

As on 3<sup>rd</sup> March, 2017

Ministry of Social Justice and Empowerment  
(Department of Empowerment and Persons with  
Disabilities)  
(DIVYANGJAN)

**NOTIFICATION**

**NEW DELHI, the.....March, 2017**

G.S.R.....

The following draft of the Rights of Persons with Disabilities Rules, which the Central Government proposes to make, in exercise of the powers conferred by sub-Section 3 of Section 3, sub-Section 5 of Section 3, Clause (ii) of sub-Section 2 of Section 6, sub-Section 1 of Section 21, sub-Section 1 of Section 22, sub-Section 3 of Section 23, Section 33, sub-Section 1 and sub-Section 2 of Section 34, Section 36, Section 38, Section 40, sub-

Section 1 and sub-Section 2 of Section 58, sub-Section 6 of Section 61, Section 64, sub-Section 3, sub-Section 4, sub-Section 7 and sub-Section 8 of the Section 74, sub-Section 3 of Section 78, sub-Section 2 of Section 86 read with Section 100 of the Rights of Persons with Disabilities Act, 2016 (14 of 2016) is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of 30 days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections/suggestions, if any, may be addressed to the Joint Secretary, Department of Empowerment of Persons with Disabilities, Room No 527, 5<sup>th</sup> Floor, Pandit Deen Dayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi, 110003 or by email at [jsda-msje@nic.in](mailto:jsda-msje@nic.in).

The objections and suggestions which may be received from any person with respect to the said draft rules before the expiry of the period specified

above, will be considered by the Central Government.

### **Draft Rules**

	<b><u>CHAPTER-I</u></b>	
<b>Short title</b>	<p>1(1). These rules may be the Rights of Persons with Disabilities Rules 2017.</p> <p>1(2) These Rules shall come into force on date of their publication in the Official Gazette.</p> <p>1(3) These rules shall extend to the whole of India</p>	
<b>Definitions</b>	<p>2(1)(a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);</p> <p>(b). "certificate" or "disability certificate" means a certificate issued in pursuance to clause (e) of section 2 of the Act;</p> <p>(c). "Form" means a form appended</p>	

	<p>to these rules.</p> <p>(d) Neighborhood School means a Neighborhood School as defined under The Right of Children to Free and Compulsory Education (RTE) Act, 2009.</p> <p>(e) Special School means a school specially designed to impart education to students with disabilities only, by adopting a system of teaching and learning to meet the needs of such students.</p> <p>(2). Words and expressions defined in the Act but not defined in these rules, shall have the meanings respectively assigned to them in the Act."</p>	
<p><b>CHAPTER-II</b></p>		
	<p><b>3(1).</b> Every Establishment shall take necessary steps to ensure reasonable accommodation.</p> <p><b>3(2).</b> A person with disability shall</p>	<p>Secti on 3</p>

	<p>not be forced or compelled to partly or fully pay any of the costs incurred to provide reasonable accommodation.</p> <p><b>3(3).</b> In case of any discrimination, the aggrieved person with disability may submit a representation before the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, who shall dispose of the representation within a period of sixty days.</p> <p>Provided that in case of complaints of emergent nature, the Chief Commissioner or State Commissioner shall dispose of such complaints as soon as possible.</p>	
<p><b>Central Commi ttee for Resear ch on Disabil</b></p>	<p><b>4(1)</b>The Central Committee for Research on Disability shall consist of the following Members, namely:-</p> <p>(i)An eminent person having a vast experience in the field of science and research, to be nominated by the Central Government. Ex-officio</p>	<p>Secti on 6(2)</p>

<p><b>ity</b></p>	<p>Chairperson,</p> <p>(ii) Nominee of Director General of Health Services,</p> <p>(iii) Four Members drawn from National Institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government,</p> <p>(iv) Five Members of the registered organization, representing each of the five groups of specified disabilities under Schedule of the Act, to be nominated by the Central Government,</p> <p>(v) Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary of the Central Committee for Research on Disability.</p> <p>(v) Chairperson may invite any</p>	
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other expert as a special invitee.

**4(2)** The tenure of the nominated members of the Committee for Research on Disability shall be for a period of three years but shall be eligible for re-nomination.

**4(3)** One half of the members which should include at least one member from the nominated persons present will constitute the quorum of the meeting of the Central Committee for Research on Disability.

4(4) No research where there is no invasion into the body of Persons with Disability shall be within the purview of the Committee.

4(5) The Committee will examine matters relating to research

	<p>undertaken by institutions run by Central Government.</p> <p><b>4(6)</b>The non-official members and special invitees will be paid TA/DA as admissible to Group A officer of the Central Government.</p> <p><b>4(7)</b>The Central Government may provide this Committee with such clerical and other staffs as the Central Government consider necessary.</p>	
<b><u>CHAPTER IV</u></b>		
<b>Equal opportunity policy</b>	<p><b>5(1)</b>Every Private establishment having fifty employees or more and all Government establishments shall publish equal opportunity policy for persons with disabilities.</p> <p><b>5(2)</b> The equal opportunity policy shall be displayed by the</p>	Section 21(1)



establishment preferably on their website failing which at a conspicuous places in their premises.

