



## GOVERNMENT OF GOA

### Department of Social Welfare

#### Notification

5/ 10/94-S WD/Vol. I

In exercise of the powers conferred by sub-section (1) and (2) of section 73 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act of 1996), the Government of Goa hereby makes the following rules, namely:

1. *Short title and commencement.*- (1) these rules may be called the Goa Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1997.

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

2. *Definitions.*-In these rules, unless the context otherwise requires,

- (a) 'Act' means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1996);
- (b) 'Government' means the Government of Goa;
- (c) 'Medical Board' means The Medical Board constituted by the Government vide Government Notification No. 13/140/87-PHD dated 20-7-1988 and such other Medical Boards constituted subsequently for the purpose of this Act;
- (d) 'Appellate Medical Boards' means The Appellate Medical Board which may be constituted by the Government by Notification, publishes' in the Official Gazette;
- (e) 'Notification' means a Notification published in the Official Gazette;

(f) 'Section' means a section of the Act;

(g) 'Special Employment Exchanges' means a Special Employment Exchange, Special Cell in normal employment exchange and such employment exchanges which are notified special employment exchange by notification in the Official Gazette;

(h) 'year' means the financial year commencing on the first day of April;

(i) words and phrases used herein but not defined shall have the same meaning as respectively assigned to them under the Act.

3. *Guidelines for evaluation of various disabilities.*- The guidelines for evaluation of various disabilities shall be as specified in Annexure 'A' appended to these rules.

4. *Authorities to give disability certificate.*- A disability certificate shall be issued by a Medical Board duly constituted by the Government of Goa vide Notification No. 13/140/87-PHD, dated 20-7-1988 and appended hereto as Annexure 'B' and such other Medical Boards subsequently constituted by the Government and notified.

5. *Grant of permanent disability certificate.*- The Medical Board shall after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. Wherever there is any chance of variation in the degree of disability the Medical Board shall indicate the period of validity in the certificate.

6. *Use of Certificate.*- The Certificate issued under the rule 4 above shall make a person eligible to apply for facilities, concessions and benefits admissible under any scheme of the Government or non-Governmental organisation subject to such conditions as the Government or the Central Government may impose from time to time.

7. *Appellate Medical Board.*-The Appellate Medical Board shall entertain and give its say in any dispute pertaining to disability.

8. *Membership roll.*- The Member Secretary shall keep a record of name<sup>s</sup> of members and their addresses.

9. *Change of Address.*-- If a member changes his address, he shall notify his new address to the Member-Secretary who shall thereupon enter his new address, in the official record, but if he fails to notify his new address, the address in the official records shall for all purposes be deemed to be member's correct address.

10. *Daily and travelling allowances.*-Non-official members of the State Coordination Committee residing at State Headquarters and outside State Headquarters shall be paid a sitting allowance of Rs. 500/- for each day of the actual meeting. No separate TA/DA will be paid:

Provided that in the case of a Member of State Legislature who is also a member of the State Coordination Committee, the said daily and travelling allowances shall be paid at the rates admissible to him as member of the State Legislature, when the Legislature 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.

11. *Notice of Meetings.*- (1) The meetings of the State Coordination Committee shall ordinarily be held at the State Headquarters on such dates as may be fixed by the Chairperson:

Provided that the State Coordination Committee shall meet at least once in every six months.

(2) The Chairperson shall upon the written request of not less than ten members of the State Coordination Committee call a special meeting of the State Coordination Committee.

(3) Eight 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, shall be given by the Member Secretary to the Members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his/her last known place of residence or business 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, in his discretion, permits him to do so.

(6) (a) The State Coordination Committee may adjourn its meetings from day to day or to any particular day.

(b) Where a meeting of the State Coordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available in the city, town, or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Coordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4), above.

12. *Presiding Officer.*- The Chairperson shall preside at every meeting of the State Coordination Committee and in his absence, the Vice Chairperson shall preside, but when both the Chairman and the Vice-Chairperson are absent from a meeting, the members present shall elect one of the members to preside at that meeting.

13. *Quorum.*- (1) One-third of the total members shall form quorum for any meeting.

(2) If at any time fixed for any meeting or during 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 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 original meeting shall be discussed at such adjourned meeting.

(5) (a) Where a meeting of the State Coordination Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the State Coordination Committee is adjourned under sub-rule (2) for want of quorum not to the following day but to any other date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11.

14. *Minutes.*- (1) Record shall be kept of the names of members who attend the State Coordination Committee meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be confirmed at the beginning of every succeeding meeting and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any members at the office of the Member-Secretary during Office hours.

15. *Absence from meetings of State Coordination Committee.*- Any member of the State Coordination Committee absenting himself from three consecutive meetings without leave of the Chairperson shall cease to be a member of the State Coordination Committee.

16. *Maintaining order at meeting.*- The Presiding Officer shall maintain order at the meetings of the State Coordination Committee.

17. *Business to be transacted at meeting.*- (1) 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 11, shall be transacted at any meeting.

(2') At any meeting, business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

18. *Decision by majority.*- All questions considered at a meeting of the State Coordination 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 Chairperson, the Vice-Chairperson or in the absence of both, the member presiding at the meeting, as the case may be, shall have the casting vote.

19. *No proceeding to be invalid due to vacancy or any defect.*- No proceeding of the State Coordination Committee shall be invalid merely by reasons of existence of any vacancy or any defect in the constitution of the said committee.

