग			

(ख) यदि छमाही के दौरान वृद्धि या कमी पाँच प्रतिशत से अधिक है तो रोजगार में कमी या वृद्धि के मुख्य कारणों को उपदर्शित करें।

2. रिक्तियां:—रिक्तियां, जिनकी कुल परिलब्धियां प्रतिमास विद्यमान न्यूनतम मजदूरी के अनुसार हैं और जो छह मास की अवधि से अधिक से हैं।

(क) छमाही के दौरान उद्भूत और अधिसूचित रिक्तियों की संख्या तथा छमाही के दौरान भरी गई रिक्तियों की संख्या (दिव्यांग पुरुष और दिव्यांग महिलाओं के लिए पृथक् आंकड़े दिए जाएं)

रिक्तियों की संख्या, जो अधिनियम की परिधि में आती हैं

उद्भूत	अधिसूचित	भरी गई	स्रोत
	स्थानीय विशेष	साधारण	उस स्रोत का
	रोजगार एक्सचेंज	नियोजन	वर्णन करें, जिससे भरी गई हैं।

(ग) (क)2 द्वारा रिपोर्ट के अधीन छमाही के दौरान उद्भूत सभी रिक्तियों को

(घ) अधिसूचित न करने के कारण

3. जनशक्ति की कमी

उपयुक्त आवेदकों की कमी के कारण रिक्तियां/न भरे गए पद

व्यवसाय या पद का नाम	भरी न गई रिक्तियां/पद
अनिवार्य अर्हता	अनिवार्य अनुभव अनुभव अपेक्षित नहीं है

कृपया किसी अन्य व्यवसाय को सूचीबद्ध करें, जिसके लिए सरकारी स्थापन ने उपयुक्त आवेदकों को अभिप्राप्त करने में कठिनाई अनुभव की है।

नियोक्ता के हस्ताक्षर

तारीख.....

प्ररूप-4

दिव्यांगजनों द्वारा दिव्यांगता प्रमाणपत्र प्राप्त करने के लिए आवेदन
[नियम 17(1) देखिए]

- 1- नाम.....
(उपनाम) (प्रथम नाम) (मध्य नाम)
- 2- पिता का नाम..... माता का नाम.....
- 3- जन्म की तारीख...../...../.....
(तारीख) (मास) (वर्ष)
- 4- आवेदन की तारीख को आयु.....वर्ष
- 5- लिंग: पुरुष/महिला/उभयचर
- 6- पता:
- (क) स्थायी पता (ख) वर्तमान पता (पत्राचार आदि के लिए)
.....
.....
- (ग) वर्तमान पते पर कब से रह रहे/रही हैं।
पता.....
- 7- शैक्षिक स्थिति (कृपया जो लागू हो निशान लगाएं)
- (i) स्नातकोत्तर
(ii) स्नातक
(iii) डिप्लोमा
(iv) हायर सैकण्डरी
(v) हाई स्कूल
(vi) मिडिल
(vii) प्राइमरी
(viii) अनपढ़
- 8- व्यवसाय.....
- 9- पहचान के चिन्ह (1)..... (2).....
- 10- दिव्यांगता की प्रकृति:
- 11- अवधि जब से दिव्यांगता आई: जन्म/वर्ष से.....

- 12- (i) क्या आपने पूर्व में दिव्यांगता प्रमाणपत्र के लिए कभी आवेदन किया है - हां/नहीं
- (ii) यदि हां, तो ब्यौरे:
- (क) किस प्राधिकारी को और किस जिले में आवेदन दिया गया
- (ख) आवेदन का परिणाम

13- क्या पूर्व में आपको कोई दिव्यांगता प्रमाणपत्र जारी किया गया है? यदि हां, तो कृपया सही प्रति संलग्न करें।

घोषणा: घोषणा करता/करती हूँ कि उपरोक्त कथित सभी विशिष्टियाँ मेरी सर्वोत्तम जानकारी और विश्वास के अनुसार सत्य हैं और कोई भी तात्त्विक जानकारी छुपाई या मिथ्या कथन नहीं बताई गई है। मैं आगे यह भी कथन करता हूँ कि यदि आवेदन में कोई गलती पाई जाती है, तो मैं लिए गए किसी भी प्रकार के लाभ समपहरण और विधि के अनुसार अन्य कार्रवाई के लिए उत्तरदायी होऊँगा/होऊँगी।

.....
दिव्यांग व्यक्ति या मानसिक मंदता, ऑटिज्म प्रमस्तिष्क अंगघात और बहु निःशक्तता में उसके/उसकी विधिक संरक्षक के हस्ताक्षर या बाएं अंगूठे का निशान

तारीख:

स्थान:

संलग्न:

1- निवास का प्रमाण (कृपया जो लागू हो निशान लगाएं)

- (क) राशन कार्ड
- (ख) मतदाता पहचानपत्र
- (ग) ड्राइविंग लाइसेंस
- (घ) बैंक पासबुक
- (ङ) पैन कार्ड
- (च) पासपोर्ट
- (छ) आवेदक के पते को उपदर्शित करता टेलीफोन, बिजली, पानी और कोई अन्य उपयोगिता संबंधी बिल
- (ज) पंचायत, नगरपालिका, छावनी बोर्ड, किसी राजपत्रित अधिकारी या संबंधित पटवारी या शासकीय विद्यालय के प्रधान अध्यापक द्वारा जारी निवास प्रमाणपत्र
- (झ) दिव्यांग व्यक्ति, निराश्रित, मानसिक रूग्ण इत्यादि के लिए आवासीय संस्था के वासी की दशा में, ऐसे संस्थान के प्रमुख से निवास का प्रमाणपत्र

2- दो नवीनतम पासपोर्ट आकार के फोटो

.....
(केवल कार्यालय उपयोग के लिए)

तारीख:

स्थान:

जारी करने वाले प्राधिकारी के हस्ताक्षर
मुहर

प्ररूप-5

दिव्यांगता प्रमाण पत्र

(अंगोच्छेदन या अंगों की पूर्ण स्थाई अंगघात, बौनापन और अंधापन की दशा में)

[नियम 18(1) देखिए]

(प्रमाणपत्र जारी करने संबंधी चिकित्सा प्राधिकारी का नाम और पता)

दिव्यांग व्यक्ति का
नवीनतम पासपोर्ट
आकार
का सत्यापित फोटोग्राफ
(केवल चेहरा दिखता
हुआ)

प्रमाणपत्र संख्या

तारीख:

यह प्रमाणित किया जाता है कि मैंने श्री/श्रीमती/कुमारी.....पुत्र/पत्नी/पुत्री
श्री.....जन्म की तारीख.....आयु.....वर्ष, पुरुष/
(तारीख/मास/वर्ष)

महिला.....रजिस्ट्रेशन नं. मकान नं.

..... वार्ड/गाँव/गली.....

डाकघर..... जिला

राज्य.....का स्थाई निवासी जिनकी फोटो ऊपर लगी हुई है की सावधानीपूर्वक जांच
कर ली है और मैं संतुष्ट हूँ कि :—

(क) यह मामला

- चलन संबंधी दिव्यांगता
- बौनापन
- नेत्रहीन का है

(कृपया जो लागू हो, उस पर ठीक का निशान लगाएं)

(ख) उनके मामले में निदान है।

(ग) उन्हें मार्गदर्शक सिद्धांतों (.....मार्गदर्शक की संख्या और जारी करने की तिथि निर्दिष्ट किया जाना
है) के अनुसार उनके (शरीर के अंग) के संबंध में स्थापना.....% (अंक में)
प्रतिशत (शब्दों में) स्थाई चलन दिव्यांगता/बौनापन/नेत्रहीनता है।

2. आवेदक ने निवास के सबूत के रूप में निम्नलिखित दस्तावेज प्रस्तुत किए हैं:—

दस्तावेज की प्रकृति	जारी होने की तारीख	प्रमाणपत्र जारी करने वाले प्राधिकारी का ब्यौरा

(अधिसूचित चिकित्सा प्राधिकारी के प्राधिकृत हस्ताक्षर और मोहर)

उस व्यक्ति के हस्ताक्षर/अंगूठे की छाप जिसके पक्ष में दिव्यांगता प्रमाणपत्र जारी होना है

प्ररूप-6
प्रमाणपत्र
दिव्यांगता प्रमाण पत्र
(बहु दिव्यांगता की दशा में)

[नियम 18(1) देखिए]
(प्रमाणपत्र जारी करने वाले चिकित्सा प्राधिकारी का नाम और पता)

दिव्यांग व्यक्ति का हाल ही का पासपोर्ट आकार का सत्यापित फोटोग्राफ (केवल चेहरा दिखता हुआ)

प्रमाणपत्र संख्या:

तारीख:

यह प्रमाणित किया जाता है कि हमने श्री/श्रीमती/कुमारी.....पुत्र/पत्नी/पुत्री श्री.....जन्म की तारीख.....आयु.....वर्ष, पुरुष/
(तारीख/मास/वर्ष)

महिला.....रजिस्ट्रेशन नं. मकान नं.
 वार्ड/गाँव/गली.....
 डाकघर जिला राज्य.....का
 स्थाई निवासी जिनकी फोटो ऊपर लगी हुई है की सावधानीपूर्वक जांच कर ली है और हम संतुष्ट हैं कि

(क) यह मामला *बहु दिव्यांगता* के लिए है। उनकी स्थाई शारीरिक क्षति/दिव्यांगता को निम्नलिखित दिव्यांगताओं हेतु मार्गदर्शक सिद्धांतों (विनिर्दिष्ट किया जाना है) के अनुसार मूल्यांकन किया गया है और निम्नलिखित सारणी में दिव्यांगता के सामने दर्शाया गया है।

क्रम सं.	दिव्यांगता	शरीर का प्रभावित अंग	निदान	स्थायी शारीरिक दिव्यांगता/मानसिक दिव्यांगता (%में)
1.	चलन संबंधी दिव्यांगता	@		
2.	मांसपेशीय दुर्बिकास			
3.	ठीक किया हुआ कुष्ठ			
4.	बौनापन			
5.	प्रमस्तिष्क घात			
6.	अम्ल हमले की पीड़ित			
7.	कम दृष्टि	#		
8.	दृष्टिहीनता	#		
9.	श्रवण क्षति	£		
10.	सुनने में कठिनाई	£		
11.	वाक और भाषा दिव्यांगता			
12.	बौद्धिक दिव्यांगता			
13.	विशिष्ट शिक्षण दिव्यांगता			
14.	ऑटिज्म स्पेक्ट्रम डिस्ऑर्डर			
15.	मानसिक रूग्णता			
16.	क्रोनिक स्नायविक स्थिति			
17.	बहुल काठिन्य			
18.	पार्किन्सन रोग			
19.	हीमोफीलिया			
20.	थैलेसीमिया			
21.	सिकल सेल रोग			

(ख) उपरोक्त के मद्देनजर उनकी समग्र स्थाई शारीरिक क्षति मार्गदर्शक सिद्धांतों (.....मार्गदर्शक की संख्या और जारी करने की तिथि निर्दिष्ट किया जाना है) के अनुसार इस प्रकार हैं :-

अंकों में.....प्रतिशत
शब्दों में.....प्रतिशत

2. यह स्थिति वर्धनशील/अवर्धनशील/इसमें सुधार होने की संभावना/सुधार न होने की संभावना है।

3. दिव्यांगता का पुर्नमूल्यांकन

(i) आवश्यक नहीं है,

या

(ii)वर्ष.....मास के पश्चात सिफारिश की जाती है और इसलिए यह प्रमाणपत्र.....तक.....विधिमान्य रहेगा।

(तारीख) (मास) (वर्ष)

@ अर्थात् बायां/दाहिना/दोनों भुजाएं/पैर

अर्थात् एक आँख/दोनों आँखें

£ अर्थात् बायां/दाहिना/दोनों कान

4. आवेदक ने निवास के सबूत प्रमाण के रूप में निम्न दस्तावेज प्रस्तुत किए हैं :—

दस्तावेज की प्रकृति	जारी होने की तारीख	प्रमाणपत्र जारी करने वाले प्राधिकारी का ब्यौरा

5. चिकित्सा प्राधिकारी के हस्ताक्षर और मोहर

सदस्य का नाम और मुहर	सदस्य का नाम और मुहर	अध्यक्ष का नाम और मुहर

उस व्यक्ति के
हस्ताक्षर/अंगूठे की
निशान जिसके पक्ष में
दिव्यांगता प्रमाणपत्र
जारी किया गया।