20. *Daily and Travelling allowances.*- (1) Non official members of the State Executive Committee, residing at State Headquarters and outside State Headquarters shall be paid a sitting allowance of Rs. 5001- for each day of the actual meeting. No separate TA/DA will be paid.

21. *Notice of Meetings* - (1) The meetings of the State Executive Committee shall ordinarily be held at the State Headquarters on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every three months.

(2) The Chairperson shall, upon the written request of not less than ten members of the State Executive Committee, call a special meeting of the State Executive Committee.

( ) Eight 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 business to be transacted thereat shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case, think fit.

(5) No members shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given 10 clear days' notice of the Member-Secretary, unless the Chairperson, in his discretion, permits him to do so.

(6) (a) The State Executive Committee may adjourn its meetings from day to day or to any particular day.

(b) Where a meeting of the State Executive Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available in the city, town or the other place where the meeting which is adjourned is held either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule 4

22. *Presiding Officer.*- The Chairperson shall preside at every meeting of the State Executive Committee at which he is present, and in his absence, the members present shall elect one of the members to preside at that meeting.

23. *Quorum.*- (1) One-third of the total members shall form the quorum for any meeting.

(2) If at any 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 original meeting shall be discussed at such adjourned meeting.

(5) (a) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum not to the following day but to another date, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) or rule 21.

24. *Minutes.*- (1) Record shall be kept of the names of the members who attend the State Executive Meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be confirmed at the beginning of every succeeding meeting 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.

25. *Absence from meetings of State Executive Committee.* Any member of the State Executive Committee absents himself from three consecutive meetings without leave of the Chairperson, shall cease to be a member of the State Executive Committee.

26. *Maintaining order at meeting.*- The presiding officer shall maintain order at the meetings of the State Executive Committee.

27. *Business to be transacted at meetings.*- (1) 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 (S) of rule 21, shall be transacted at any meeting.

At any meeting the business shall be transacted in the order

28. *Decision by majority.*- All questions considered at a 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 Chairperson, the member presiding at the meeting, as the case may be, shall have casting vote.

29. *No proceeding to be invalid due to vacancy or any defect.*--No proceedings of the State Executive Committee shall be invalid merely because of existence of any vacancy in or any defect in the constitution of the committee.

30. *Manner and purpose of association of persons with State Executive Committee.*- The State Executive Committee may invite any person to participate in the deliberations of any of its meetings whose assistance or advice, is considered useful in performing any of its functions.

(2) If the person associated with the State Executive Committee under sub-rule (1) happens to be a non-official, resident at the State Headquarters, he shall be entitled to get an allowance of Rs. 500/- per day for each day of actual meeting of the State Executive Committee in which he is so associated. No other TA/DA will be payable.

(3) If such a person is not residing at the State Headquarters, he shall be paid Rs. 500/- for each day of the actual meeting. No other TA/DA will be payable.

(4) If such person is a Government servant, or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances only at the rate admissible under the relevant rules applicable to him 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.

31. *Fee for the associated person.*- Notwithstanding anything contained in Rule 30, the State Executive Committee may pay the person associated with the Committee, with the prior approval of the Government, such fees as considered appropriate depending on the nature of work assigned and the qualifications and experience of the associated person:

Provided that the State Executive Committee shall not associate any person without the prior approval of the Government if the period of association exceeds four months or fees payable to him exceeds Rs. 30001- per month.

32. *Tours by associated person.*- The associated person may, with the prior approval of the Chairperson, undertake tours within the State for the performance of the duties entrusted to him by the State Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowances at the rate admissible to a Grade I Officer of the Government.

33. *Associated person not to disclose any information.*--. The associated person shall not disclose any information either given by the State Executive Committee or obtained during the performance of the duties assigned to him either from the State Executive Committee or otherwise, to any person other than the State Executive Committee without the written permission of the Chairperson of the Committee.

34. *Duties and functions of the associated person.*- The associated person shall discharge such duties and perform such functions as are assigned to him, by the State Executive Committee.

35. *Computation of vacancies.*- For the purpose of computation of vacancies for persons with disabilities in Group A, B, C & D posts the procedure laid down by the Department of Personnel and Training vide O. M. No. 39016/6/77-Exit. (SCT) dated 4-11-1977, O. M. No. 36035/14/83-Estt. (SCT) dated 20-1-1984, O. M. No. 36035/17 /85-Estt(SCT) dated 1-4-1986 and O. M. No. 36035116/91-Estt(SCT) dated 20-9-1994 (Annexure C to the Rules) for computation of vacancies in Group C and D posts shall be applicable mutatis mutandis for computation of vacancies in Group A & B posts also.

36. *Notification of vacancies to the Special Employment Exchange.*--(1) Vacancies which are of a technical and scientific nature occurring in establishment shall be notified to such Special Employment Exchanges as may be specified by the Government by Notification in the Official Gazette, in this behalf.

(2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned.

37. *Information and return to be furnished by employee to Special Employment Exchange.*- The vacancies shall be notified in writing to the Special Employment Exchange and the following particulars shall be furnished, where practicable, in respect of each type of vacancy.

(1) Name and address of the employer:

(2) Telephone number of the employer, if any: (3)

Nature of vacancy:

a) Type of workers required (Designation).

b) Description of duties.

c) Qualifications required.

i) Essential ii)  
Desirable

d) Age limit, if any

e) Whether women are eligible?

(4) Number of vacancies: a)

Regular b) Temporary

(5) Pay and allowances:

(6) Place of work (name of town/village and district in which it is situated.)