प्ररूप-7

दिव्यांगता प्रमाण पत्र
(प्रारूप 5 और प्रारूप 6 में उल्लिखित मामलों के अतिरिक्त)

(प्रमाणपत्र जारी करने वाले चिकित्सा प्राधिकारी का नाम और पता)

[नियम 18(1) देखिए]

दिव्यांग व्यक्ति का
हाल
ही का पासपोर्ट आकार
का सत्यापित
फोटोग्राफ
(केवल चेहरा दिखता
हुआ)

प्रमाणपत्र संख्या:

प्रमाणित किया जाता है कि मैंने श्री/श्रीमती/कुमारी.....पुत्र/पत्नी/पुत्री
श्री.....जन्म की
तारीख.....आयु.....वर्ष, पुरुष/महिला.....रजिस्ट्रेशन
(तारीख/मास/वर्ष)

नं. मकान नं.
वार्ड/गाँव/गली..... डाकघर जिला
..... राज्य.....का स्थाई निवासी जिनकी फोटो ऊपर लगी हुई है

की सावधानीपूर्वक जांच कर ली है तथा मैं इस बात से संतुष्ट हूँ कि यहदिव्यांगता का मामला है।
इसकी शारीरिक क्षति/दिव्यांगता का मूल्यांकन मार्गदर्शक सिद्धांतों के अनुसार (.....मार्गदर्शक की संख्या और
जारी करने की तिथि विनिर्दिष्ट किया जाना है) किया गया है तथा यह निम्नलिखित सारणी में दिव्यांगता के सामने
दर्शाया गया है :—

क्रम सं.	दिव्यांगता	शरीर का प्रभावित अंग	निदान	स्थायी शारीरिक क्षति/ दिव्यांगता (%में)
1.	चलन संबंधी दिव्यांगता	@		
2.	मांसपेशीय दुर्बिकास			
3.	ठीक किया हुआ कुष्ठ			
4.	प्रमस्तिष्क घात			
5.	अम्ल हमले की पीड़ित			
6.	कम दृष्टि	#		
7.	बधिर	£		

8.	श्रवण क्षति	£		
9.	वाक और भाषा दिव्यांगता			
10.	बौद्धिक दिव्यांगता			
11.	विशिष्ट शिक्षण दिव्यांगता			
12.	ऑटिज्म स्पेक्ट्रम डिस्ऑर्डर			
13.	मानसिक रूग्णता			
14.	क्रोनिक स्नायविक स्थिति			
15.	बहुल काठिन्य			
16.	पार्किन्सन रोग			
17.	हीमोफीलिया			
18.	थैलेसीमिया			
19.	सिकल सेल रोग			

जो लागू न हो उसे काट दें।

2. उपरोक्त स्थिति वर्धनशील/अवर्धनशील है इसमें सुधार होने की संभावना/सुधार न होने की संभावना है।

3. दिव्यांगता का पुर्नमूल्यांकन की:-

(i) आवश्यकता नहीं है,

या

(ii)वर्ष.....मास के पश्चात सिफारिश की जाती है और इसलिए यह

प्रमाणपत्र तारीख..... मास..... वर्ष तक विधिमान्य रहेगा।

@ अर्थात् बायां/दाहिना/दोनों भुजाएं/पैर

अर्थात् एक आँख/दोनों आँखें

£ अर्थात् बायां/दाहिना/दोनों कान

4. आवेदक ने निवास के सबूत के रूप में निम्नलिखित दस्तावेज प्रस्तुत किए हैं :—

दस्तावेज की प्रकृति	जारी होने की तारीख	प्रमाणपत्र जारी करने वाले प्राधिकारी का ब्यौरा

उस व्यक्ति के हस्ताक्षर/अंगूठे की निशान जिसके पक्ष में दिव्यांगता प्रमाणपत्र जारी किया गया।

(अधिसूचित चिकित्सा प्राधिकारी के प्राधिकृत हस्ताक्षर)
(नाम और मोहर)
प्रति हस्ताक्षर
(चिकित्सा प्राधिकारी, जो सरकारी सेवक
नहीं है, के द्वारा जारी प्रमाणपत्र की दशा में,
मुख्य चिकित्सा अधिकारी/चिकित्सा
अधीक्षक/सरकारी अस्पताल के प्रधान का
प्रतिहस्ताक्षर और मोहर)

टिप्पणी: यदि यह प्रमाणपत्र चिकित्सा प्राधिकारी, जो सरकारी सेवा में नहीं है, के द्वारा जारी किया जाता है तो यह विधिमान्य तभी होगा जब इस पर जिले के मुख्य चिकित्सा अधिकारी द्वारा प्रतिहस्ताक्षर किया गया हो।

प्ररूप-8

[दिव्यांगता प्रमाणपत्र के लिए आवेदन को अस्वीकार करने की सूचना]

[नियम 18(4) देखिए]

संख्या _____

तारीख :

सेवा में,

(दिव्यांगता प्रमाणपत्र के लिए
आवेदक का नाम और पता)

विषय : दिव्यांगता प्रमाणपत्र के आवेदन का अस्वीकार किया जाना

महोदय/महोदया,

कृपया तारीख के निम्नलिखित दिव्यांगता के लिए दिव्यांगता प्रमाणपत्र जारी करने के आवेदन का संदर्भ लें :

2. पूर्वोक्त आवेदन के अनुसरण में आपकी निम्नलिखित हस्ताक्षरी/चिकित्सा प्राधिकारी द्वारा को जांच की गई और मुझे यह सूचित करते हुए अफसोस हो रहा है कि नीचे दिए गए कारणों से आपके पक्ष में दिव्यांगता प्रमाणपत्र जारी करना संभव नहीं है :

(i)

(ii)

(iii)

3. यदि आप अपने आवेदन को अस्वीकार किए जाने से व्यथित हैं तो आप इस विनिश्चय का पुनर्विलोकन करने का अनुरोध करने के लिए को अभ्यावेदन दे सकते हैं।

भवदीय,

(अधिसूचित चिकित्सा प्राधिकारी का प्राधिकृत हस्ताक्षरी)

(नाम और मुहर)

[फा. सं. 03-01/2017-डीडी-III]

डौली चक्रवर्ती, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT**[Department of Empowerment of Persons with Disabilities (Divyangjan)]****NOTIFICATION**

New Delhi, the 15th June, 2017

G.S.R. 591(E).—Whereas a draft of the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) *vide* number G.S.R. 398 (E), dated the 21st April, 2017, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 22nd April, 2017;

And whereas objections and suggestions received from the public on the said draft rules were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules, namely: -

CHAPTER-I**PRELIMINARY**

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

(2) They extend to the whole of India.