(7) Probable date by which the vacancy will be filled:

(8) Particulars regarding in interview/test of applicants:

a) Date of Interview/test b)

Time of Interview/test c)

Place of Interview/test

d) Designation and address of person to whom applicants should report

(9) Whether there is any obligation or arrangement for giving preference to the Physically Handicapped persons in filling up the vacancies, and if so, the number of vacancies to be filled by such persons:

(10) Any other relevant information:

The vacancies shall be notified in writing to the appropriate Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange under sub-rule (1).

38. *Time limit for the notification of vacancies.*- (1) Vacancies, required to be notified to the local Special Employment Exchange, shall be notified at least 15 days before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) Vacancies, required to be notified to the Special Employment Exchange notified under sub-rule (1) of rule (36) shall be notified at least four weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(3) An employer shall furnish to the concerned Special Employment Exchange, the results of selection within 15 days from the date of selection.

39. *Submission of returns.*- An employer shall furnish to the local Special Employment Exchange quarterly returns in Form-T and biennial returns in Form ER-II, as may be amended from time to time. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December. Biennial return shall be furnished within thirty days of the due date as notified in the Official Gazette.

40. *Form in which record to be kept by an employer.* An employer shall maintain the record of employees with disabilities in Form No. III as may be modified from time to time.

41. *The form of application.*- Every application for a certificate of registration shall be made in Form TV to the competent authority.

42. *Order refusing to give grant certificate.*- The competent authority may, after giving the applicant reasonable opportunity of being heard, make an order refusing to grant a certificate. Such order will contain specific reason for refusal to grant such a certificate and shall be communicated to the applicant through registered post in Form 7.

43. *Validity of certificate of registration.*- A certificate of registration granted under sub-section (2) of section 52 of the Act shall, unless revoked under section 53 of the Act remain in force for a period of three years and shall be in Form VI.

44. *Appeal.*- Any person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a Certificate, as the case may be, may, within a period of thirty days, from the date of order, prefer an appeal to the Government against such refusal or revocation:

Provided that the Government may entertain an appeal after the expiry of the said period of 30 days if it is satisfied that there was sufficient cause for not filing it within that period.

45. *Procedure to be followed by Commissioner.*- A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Commissioner or be sent by registered post addressed to the Commissioner.

(a) The name, description and the address of the complainant;

(b) The name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;

(c) The facts relating to complaint and when and where it arose;

(d) Documents in support of the allegations contained in the complaints;

(e) The relief which the complainant claims;

(2) The Commissioner on receipt of a complaint shall give a notice and refer a copy of the complaint to the opposite party/parties mentioned in the complaint directing him to give his version of the case within a period of 30 days or such extended reasonable period as may be granted by the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory for the parties or their agents to appear before the Commissioner. Where the complainant or his agent fails to appear before the Commissioner on such day, the Commissioner may, in his discretion either dismiss the complaint for default or decide on merits. Where the opposite party or his agent fails to appear on the date of hearing, the Commissioner may take such necessary action as he deems fit for summoning and enforcing the attendance of the opposite party. He may, however, decide to dispose of the complaint ex-parte also.

(4) The Commissioner may, on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

46. *Salary and allowances of the Commissioner.*- The Commissioner shall be entitled to salary, allowances and other perquisites as are available to a Secretary to the Government or in case, the Secretary (Social Welfare) to the Government is appointed as the Commissioner, he shall be entitled to draw an honorarium of Rs. 500/- per month.

47. *Submission of report to the Government.*-The Commissioner shall submit a report to the Government on the implementation to the Act at the interval of six months in such a manner that at least two reports are sent in one financial year, a copy thereof, shall also be sent to the Chief Commissioner.

48. *Submission of Annual Report.*- (1) The Commissioner shall, as soon as possible, after the end of the financial year but not later than the 30th day of September, in the year ensuing, prepare and submit to the Government an annual report giving a true and faithful 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) Name of officers of staff of the Commissioner and a chart showing the organisational set up;
- (b) The functions which the Commissioner has been empowered under sections 61 and 62 of the Act and the highlights of the performance in this regard;
- (c) The main recommendations made by the Commissioner;
- (d) Progress made in the implementation of various provisions of the Act - districtwise;
- (e) Any other matter deemed appropriate for inclusion by the Commissioner or prescribed by the Government from time to time.

## FORM

## ER-1

(See rule 39)

Quarterly return to be submitted to the Special  
Employment Exchange for the quarter  
ended .....

Name and Address of the

Employer:- .....

Whether at (Head Office):- .....

(Branch Office):- .....

Nature of business/principal activity:

(2) Vacancies:- Vacancies carrying total emoluments of Rs. 60/- or over per month and of over three months duration.

- (a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter (separate figures may be given for men with disability and women with disability.)

Number of vacancies which come within the purview of the Act			
Occurred	Notified	Filled	Sources
Local Spl. Emp. G. E. E. Exchange			(Describe the source from which filled)
1	2	3	4
(b) Reasons for not notifying all vacancies occurred during the quarter underreport vide 2 (a) above .....			
(3) Man-power Shortages Vacancies/posts unfilled because of shortage of suitable applicants.			
Name of the occupation or designation of the post.		Number of unfilled vacancies/posts.	
-		(1) ---- (2)	

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

Signature of employer

To,  
The Employment Exchange,  
.....  
.....

**NOTE:** This return shall relate to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Special Employment Exchange within 30 days after end of the quarter concerned.

## FORM

## ER-11

(See rule 39)

Occupational return to be submitted to the local Special Employment Exchange once in two years (on a date to be specified by Notification in the Official Gazette).

Name and address of the employer .....