(3) They shall come into force from the date of their publication in the Official Gazette.

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

(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**RIGHTS AND ENTITLEMENTS**

3. Establishment not to discriminate on the ground of disability.- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall -

(a) initiate action in accordance with the provisions of the Act; or

(b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.

(3) If the aggrieved person submits a complaint to the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the Chief Commissioner or State Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

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 vast experience in the field of science or medicine, to be nominated by the Central Government, *ex officio*-Chairperson;
- (ii) nominee of the Director General of Health Services not below the rank of Deputy Director General –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 as representatives of the registered organisations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members:

Provided that at least one representative of the registered organizations is a woman;

- (v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary.

(2) The Chairperson may invite any expert as a special invitee.

(3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, and the nominated member shall be eligible for re-nomination for one more term.

(4) One half of the members shall constitute the quorum for the meeting.

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

(6) The Central Government may provide the Committee with such clerical and other staff as it deems necessary.

5. Person with disability not to be a subject of research.- No person with disability shall be a subject of research except when the research involves physical impact on his body.

6. Procedure to be followed by Executive Magistrate.- For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER III

NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

7. There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

CHAPTER IV

EMPLOYMENT

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

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall *inter alia*, contain the following, namely:-

- (a) facility and amenity 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 allotment of residential accommodation if any, and other facilities;
- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
- (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.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

9. Form and manner of maintaining records by the establishments.- (1) Every establishment covered under sub-rule (3) of rule 8 shall maintain records containing the following particulars, namely:-

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

(2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

10. Manner of maintenance of register of complaints by the Government establishments.- (1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer:

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer.

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, 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 of establishment or person against whom the complaint is made;
- (f) gist of the complaint;
- (g) documentary evidence, if any;
- (h) date of disposal by the Grievance Redressal Officer;
- (i) details of disposal of the appeal by the district level committee; and
- (j) any other information.

CHAPTER V

VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES

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

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

(2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time.

(3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.

(4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.

12. Interchange of vacancies.- The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act, only if due process of recruitment to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

13. Submission of Returns on Vacancies.- (1) Every Government establishment shall furnish to the local special employment exchange returns in Form - I once in every six months for the period from 1st April to 30th September and from 1st October to 31st March, and in Form -II once in every two years.

(2) The six monthly return shall be furnished within thirty days of the respective dates which is, 31st March and, 30th September of every financial year.

(3) The two yearly return shall be furnished within thirty days of the closing of every alternate financial year:

Provided that the first two yearly returns shall be furnished for the financial year closing on 31st March, 2019.

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

CHAPTER VI ACCESSIBILITY

15. Rules for Accessibility.- (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

- (a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;
- (b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, *vide* number G.S.R. 895(E), dated the 20th September, 2016;
- (c) Information and Communication Technology-
 - (i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;
 - (ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

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

CHAPTER VII CERTIFICATE OF DISABILITY

17. Application for certificate of disability.- (1) Any person with specified disability may apply in Form -IV for a certificate of disability and submit the application to -

- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant 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 or by any organisation registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

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

Note.- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability.- (1) On receipt of an application under rule 17, the medical authority or any other notified competent 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 certificate of disability in his favour in Form V, VI and VII, as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination -

- (i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or
- (ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under rule 18 to be generally valid for all purposes.- A person to whom the certificate issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

20. Validity of certificate of disability issued under the repealed Act.-

The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

CHAPTER VIII

CENTRAL ADVISORY BOARD ON DISABILITY

21. Allowances for the members of the Central 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) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting 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 allowance and travelling allowance 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) The official member of the Central Advisory Board shall be paid daily allowance and travelling allowance, 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 notice 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 by email or in such other manner as the Chairperson may, in the circumstances of the case, think 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 is 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) The business of the meeting 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) 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

CHIEF COMMISSIONER AND COMMISSIONER FOR PERSONS WITH DISABILITIES

30. Qualification for appointment of Chief Commissioner.- No person shall be eligible for appointment as Chief Commissioner, unless -

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) he is having experience of at least twenty-five years in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body 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 has not 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:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.

(b) he is having at least twenty years experience in a Group “A” level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body 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 has not 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 rules 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 the Commissioner.

(3) The search-cum-selection committee shall be constituted in accordance with the instructions issued by the Government 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 the 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 attains the age of sixty years, whichever is earlier.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms subject to the condition that he has not attained the 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 the 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 the Commissioner 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 the Commissioner shall be entitled to such leave travel concession as is admissible to a Group “A” officer under the Central Civil Services (Leave Travel Concession) Rules, 1988.

(3) The Chief Commissioner and the Commissioner 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 the Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the office:

Provided that he shall continue in the office till his resignation is accepted.

(2) The Central Government may remove a person from the office of the Chief Commissioner and the 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 the Chief Commissioner and the 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 the Chief Commissioner and the 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 the 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) An aggrieved person may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or the Commissioner or send it by registered post or by email addressed to the Chief Commissioner or the Commissioner, namely:-

- (a) the name, description and the address of the aggrieved person;
- (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they may 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; and
- (e) the relief which the aggrieved person claims.

(2) The Chief Commissioner or the 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 the 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 aggrieved person 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-

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from 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.

(3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.

(4) The non-official members of the Advisory Committee, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(5) The non-official members of the Advisory Committee, not residing in Delhi, shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government.

40. 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 organisational 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; and

(e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

NATIONAL FUND FOR PERSONS WITH DISABILITIES

41. Management of National Fund.- (1) There shall be a 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, Board of National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

(c) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;

(d) two representatives from the Ministry of Health and Family Welfare, Department of School Education and Literacy, Department of Higher Education, Ministry of Labour and Employment, Department of Financial Services and Department of Rural Development in the Central Government, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members;

(e) two persons representing different types of disabilities to be nominated by the Central Government, by rotation - Members;

(f) Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Central Government - 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 daily 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 under clause (e) of sub-rule (1) 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.

42. Utilisation of the National Fund.- (1) The amount available under the Trust Fund for empowerment of persons with disabilities and the National Fund for people with disabilities, as on the date of the commencement of the Act, shall form the National Fund.

- (2) All monies available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.
- (3) All monies 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) The Fund shall be invested in such manner as may be decided by the governing body.
- (5) The Fund 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 or are not adequately funded under any scheme or programme of the Central Government;
 - (b) for the purpose of implementation of the provisions of the Act;
 - (c) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
 - (d) such other purposes as may be decided by the governing body.
- (6) Every proposal of expenditure shall be placed before the governing body for its approval.
- (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 utilisation of the Fund.

43. Budget.- The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund for 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.

44. Annual Report.- The annual report of the Department of Empowerment of Persons with Disabilities shall include a chapter on National Fund.

FORM-I

(Persons with Disabilities Employer's Return)

[See rule 13 (1)]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended.....

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:.....

1. Employment
 - (a) Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Government establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the Government establishment).

On the last working day of the previous half year				
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 disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year 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 disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women with disability

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 half year.

2. Vacancies.- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (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

(b) Reasons for not notifying all vacancies occurred during the half year 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		disability wise experience not necessary
	essential qualification	vacancies/posts essential experience	
1	2	3	4

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated.....

To

The Employment Exchange

Note.- This return relates to half yearly ending 31st March/30th September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

Form -II

(Persons with Disabilities Employer's Return)

[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 Government establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the Government establishment on
(Specify date).....(This figure should include every person whose wage or salary is paid by the Government 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 Use exact terms	Number of Employees		Total
	Men with disability	Women with disability	
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);			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.
Supervisor(tailor); Fitter(internal Combustion engine); Inspector Sanitary); Superintendent Office; apprentice Electrician).			
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 5 under item 2 should correspond to the figure given against item-1.

FORM-III

(Persons with Disabilities Employer's Return)

[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 Government establishment (This figure should include every person whose wage or salary is paid by the Government establishment).

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment (This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately).

Occupation Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);	Number of Employees		Total	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.
	Men with disabilities	Women with disabilities		

 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 half year.....

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year.

 Number of vacancies which come within the purview of the Act

Occurred	Notified		General employment	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 half year under report *vide* (a) 2.....above.

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		Experience Not necessary
	Essential qualification	Essential experience	
1.	2.	3.	4.

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated....

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 17(1)]

(1) Name : _____
(Surname) (First Name) (Middle Name)

(2) Father's Name : _____ Mother's Name: _____

(3) Date of Birth : _____ / _____ / _____
(Date) (Month) (Year)

(4) Age at the time of application : _____ years

(5) Sex: Male/Female/Transgender _____

(6) Address:

(a) Permanent address (b) Current Address (i.e. for communication)

(c) Period since when residing at current address _____

(7) Educational Status (please tick as applicable)

- (i) Post Graduate
- (ii) Graduate
- (iii) Diploma
- (iv) Higher Secondary
- (v) High School
- (vi) Middle
- (vii) Primary
- (viii) Non-literate

(8) Occupation _____

(9) Identification marks (i) _____ (ii) _____

(10) Nature of disability :

(11) Period since when disabled: From Birth//since year _____

(12) (i) Did you ever apply for issue of a certificate of disability in the past ___ yes/no

(ii) If yes, details:

(a) Authority to whom and district in which applied _____

(b) Result of application _____

(13) Have you ever been issued a certificate of disability in the past? If yes, please enclose a true copy.

Declaration: I hereby declare that all particulars stated above are true to the best of my knowledge and belief, and no material information has been concealed or misstated. I further state that if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

(signature or left thumb impression of person with disability, or of his/her legal guardian in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities, etc)

Date :

Place:

Enclosures:

1. Proof of residence (Please tick as applicable).
 - (a) ration card,
 - (b) voter identity card,
 - (c) driving license,
 - (d) bank passbook,
 - (e) PAN card,
 - (f) passport,
 - (g) telephone, electricity, water and any other utility bill indicating the address of the applicant,
 - (h) a certificate of residence issued by a Panchayat, municipality, cantonment board, any gazetted officer, or the concerned Patwari or Head Master of a Government school,

(i) in case of an inmate of a residential institution for persons with disabilities, destitute, mentally ill, and other disability, a certificate of residence from head of such institution.

2. Two recent passport size photographs

(For office use only)

Date:

Place:

Signature of issuing authority
Stamp

Form-V

Certificate of Disability

(In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

<p>Recent passport size attested photograph (Showing face only) of the person with disability.</p>
--

Certificate No. _____

Date: _____

This is to certify that I have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
- dwarfism
- blindness

(Please tick as applicable)

(B) the diagnosis in his/her case is _____

(A) he/she has _____ % (in figure) _____ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her _____ (part of body) as per guidelines (.....number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

(Signature and Seal of Authorised Signatory of notified Medical Authority)

Signature/thumb impression of the person in whose favour certificate of disability is issued

Form - VI

Certificate of Disability

(In cases of multiple disabilities)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability.

Certificate No. _____

Date: _____

This is to certify that we have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of _____ Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____.

Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of permanent physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) for the disabilities ticked below, and is shown against the relevant disability in the table below:

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological Conditions			
17.	Multiple sclerosis			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows : -

In figures : - ----- percent

In words :- ----- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after years months, and therefore this certificate shall be valid till

(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and Seal of Member	Name and Seal of Member	Name and Seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued.