Nature of business .....

(describe what the establishment makes or does as its principal activity).

- (1) State total number of persons on the pay rolls of the establishment on (specify date) ..... (This figure should include every person whose wage or salary is paid by the establishment). (separate figures for men with disability and women with disability may be given.)

(1) (a) EMPLOYMENT	
Total number of persons including working proprietors/partners! /commission agents/contingent paid and contractual workers, on the pay rolls of the establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the establishment).	
On the last working day of the previous quarter.	On the last working day of the quarter under report.
Men with disability	
Women with disability	
Total:	
(h) Please indicate the main reasons for any increase or decrease in employment of the increase or decrease is more than 5% during the quarter .....	

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(2) Occupational classification of all employees is given below, given the number of employees in each occupation; also separately).

(5) Total number of disabled persons (disability-wise on the pay-rug of the establishment. (this figures should include every person with disability whose wage or salary is paid by the establishment).

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

Occupation (1)	(2)	(3)	Number of (4)	employees (5)
Use exact terms such as engineer (mechanical); teacher (domestic/Science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Asstt. (Chemist); Research Officer (economist); instructor (carpenter); supervisor (tailor); fitter (internal combustion engine); inspector (sanitary); superintendent (office); apprentice (electrician).	Men with disability	Women with disability	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.

Occupation of employees Number			
1	2	3	4
Use exact terms such as engineer (mechanical); teacher (domestic/science); officer on duty (actuary); assistant director (metallurgist); scientific asstt. (chemist); research officer (economist); instructor (carpenter); supervisor (tailor); (internal combustion engine); inspector(sanitary); superintendent (office); apprentice (electrician)	Men with disability	Women with disability	Nature and extent of 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 quarter .....

(7) Vacancies:- Vacancies carrying total emoluments of Rs 60/- or over per month and of over three months duration.

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

Occurred	Notified Local Spl. Emp. G.E.E. Exchange	Filled	Sources (Describe the source from which filled.)
L	2.	3.	4.
Total:	-		+ - -

(b) Reasons for notifying all vacancies occurred during the quarter, by filling report as required by rule 38.

(8) Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	No. of unfilled post	Essential qualification	Essential experience	Experience not necessary
(1)	(2)	(3)	(4)	(5)

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

Signature of employee

Total

Date: .....

Signature of employer

To,  
The Employment Exchange .....  
(Please fill in here the address of your Local Special Employment Exchange.)

NOTE: Total of Col. (4) under item (2) should correspond to the figures given against item. (1)

FORM - III (See

rule-40)

Form in which record shall be maintained by employer of persons with disability employed in his establishment and a required by section 37 of the Act.

- (1) Name and Address of the employer .....
- (2) ..... W  
hether Head Office ..... :  
..... :  
.. Branch Office .....
- (3) Nature of business/principal activity .....

(4) Total number of persons on the pay-roll of the establishment (this figures should include every person whose wage or salary is paid by the establishment).



## FORM - IV(See

rule 41)

Format of application for grant of certificate of registration before competent authority.

(1) Name of the Applicant Organisation: (2)

Address and phone number: (3) Applicant is:

(a) An organisation registered under the Societies Registration Act, 1860 (Act XXI of 1860).

(b) A public Trust registered under any Law- or the time being in force.

(c) Indian Red Cross Society of its branches.

(d) Company registered under Section 25 of the Companies Act 1956.

(e) Any other organisation (details of registration with the name of the Act) which may be recognised by the Ministry for the purpose of this scheme.

(4) Data: of establishment of the Organisation.

(5) Nature of the Organisation.

(Please indicate precisely whether it is educational or training institution or a workshop for the blind, the deaf and dumb, the orthopaedically handicapped or mentally retarded person, etc.).

(6) Brief history of the organisation and of its objects and activities.

(7) Whether recognised by the Government.

(8) Whether the Organisation is of an All India character, if so give the nature of its All India activities.

(9) Whether located in its own/rented building.

(10) Present number of disabled beneficiaries.

(11) Likely dates of commencement and completion of project.

(12) Whether the project is likely to be assisted by some other official or non-official source.

(13) Whether necessary land for the proposed building is available. If so, give details (please indicate the location of the plot and enclose permission certificate for construction from the competent authority etc:

(14) (a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details.

(b) In case new staff is to be appointed, give details of the qualifications, academic, professional and experience prescribed for the purpose.

(c) Number of employees working in the Organisation.

(15) List of papers/statements to be attached.

(a) Prospectus or a brief descriptive note giving aims and objects/activities of the organisation:

(b) Constitution of the organisation.

(c) Constitution of the Board of Management with particulars of each members.

## FORM - V

(See rule 42)

## Order of refusal of Registration

The application No ..... dated ..... received from ..... (name of the Organisation) based at (address of the Organisation) a/an ..... (Status of the Organisation) established on ..... which is a ..... (nature of the Organisation) was examined as required by the provision of the Persons with Disability (Equal Opportunities, Protection of Rights and full Participation) Act, 1995 and Rules made thereunder enquiries were conducted about the nature of activities and work with which the organisation is involved and it is found that ..... I am of the opinion that the Organisation cannot be registered for the above reasons.

## FORM - VI

(See Rule 43)

## Certificate of Registration

(Name of the Organisation) based at ..... (Address of the Organisation), ..... (Status of the Organisation) established on ..... is a ..... (Nature of the organisation), have applied for registration of the Organisation vide his application No ..... date .....