Form – VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

(Name and Address of the Medical Authority issuing the Certificate)

[See rule 18(1)]

Recent passport size attested photograph (Showing face only) of the person with disability

Certificate No. _____

Date: _____

This is to certify that I have carefully examined

Shri/Smt/Kum _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that he/she is a case of _____ disability. His/her extent of percentage physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) and is shown against the relevant disability in the table below:-

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Cerebral Palsy			
5.	Acid attack Victim			
6.	Low vision	#		
7.	Deaf	€		
8.	Hard of Hearing	€		
9.	Speech and Language disability			
10.	Intellectual Disability			
11.	Specific Learning Disability			
12.	Autism Spectrum Disorder			
13.	Mental illness			
14.	Chronic Neurological Conditions			
15.	Multiple sclerosis			
16.	Parkinson's disease			
17.	Haemophilia			
18.	Thalassemia			
19.	Sickle Cell disease			

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after _____ years _____ months, and therefore this certificate shall be valid till (DD/MM/YY) _____

@ - eg. Left/Right/both arms/legs

- eg. Single eye/both eyes

€ - eg. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

(Authorised Signatory of notified Medical Authority)
(Name and Seal)

Countersigned
{ Countersignature and seal of the
Chief Medical Officer/Medical Superintendent/
Head of Government Hospital, in case the
Certificate is issued by a medical authority who is
not a Government servant (with seal) }

Signature/thumb impression of the person in whose favour certificate of disability is issued
--

Note.- In case this certificate is issued by a medical authority who is not a Government servant, it shall be valid only if countersigned by the Chief Medical Officer of the District

FORM - VIII

[Intimation of rejection of Application for Certificate of Disability]

[See rule 18 (4)]

No. _____

Dated :

To,

(Name and address of applicant
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated _____ for issue of a Certificate of Disability for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned/ Medical Authority on _____, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a Certificate of Disability 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]
DOLLY CHAKRABARTY, Jt. Secy.



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

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नई दिल्ली, 21 जुलाई, 2017

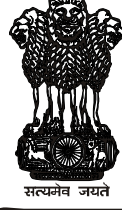
I k-dk-fu- 939½/½—भारत सरकार के सामाजिक न्याय और अधिकारिता मंत्रालय, दिव्यांगजन सशक्तिकरण विभाग द्वारा भारत के राजपत्र असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित अधिसूचना संख्यांक सा.का.नि. 591(अ), तारीख 15 जून, 2017 में,—

- 1) पृष्ठ 9 की पंक्ति 1 में "1 जनवरी को 60 वर्ष का होना चाहिए" के स्थान पर "1 जनवरी को 60 वर्ष से अधिक आयु का न हो", और
- 2) पृष्ठ 9 की पंक्ति 13 में "1 जनवरी को 56 वर्ष का होना चाहिए" के स्थान पर "1 जनवरी को 56 वर्ष से अधिक आयु का न हो", पढ़ा जाए।

[फा. सं. 03-01-2017-डीडी -III]

डौली चक्रवर्ती, संयुक्त सचिव

RAKESH SUKUL Digitally signed by RAKESH SUKUL
Date: 2017.07.22 16:22:33 +05'30'



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. 184]	नई दिल्ली, सोमवार, मार्च 11, 2019/फाल्गुन 20, 1940
No. 184]	NEW DELHI, MONDAY, MARCH 11, 2019/ PHALGUNA 20, 1940

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 8 मार्च, 2019

सा.का.नि. 209(अ).—जबकि दिनांक 22 अक्टूबर, 2018 की जी.एस.आर. संख्या 1053 (ई) के जरिए दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उप-धारा (1) एवं (2) द्वारा यथा अपेक्षित दिव्यांगजन अधिकार (संशोधन) नियम, 2018 का मसौदा भारत के शासकीय राजपत्र, असाधारण भाग II, धारा 3, उप धारा (1) में प्रकाशित किया गया था जिसमें उक्त अधिसूचना को अंतर्विष्ट करने वाली शासकीय राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से तीस दिन की समाप्ति से पूर्व इसके द्वारा प्रभावित होने वाले सभी संभावित व्यक्तियों से आपत्तियां एवं सुझाव आमंत्रित किए गए थे;

और जबकि शासकीय राजपत्र की प्रतियां जिसमें उक्त अधिसूचना को प्रकाशित किया गया था दिनांक 23 अक्टूबर, 2018 को जनता को उपलब्ध करा दी गई थी;

और जबकि केन्द्रीय सरकार द्वारा जनता से प्राप्त आपत्तियों एवं सुझावों पर विचार किया गया था;

अब इसलिए केन्द्रीय सरकार दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 और उप धाराओं (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा निम्नलिखित नियम बनाती है, नामतः—

- लघु, शीर्ष एवं सीमा.**— (1) यह नियम दिव्यांगजन अधिकार (संशोधन) नियम, 2019 कहे जा सकते हैं ।
(2) यह नियमावली इनके अधिकारिक राजपत्र में प्रकाशन की तिथि से लागू की जाएगी ।
- दिव्यांगजन अधिकार नियम, 2017 में, अध्याय 5 के पश्चात, निम्नलिखित अध्याय शामिल किया जाएगा, नामतः

“अध्याय 5 (क)

14 (क) (1) राज्य सरकार/संघ राज्य क्षेत्र प्रशासन वह प्राधिकारी अधिसूचित करेंगे जिसको बैंचमार्क दिव्यांगता वाला व्यक्ति अधिनियम की धारा 38 (1) के अनुसार उच्च सहायता की आवश्यकता के लिए आवेदन कर सकता है ।

(2) स्थायी दिव्यांगता प्रमाण—पत्र रखने वाले केवल बैंचमार्क दिव्यांगताओं वाले व्यक्ति उच्च सहायता की आवश्यकता के लिए आवेदन करने के पात्र होंगे ।

(3) राज्य सरकारें निम्नलिखित को शामिल करते हुए बैचमार्क दिव्यांगजनों की संख्या के आधार पर जिला अथवा खण्ड स्तर पर निर्धारण बोर्ड का गठन करेंगी :-

- (क) जिला मुख्य चिकित्सा अधिकारी अथवा सिविल सर्जन अथवा चिकित्सा अधीक्षक – अध्यक्ष
- (ख) जिला समाज कल्याण अधिकारी – सदस्य
- (ग) पांच पुनर्वास विशेषज्ञ [शारीरिक चिकित्सा और पुनर्वास अथवा हड्डी विशेषज्ञ, कान-नाक-गला विशेषज्ञ, नेत्र विशेषज्ञ, सामान्य चिकित्सक (यदि प्रार्थी 18 वर्ष का है अथवा उससे ज्यादा है) अथवा बाल चिकित्सक (यदि प्रार्थी 18 वर्ष से कम है), मनोचिकित्सक] – सदस्य
- (घ) ऑक्यूपेशनल थेरेपिस्ट अथवा वाक् थेरेपिस्ट अथवा नैदानिक मनोवैज्ञानिक अथवा फिजियोथेरेपिस्ट (आवश्यकतानुसार) – सदस्य
- (ङ.) कोई अन्य विशेषज्ञ, जिसे अध्यक्ष उपयुक्त समझे – सदस्य

(4) उप-नियम (1) में अंकित अधिसूचित प्राधिकारी मूल्यांकन हेतु प्रत्येक मामला उसका/उसकी उच्च सहायता आवश्यकता के लिए निर्धारण बोर्ड को भेजेगा ।

(5) निर्धारण बोर्ड उच्च सहायता आवश्यकता वाले प्रार्थी को मूल्यांकन के लिए आमंत्रित करेगा और यदि आवश्यक हो, तो नैदानिक निर्धारण कर सकता है ।

(6) निर्धारण बोर्ड छह मापदंडों के आधार पर प्रार्थी का मूल्यांकन करेगा और निम्नांकित 100 बिन्दु ग्रेडिड अधिभार के आधार पर अंकों का निर्धारण करेगा:-

मापदंड		अधिभार
(क) शारीरिक दिव्यांगता की गंभीरता (अधिकतम अधिभार – 25)	(क) 40%– 59% (ख) 60% – 79% (ग) 80% – 100%	15 20 25
(ख) मानसिक/विकासात्मक दिव्यांगता की गंभीरता (जो किसी सूचित निर्णय के लिए व्यक्ति को प्रतिबंधित करती है) (अधिकतम अधिभार – 25)	(क) 40%– 59% (ख) 60% – 79% (ग) 80% – 100%	15 20 25
(ग) व्यक्ति की दैनिक गतिविधियों में किस हद तक बाधा आती है (अधिकतम अधिभार 35)	(1) स्नान, मंजन, कंघी करना, कपड़े पहनना । (2) शौचालय स्वच्छता (शौचालय जाना, स्वयं हाथ धोना, बैकअप आदि प्राप्त करना) (3) कार्यात्मक गतिशीलता (कार्य करने की क्षमता, बिस्तर पर लेटना और उठना, कुर्सी पर बैठना और उठना, क्रियाकलापों के दौरान एक स्थान से दूसरे स्थान पर जाना । (4) अपने हाथ से भोजन करना (खाना बनाना शामिल नहीं है)	10 10 10 05
(घ) संज्ञानात्मक क्षमताएं जैसे यातायात, संभार, गैजेट्स के इस्तेमाल में सुरक्षा उपाय सम्बंधित सावधानी बरतना, गुम न होने की क्षमता । (अधिकतम अधिभार – 5)	–	05
(ङ.) वातावरण बाधाएं जैसे स्वास्थ्य देखभाल केन्द्र अथवा पुनर्वास सहायता प्रणाली अथवा स्वास्थ्य आवश्यकताओं की पूर्ति तक पहुंच । (अधिकतम अधिभार – 5)	–	05
(च) सामाजिक-आर्थिक स्थिति (अधिकतम अधिभार – 5)	गरीबी रेखा से ऊपर गरीबी रेखा से नीचे	0 05
योग		100

- (7) निर्धारण बोर्ड उप-नियम (6) में अंकित 100 अंकों में से 60 अंक पाने वाले किसी भी बैचमार्क दिव्यांगजन को अधिक सहायता आवश्यकता के लिए सिफारिश कर सकता है।
- (8) निर्धारण बोर्ड अधिसूचित प्राधिकारी को मूल्यांकन के लिए कथित प्राधिकारी से प्राप्त अनुरोध की तारीख से 90 दिनों की अवधि में अपनी सिफारिश जमा करेगा।
- (9) राज्य सरकार/संघ राज्य क्षेत्र ऐसे बैचमार्क दिव्यांगजनों को अधिक सहायता प्रदान करने के लिए समर्पित योजनाएं विकसित कर सकते हैं।
- (10) उप-नियम (1) में अंकित किए अनुसार अधिसूचित प्राधिकारी राज्य सरकार अथवा संघ राज्य प्रशासन की योजनाओं/कार्यक्रमों को ध्यान में रखते हुए, जो भी मामला हो, निर्धारण बोर्ड की सिफारिशों के आधार पर आवेदनों पर उच्च सहायता की आवश्यकता के लिए विचार करेंगे।”

[फा. सं. 16-16/2017-डीडी-III]

डौली चक्रवर्ती, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Empowerment of Persons with Disabilities)

NOTIFICATION

New Delhi, the 8th March, 2019

G.S.R.209(E).—Whereas a draft of certain rules to amend the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) vide number G.S.R. 1053(E), dated the 22nd October, 2018 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the day on which the copies of the Official Gazette containing the said notification was made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 23rd October, 2018;

And whereas the objections and suggestions received from the public were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules, to amend the Rights of Persons with Disabilities Rules, 2017, namely:-

1. Short title and extent.- (1) These rules may be called the Rights of Persons with Disabilities (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Rights of Persons with Disabilities Rules, 2017, after Chapter V, the following Chapter shall be inserted, namely:-

“CHAPTER VA

14A. (1) The State Governments or Union Territory Administrations shall notify the authority to whom a person with benchmark disability can apply for the high support requirement as per sub-section (1) of Section 38 of the Act.

(2) Only the persons with benchmark disabilities having permanent certificate of disability shall be eligible for applying for high support requirement.

(3) The State Governments shall constitute Assessment Board at the District level or Division level based on the number of persons with benchmark disabilities comprising the following:-

(a) District Chief Medical Officer or Civil Surgeon or Medical Superintendent.....Chairperson;

- (b) District Social Welfare Officer.....Member;
- (c) Five rehabilitation specialists [Physical Medicine and Rehabilitation or Orthopaedic specialist, ENT specialist, Ophthalmologist, General Physician (if the applicant is 18 years or above) or Pediatrician (if the applicant is less than 18 years), Psychiatrist].....Members;
- (d) Occupational therapist or speech therapist or Clinical Psychologist or Physiotherapist (as per requirement).....Member;
- (e) Any other expert as the Chairperson deems appropriate.....Member.