This is to certify that the Organisation mentioned above has been registered at Sr. No. .... in the register maintained for the purpose

This certificate is issued as required by sub-section (2) of section 52 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act 1 of 1996) on the following conditions:- (i) This certificate is valid for a period of three years as per rule 43 of the Goa Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Rules, 1997) unless revoked during this period,

By order and in the name of the Governor of Goa. *E. Silveira.*

*Under Secretary (Social Welfare).*



NOE: - There is vote Extraordinary issue to the Official Gazette, Series - I No 44 dated 30-1-97 from pages 639 to 044 regarding Notification from Department of Social Welfare and Department (!f Women and Child Development.

GOVERNMENT OF GOA  
Department of Law and Judiciary

(Legal Affairs Division)

Notification IO-5-

96/LA

The Parsons with Disabilities (Equal Op; ortunities. Protection of Rights and Full Participation) Act. 1995 (Central Act I of 1996). which has been passed by Parliament and assented to by the President f India on Is( January, 1996 and published in the Gazette of India, Extraordinary, Part 11, Section 1. dated Is( January 1996 is hereby published for general information of the public.

P. V. Kadneker. Joint Secretary (Law).

Panaji. Is( April, 1996.

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES,  
PROTECTION OF RIGHTS AND FULL PARTICIPA  
TION) ACT, 1995

ARRANGEMENT OF SECTIONS .

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5. Disqualifications.'  
6. Vacation of seats by Members. '  
7. Meetings of the Central Coordination Committee. 8. '  
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9. Central Executive Committee.  
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- Appropriate Governments and local authorities to
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**THE PERSONS WITH DISABILITIES (EQUAL****OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995**

AN

AC

to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.

Whereas the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2002 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region;

And Whereas India is a signatory to the said Proclamation

And Whereas it is considered necessary to implement the Proclamation aforesaid.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:--

in the Forty-sixth Year of the Republic of India as follows :

## CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Persons With Disabilities' (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. .

(2) It extends to the whole of India except the State of Jammu and Kashmir: .

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

2. In this Act, unless the context otherwise requires, - (a) "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 Cantonment Act, 1924, the Central Government;

2 of 1924

(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;

(iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;

(iv) in respect of the State Coordination Committee and the State Executive Committee, the State Government;

(b) "blindness" refers to a condition where a person suffers from any of the following conditions, namely :

(i) total absence of sight; or

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses ; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse ;

(c) "Central Coordination Committee" means the Central Coordination Committee constituted under sub-section (1) of section 3;

(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;

(e) "Cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

(f) "Chief Commissioner means the Chief Commissioner appointed under sub-section (1) of section 57;

(g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;

(h) "Competent authority" means the authority appointed under section 50; (i)

"disability" means -

(i) blindness;

(ii) low vision;

\12LAW 1.1

Short title, extent and commencement.

Definitions.

- (iii) leprosy - cured;
- (iv) bearing impairment;
- (v) locomotor disability;
- (vi) mental retardation;
- (vii) mental illness;

(j) "employer" means,

(i) in relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and

(ii) in relation to an establishment, the Chief Executive Officer of that establishment ;

(k) "Establishment" means a corporation established by or-under a Central, Provincial 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 617 of the Companies Act, 1956 and includes Departments of a Government ;

(l) "hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies

(m) "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any 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 from undertaking any gainful occupation, and the expression "Leprosy Cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government,

(q) "mental illness" means any mental disorder other than mental retardation;

(r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specialty characterised by subnormality of intelligence;

(s) "notification" means a notification published in the Official Gazette;

(t) "person with disability" means a person suffering from not less than forty percent of any disability as certified by a medical authority;

(u) "person with low vision" means a person with impairment of visual functioning even after treatment of standard refractive correction but who uses or is potentially capable of using vision for the planning or. execution of a task with appropriate assistive device;

**THE GAZETTE OF INDIA EXTRAORDINARY [PART II - SEC. I** <sup>(v)</sup> "prescribed" means prescribed by rules made under this Act;

(w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

(x) "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, respecting -

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

(ii) persons with disability who seek employment;

(iii) vacancies to which person with disability seeking employment may be appointed;

(y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section (1) of section 13;

(z) "State Executive Committee" means the State Executive Committee constituted under sub-section (I) of section 19.

## **CHAPTER II**

### **THE CENTRAL COORDINATION COMMITTEE**

Central 3. (1) The Central Government shall by notification constitute a body to be known as <sup>Coordination</sup> the Central Coordination Committee to exercise the powers conferred on, and to perform <sup>Committee.</sup> the functions assigned to it, under this Act.

(2) The Central Coordination Committee shall consist of -

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

(b) the Minister of State in-Charge of the Department of Welfare in the Central Government, Vice-Chairperson, *ex officio*;

(c) Secretaries to the Government of India in-charge of the Department of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, *ex Officio*;

(d) Chief Commissioner, Member, *ex officio*;

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

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

(g) Director, National Council for Educational Research and Training, Member, *ex Officio*;

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

(i) three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;

(j) Directors of the -

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

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



iii) National Institute for the Orthopedically Handicapped, Calcutta;

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

Members, *ex officio*;

(k) four Members to be nominated by the Central Government by rotation to represent the States and the Union Territories in such manner as may be prescribed by the Central Government;

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union Territory;

(1) five persons as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(m) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*;

(3) The office of the Member of the Central Coordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

4. (1) Save as otherwise provided by or under this Act a Member of Central Coordination Committee nominated under clause (i) or clause (1) of sub-section (2) of section 3 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 term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (1) of sub-section (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (1) of sub-section (2) of section 3 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.

(5) A casual vacancy in the Central Coordination Committee 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.

(6) A member nominated under clause (i) or clause (1) of sub-section (2) of section 3 shall be eligible for renomination.

(7) Members nominated under clause (i) and clause (1) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.

5. (1) No person shall be a Member of the Central Coordination Committee, 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

Term of office  
of Members.

Disqualifica-  
tions

has been convicted of an offence under this Act, or

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

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

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 4, a Member who has been removed under this section shall not be, eligible for renomination as a Member.

6. If a Member of the Central Coordination Committee becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant.

7. The Central Coordination Committee 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 by the Central Government.

8. (1) Subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely :

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

(b) develop a national policy to address issues faced by persons with disabilities

(c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability; "

(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 disabled in the national plans and other programmes and policies evolved by the international agencies;

(e) review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;

(f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

9. (1) The Central Government shall constitute a Committee to be known as the Central Executive Committee to perform the functions assigned to it under this Act.

(2) The Central Executive Committee shall consist of -

(a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson, *ex officio*;

(b) the Chief Commissioner, Member, *ex officio*;

Vacation of  
seat§ by  
Members.  
Meetings of the  
Central  
Coordination  
Committee.

Functions of the  
Central  
Coordination  
Committee.

Central  
Executive  
Committee.

(c) the Director - General for Health Services, Member, *ex officio*; (d) the Director - General, Employment and Training, Member, *ex officio*;

(e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension, Urban Affairs and Employment, Science and Technology, Members, *ex officio*;

(f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, *ex officio*;

(g) Advisor (Tariff) Railway Board, Member, *ex officio*;

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government;

(i) one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;

(j) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisation or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members.

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Members nominated under clause (i) and clause (j) of sub-section (2) shall receive such allowances as may be prescribed by the Central Government;

(4) A Member nominated under clause (i) or clause (j) of sub-section (2) 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.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee,

(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

11. The Central Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

12. (1) The Central Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the Central Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Central Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the Central Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be member for any other purpose.

Functions of the  
Central  
Executive  
Committee.

Meetings of  
the Central  
Executive  
Committee.  
Temporary  
association of  
persons with  
Central Executive  
Committee for  
particular  
purposes.

(3) A person associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the Central Government.

#### CHAPTER III

##### Tea STATE COORDINATION COMMITTEE

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

(2) the State Coordination Committee shall consist of -

(a) The Minister in - charge of the Department of Social Welfare in the State Government, Chairperson, *ex officio*;

(b) the Minister of State in - charge of the Department of Social Welfare, if any, Vice-Chairperson, *ex-officio*;

(c) Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called, Members, *ex officio*;

(d) Secretary of any other Department which the State Government considers necessary, Members, *ex-officio*;

(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, *ex officio*;

(j•) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, *ex officio*;

(i) the Commissioner, Member, *ex officio*;

(j) Secretary to the State Government dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Notwithstanding anything contained in this section, no State Coordination Committee shall be constituted for a Union Territory and in relation to a Union Territory, the Central Coordination Committee shall exercise the functions and perform the functions of a State Coordination Committee for the Union Territory:

Provided that in relation to a Union Territory, the Central Coordination Committee may delegate all or any of its powers and functions as under this sub-section to such person or body of persons as the Central Government may specify.

14. (1) Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause (f) or clause (h) of sub-section (2) of section 13 shall hold office for a term of three years from the date of his nomination

**Team and  
conditions of  
service of  
Members.**

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 term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The State Government may, if it thinks fit, remove any Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 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.

(5) A casual vacancy in the State Coordination Committee 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.

(6) A Member nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

(7) Members nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall receive such allowances as may be prescribed by the State Government.

15. (1) No person shall be a Member of the State Coordination Committee, who -

**Disqualifica-  
tions.**

(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 Coordination Committee 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 (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

16. If a Member of the State Coordination Committee becomes subject to any of the disqualifications specified in section 15, his seat shall become vacant.

17. The State Coordination Committee 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.

**Vacation of  
seats.**

**Meetings of the  
State  
Coordination  
Committee.**

Functions of  
the State  
Coordination  
Committee.

18. (1) Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely : -

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

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

(c) advise. the State Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;

(e) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(g) to perform such other functions as may be prescribed by the State Government; 19. (1)

The State Government shall, constitute a committee to be known as the State Executive

State Executive  
Committee.

Committee to perform the functions assigned to it under this Act. (2)

The State Executive Committee shall consist of -

(a) the Secretary, Department of Social Welfare, Chairperson, *ex officio*;

(b) the Commissioner, Member, *ex officio*;

(c) nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs, Labour and Employment, Science and Technology, Members *ex officio*;

(d) one person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;

(e) five persons, as far as practicable being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member - Secretary, *ex officio*;

(3) Members nominated under clause (d) or clause (e) of sub-section (2) shall receive such allowances as may be prescribed by the State Government.

(4) A Member nominated under clause (d) or clause (e) 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.

20. (1) The State Executive Committee shall be the executive body of the State Coordination Committee and shall be responsible for carrying out the decisions of the State Coordination Committee.

Functions of the State Executive Committee.

(2) Without prejudice to the provisions of sub-section (1) the State Executive Committee shall also perform such other function as may be delegated to it by the State Coordination Committee.

21. The State Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Meetings of the State Executive Committee.

22. (1) The State Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the State Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

Temporary association of persons with State Executive Committee for particular purposes.

(2) A person associated with the State Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the State Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee and shall not be a member for any other purpose.

(3) A persons associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the State Government.