(4) The authority notified under sub-rule (1) shall refer every case to the Assessment Board for assessment of applicant's high support requirement.

(5) The Assessment Board shall invite the applicant of high support requirements for assessment and may, if necessary, seek clinical assessment.

(6) The Assessment Board shall assess the applicant on the basis of the six parameters (a) to (f) and assign scores on the basis of the 100 point graded weightage indicated below:-

Parameters		Weightage
(a) Severity of physical disability (Max. weightage – 25)	(a) 40% - 59%	15
	(b) 60% - 79%	20
	(c) 80% - 100%	25
(b) Severity of mental/developmental disability (which restricts the person to take any informed decision) (Max. weightage – 25)	(a) 40% - 59%	15
	(b) 60% - 79%	20
	(c) 80% - 100%	25
(c) The extent to which daily activities in a person is hampered (Max. weightage – 35)	(i) Bathing, Brushing, combing, Dressing	10
	(ii) Toilet hygiene (getting to the toilet, cleaning oneself, getting backup etc)	10
	(iii) Functional mobility (ability to work, get in and out of bed, get in and out of a chair, moving from one place to other while performing activities)	10
	(iv) Self-feeding (not including cooking)	5
(d) Cognitive Abilities like ability to take safety measures to use transport, logistics, gadgets, not to get lost (Max. weightage – 5)	-	5
(e) Environmental Barriers like access to health care or support systems for rehabilitation or health needs (Max. weightage – 5)	-	5
(f) Socio-economic status (Max. weightage – 5)	APL	0
	BPL	5
Total		100

(7) Any person with benchmark disability with a score 60 out of 100 point mentioned in sub-rule (6) may be recommended by the Assessment Board for high support needs.

- (8) The Assessment Board shall submit its recommendations to the authority notified under sub-rule (1) within a period of 90 days from the date of receiving request for assessment from the said authority.
- (9) The State Government or Union Territory Administrations may develop dedicated schemes to provide high support to such persons with benchmark disabilities.
- (10) The authority notified under sub-rule (1) shall consider the application for high support requirement on the basis of the recommendations of the Assessment Board keeping in view the schemes or programmes of the respective State Governments or Union Territory Administrations, as the case may be.”

[F. No. 16-16/2017-DD-III]

DOLLY CHAKRABARTY, Jt. Secy.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18032020-218777
CG-DL-E-18032020-218777

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 155]

नई दिल्ली, मंगलवार, मार्च 17, 2020/फाल्गुन 27, 1941

No. 155]

NEW DELHI, TUESDAY, MARCH 17, 2020/PHALGUNA 27, 1941

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 17 मार्च, 2020

सा.का.नि. 181(अ).—दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) की अपेक्षानुसार, दिव्यांगजन अधिकार नियम, 2017 का और संशोधन करने के लिए कतिपय नियमों का प्रारूप भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. 839(अ), तारीख 13 नवंबर, 2019 द्वारा प्रकाशित किए गए थे, उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना से युक्त राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, तीस दिन की समाप्ति से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और राजपत्र की प्रतियां, जिसमें उक्त अधिसूचना प्रकाशित की गई थी, जनता को 13 नवंबर, 2019 को उपलब्ध करा दी गई थी;

और जनता से प्राप्त आक्षेप और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया था;

अतः, अब केन्द्रीय सरकार, दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिव्यांगजन अधिकार नियम, 2017 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम दिव्यांगजन अधिकार (संशोधन) नियम, 2020 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. दिव्यांगजन अधिकार नियम, 2017 के नियम 31 में, खंड (ख) और खंड (ग) के स्थान पर निम्नलिखित खंड रखे जाएंगे, अर्थात्:-

"(ख) जिनके पास केन्द्रीय सरकार या राज्य सरकार या पब्लिक सेक्टर उपक्रम या अर्द्धसरकारी या स्वायत्त निकायों में दिव्यांगता से संबंधित मामलों या सामाजिक क्षेत्र में समूह "क" स्तर के पद का या किसी रजिस्ट्रीकृत राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन में ज्येष्ठ स्तर के कृत्यकारी के रूप में दिव्यांगता या सामाजिक विकास के क्षेत्र में कम से कम बीस वर्ष का अनुभव है:

परंतु बीस वर्ष के कुल अनुभव में से उसके पास कम से कम तीन वर्ष का अनुभव दिव्यांगजनों के पुनर्वास या सशक्तिकरण के क्षेत्र में होना चाहिए; और

(ग) वह भर्ती के वर्ष की 1 जनवरी को छप्पन वर्ष की उम्र से कम का हो।"

[फा. सं. 22-26/2019-डीडी-III]

डॉ. प्रबोध सेठ, संयुक्त सचिव

टिप्पण : दिव्यांगजन अधिकार नियम, 2017 भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में सा.का.नि. 591(अ), तारीख 15 जून, 2017 द्वारा प्रकाशित किए गए थे और सा.का.नि. 209(अ), तारीख 8 मार्च, 2019 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Empowerment of Persons with Disabilities)

NOTIFICATION

New Delhi, the 17th March, 2020

G.S.R. 181(E).—Whereas a draft of certain rules further to amend the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-section (1) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (i) *vide* number G.S.R. 839(E), dated the 13th November, 2019 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the day on which the copies of the Official Gazette containing the said notification was made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 13th November, 2019;

And whereas the objections and suggestions received from the public were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules further to amend the Rights of Persons with Disabilities Rules, 2017, namely:-

1. (1) These rules may be called the Rights of Persons with Disabilities (Amendment) Rules, 2020.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Rights of Persons with Disabilities Rules, 2017, in rule 31, for clauses (b) and (c), the following clauses shall be substituted, namely:-

"(b) he is having at least twenty years experience in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability

related matters or social sector or as senior level functionary in registered national and international voluntary organisations in the field of disability or social development:

Provided that out of the total of twenty 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 is less than fifty-six years of age as on the 1st January of the year of recruitment.”

[F. No. 22-26/2019-DD-III]

Dr. PRABODH SETH, Jt. Secy.

Note: The Rights of Persons with Disabilities Rules, 2017 were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide G.S.R. 591(E), dated the 15th June, 2017 and last amended *vide* G.S.R. 209 (E), dated the 8th March, 2019.