23. In the performance of its functions under this Act,

(a) the Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and

Power to give directions.

(b) the State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

24. No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees;

Vacancies not to invalidate proceedings.

## CHAPTER IV

### PREVENTION AND EARLY DETECTION OF DISABILITIES

25. Within the limits of their economic capacity and development; the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall

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

(b) promote various methods of preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "atrisk" 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;

Appropriate Governments and local authorities to take certain steps for the prevention of occurrence of disabilities.

(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;

## CHAPTER V

### EDUCATION

26. The appropriate Governments and the local authorities shall -

(a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;

(b) endeavour to promote the integration of students with disabilities in the normal schools;

(c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;

(d) endeavour to equip the special schools for children with disabilities with vocational training facilities;

27. The appropriate Governments and the local authorities shall by notification make schemes for -

(a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole - time basis;

(b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;

(c) imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;

(d) imparting education through open schools or open universities;

(e) conducting class and discussions through interactive electronic or other media;

(f) providing every child with disability, free of cost special books and equipment needed for his education.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching material or such other items as are necessary to give a child with disability equal opportunities in education.

29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

Appropriate Governments and local authorities to provide children with disabilities free education etc.

Appropriate Government and local authorities to make schemes and programmes for non-formal education etc.

Research for designing and developing new assistive devices, teaching aids etc.

Appropriate Governments to set up, teachers' training institutions to develop trained manpower for schools for children with disabilities.



30. Without prejudice to the foregoing provisions, the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for

(a) transport facilities to the children with disabilities or in the alternative financial incentives to parents to guardians to enable their children with disabilities to attend schools;

(b) the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;

(c) the supply of books, uniforms and other materials to children with disabilities attending school;

(d) the grant of scholarship to students with disabilities;

(e) setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;

(f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;

(g) restructuring of curriculum for the benefit of children with disabilities;

(h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

31. All educational institutions shall provide or cause to be provide amanuensis to blind students and students with or low vision.

Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books etc.

Educational institutions to provide amanuensis to students with visual handicap.

## CHAPTER VI

### EMPLOYMENT

32. Appropriate Governments shall

(a) identify posts in the establishments which can be reserved for the persons with disability;

(b) at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

33. Every appropriate Government shall appoint in every establishment such percent-age of vacancies not less than three per cent. for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from

(i) blindness or low vision;

(ii) hearing impairment;

(iii) locomotor disability or cerebral palsy, in the posts identified for each disability.

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

Identification of posts which can be reserved for persons with disabilities.

Reservation of posts.

Special  
Employment  
Exchange.

34. (1) The appropriate Government may, by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.

(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

Power to inspect  
record or  
document in  
possession of any  
establishment

35. Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

Vacancies not  
filled up to be  
carried forward.

36. Where in any recruitment year any vacancy under Section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three 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 can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

37. (1) Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.

Employers to  
maintain records.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

38. (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for

(a) the training and welfare of persons with disabilities; (b)

the relaxation of upper age limit; (c) regulating the  
employment;

(d) health and safety measures and creation of a non-handicapping environment in places  
where persons with disabilities are employed;

(e) the manner in which and the persons by whom the cost of operating the schemes is to be  
defrayed; and

(J) constituting the authority responsible for the administration of the scheme.

39. All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent. seats for persons with disabilities.

All education  
institution to  
reserve seats for  
persons with  
disabilities.

40. The appropriate Governments and local authorities shall reserve not less than three per cent in all poverty alleviation schemes for the benefit of persons with disabilities.

vacancies to be  
reserved in  
poverty alleviation  
schemes.

41. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent of their work force is composed of persons with disabilities.

Incentives to employers to ensure five percent of the work force is composed of persons with disabilities.

## CHAPTER VII

### AFFIRMATIVE ACTION

42. The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities,

Aids and appliances to persons with disabilities.

43. The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for

Schemes for preferential allotment of land for certain purposes.

(a) house;

(b) setting up business;

(c) setting up of special recreation centres;

(d) establishment of special schools; (e)

establishment of research centres;

(f) establishment of factories by entrepreneurs with disabilities.

## CHAPTER VIII

### NON-DISCRIMINATION

44. Establishments in the transport sector shall; within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to

(a) adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;

Non-discrimination in transport.

(b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.

45. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for

(a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;

Non-discrimination in the road.

(b) causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;

(c) engraving on the surface of the zebra crossing for the blind or for persons with low vision;

(d) engraving on the edges of railway platform for the blind or for persons with low vision;

(e) devising appropriate symbols of disability; (f)

warning signals at appropriate places.

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Non-discrimination in the built environment.

46. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for

- (a) ramps in public buildings;
- (b) adaptation of toilets for wheel chair users;
- (c) braille symbols and auditory signals in elevators or lifts;
- (d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions;

Non-discrimination in Government employment.

47. (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service;

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could 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.

(2) No promotion shall be denied to a person merely on the ground of his disability;

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, as may be specified in such notification, exempt any establishment from the provisions of this section.

### CHAPTER IX

#### RESEARCH AND MANPOWER DEVELOPMENT

48. The appropriate Governments and local authorities shall promote and sponsor research, *inter alia*, in the following areas -

Research

- (a) prevention of disability;
- (b) rehabilitation including community based rehabilitation;
- (c) development of assistive devices including their psycho-social aspects; (d) job identification;
- (e) on site modification in offices and factories;

49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research-units or institutions, for undertaking research for special education, rehabilitation and manpower development.

Financial incentives to Universities to enable them to undertake research.

### CHAPTER X

#### RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

50. The State Government shall appoint any authority as it deems fit to be a competent authority for the purposes of this Act.

Competent authority.

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

No person to establish or maintain an institution for persons with disabilities except in accordance with a certificate of registration.

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for

such certificate under this section within the said period of six months, till the disposal of such application.

Certificate of  
registration.

52. (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 where it is 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 and where it is not so 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 to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

(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 maintain such standards as may be prescribed by the State Government.

(4) A certificate of registration granted under this section,

(a) shall, unless revoked under section 53, 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 period of validity.

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

53. (1) the competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section (2) of section 52 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

Revocation of  
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 should not be revoked.

(2) Where a certificate 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 54 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 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 her or his parent, spouse or lawful guardian, as the case may be, or

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

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

Appeal.

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

(2) The order of the State Government on such appeal shall be final.

55. 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.

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

## CHAPTER XI

### INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

56. The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.

Institutions for persons with severe disabilities.

(2) Where, the appropriate Government is of opinion that any institution other than an institution, established under sub-section (1), is fit for the rehabilitation of the persons with severe disabilities, the Government may recognise such institution as an institution for persons with severe disabilities for the purposes of this Act:

Provided that no institution shall be recognised under this section unless such institution has complied with the requirements of this Act and the rules made thereunder.

(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by the appropriate Government.

(4) For the purposes of this section "person with severe disability" means a person with eighty per cent or more of one or more disabilities.

## CHAPTER XII

### THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

57. (1) The Central Government may, by notification, appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.

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

Appointment of Chief Commissioner for persons with disabilities.

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

(4) 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.

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

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.

58. The Chief Commissioner shall

- (a) coordinate the work of the Commissioners;
- (b) monitor the utilisation of funds disbursed by the Central Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

**Functions of the  
Chief  
Commissioner.**

59. Without prejudice to the provisions of section 58 the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to

- (a) deprivation of rights of persons with disabilities;
- (b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

**Chief  
Commissioner  
to look into  
complaints with  
respect to  
deprivation of  
rights of  
persons with  
disabilities.**

60. (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.

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

**Appointment of  
Commissioners  
for persons with  
disabilities.**

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the 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 Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

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

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.

61. The Commissioner within the State shall

- (a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities;
- (b) monitor the utilisation of funds disbursed by the State Government;
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities;
- (d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

**Powers of the  
Commissioner.**

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Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to

(a) deprivation of rights of persons with disabilities;

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

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

Authorities and officers to have certain powers of civil court

5 of 1908

(a) summoning and enforcing the attendance of witnesses;

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

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

64. (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.

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Annual report to be prepared by the Chief Commissioner.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on therecommendation made therein so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

65. (1) The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

Annual reports to be prepared by the Commissioners.

(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

## CHAPTER XIII

### SOCIAL SECURITY

66. (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.

(2) For purpose of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organisations.

Appropriate Governments and local authorities to undertake rehabilitation.



(3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organisations working for the cause of persons with disabilities.

67. (1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

Insurance scheme for employees with disabilities.

(2) Notwithstanding anything contained in this section, the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to person with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

Unemployment allowance

## CHAPTER XIV

### MISCELLANEOUS

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

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

70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chief Commissioners. Commissioners. officers and other *staff* to be public servants.

71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

Protection of action taken in good faith.

72. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities.

Act to be in addition to and not in derogation of any other law.

73. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

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

Power of appropriate Government to make rules.

(a) the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;

(b) allowances which members shall receive under sub-section (7) of section 4;

(c) rules of procedure which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;

(d) such other functions which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;

(e) the manner in which a State Government or a Union territory shall be chosen under clause (h) or sub-section (2) of section 9;

(f) the allowances which the Members shall receive under sub-section (3) of section 9.

(g) rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;

(h) the manner and purposes for which a person may be associated under sub-section (1) of section 12;

(i) fee and allowances which a person associated with the Central Executive Committee shall receive under sub-section (3) of section 12;

(j) allowances which members shall receive under sub-section (7) of section 14;

(k) rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;

(l) such other functions which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;

(m) the allowances which Members shall receive under sub-section (3) of section 19;

(n) rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;

(o) the manner and purposes for which a person may be associated under sub-section (1) of section 22;

(p) fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of section 22;

(q) information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;

(r) the form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;

(s) the form and manner in which an application shall be made under sub-section (1) of section 52;

(t) the manner in which an order of refusal shall be communicated under sub-section (2) of section 52;

(u) facilities or standards required to be provided or maintained under sub-section (3) of section 52;

(v) the period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;

(w) the form in *which* and conditions *subject* to which a certificate of registration shall be granted under clause (c) or sub-section (4) of section 52;

period within which an appeal shall lie under sub-section (1) of section 54;

(y) the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;

(z) the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (3) of section 57;

(za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;

(zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;

(zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section (3) of section 60;

(zd) the salary - allowances and other conditions of service of officers and employees under sub-section (6) of section 60;

(ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;

(=f) the form and time in which annual report shall be prepared under sub-section (1) of section 64;

(zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;

(zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), 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, notification or scheme, both houses agree that the rule, notification or scheme should not be made, the rule, notification or scheme 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, notification or scheme, as the case may be.

(4) Every notification made by the State Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under subsection (1), shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House.

Amendment of  
Act 39 of 1987

74. In section 12 of the Legal Services Authorities Act, 1987, for clause (d), the following clause shall be substituted namely

(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995."

K.L. Mohanpuria  
Secy, to the Govt. of India.