**5(2)The equal opportunity policy shall** contain the following.

- (i) Facilities/amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.
- (ii) List of posts identified suitable for persons with disabilities in the establishment.
- (iii) The manner of selection of persons with disabilities for various posts, post recruitment and pre-promotion training, preference in transfer/posting, special

	<p>leave, preference in allocation of accommodation if any etc.,.</p> <p>(iv) Provisions for assistive devices, barrier-free accessibility etc., for persons with disability.</p> <p>(v) Appointment of Liaison Officer by the Establishment to look after the recruitment of persons with disabilities and provisions of facilities/amenities for such employees.</p> <p>Provided that such Liaison Officer shall be imparted training on disability equality and etiquettes.</p>	
<p><b>Form and manner of</b></p>	<p><b>6(1).</b>Every private establishment having fifty employees or more and all Government Establishment, shall maintain records in hard and soft</p>	<p>Section 22(1)</p>

**maintaining the records**

copies which include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules.

**6(2)** Such records shall show the following particulars, namely: —

- (i) the number of persons with disability who are employed and the date from when they are employed,
- (ii) the name and address of such person who are employed,
- (iii) the kind of disability of such persons employed,
- (iv) the nature of work being rendered by such employed person with disability,
- (v) the kinds of facilities being provided to such person with

	<p>disability</p> <p><b>6(3)</b>Every private establishment having fifty employees or more and all Government Establishment shall produce for inspection on demand records maintained under these Rules to the authorities under this Act and shall supply such information as sought which it may require for the purpose of ascertaining whether the provisions have been observed.</p> <p><b>7(4)</b>Every private establishment having fifty employees or more and all Government Establishment shall at the time of asking by the authorized person, verify the records which are being provided.</p>	
<b>Manne r of mainte nance</b>	<b>7(1).</b> Each Government Establishment may appoint one or more Grievance Redressal Officer keeping in view the size of the Organisation.	Sec tion 23( 3)

<p><b>of register of complaints</b></p>	<p><b>7(2).</b> The grievance redressal officer shall maintain a register of complaints (bounded and serially page numbered for hard copy) and soft copy specifically maintained for the purpose and separate page shall be allotted for each complaint.</p> <p><b>7(3).</b> The following particulars shall be entered in the said register, namely-</p> <ul style="list-style-type: none"> <li>i) Date of complaint,</li> <li>ii) Name of complainant,</li> <li>iii) Name of the person who is enquiring the complaint.</li> <li>iv) Place of incident,</li> <li>v) The name the establishment/ Person against whom the complaint is made,</li> <li>vi) Gist of the complaint,</li> <li>vii) Any additional information:</li> <li>viii) Documentary evidence, if any,;</li> <li>ix) Date of disposal by the Grievance Redressal Officer;</li> <li>x) Details of disposal of the appeal by the District Level Committee;</li> <li>xi) Any other information.</li> </ul>	
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	<b>CHAPTER VI</b>	
<b>Identification of Posts for reservation</b>	<p><b>8.</b>The list of identified posts notified by the Ministry of Social Justice and Empowerment is not an exhaustive one. The Ministries/Departments, Public Sector Undertaking and the Autonomous bodies may further supplement the list.</p>	Section 33
<b>Computation of vacancies</b>	<p><b>9.</b>For the purpose of computation of vacancies, four percent of the total number of vacancies in the cadre strength in each group of posts shall be taken into account by every appropriate Government for the persons with benchmark disabilities. For computation, total vacancies shall include vacancies arising in the identifies as well as non-identified posts, provided that the reservation in promotion shall be in accordance with such instruction as are issued by the appropriate Government from time to time.</p> <p><b>10.</b>Section 34(2) of the act shall be</p>	Section 34

<p><b>Interc hange of vacanc ies</b></p>	<p>applicable only if due process of recruitment such as issuance of advertisement has been carried out to fill up the vacancies meant for persons with benchmark disabilities and suitable candidates not been found after following the recruitment process.</p>	<p>Sec tion 36</p>
<p><b>Inform ation about vaccan cies</b></p>	<p><b>11. Notification of vacancies to the Special Employment Exchanges.-</b></p> <p>(1) The following vacancies shall be notified by the Government establishments to the Special Employment Exchanges namely:-</p> <p>(a) Vacancies in posts of a technical and scientific nature carrying a basic pay in Level 6 or more per month occurring in Central Government establishments</p> <p>(b) Vacancies which the employer of the Central Government establishment may desire to be circulated to the Special Employment Exchanges</p>	

outside the State or Union Territory in which the establishment is situated, shall be notified to such Special Employment Exchanges as may be specified by the Central Government by notification in the Official Gazette, in this behalf. A copy of the notification of vacancies shall be sent to the concerned Vocational Rehabilitation Centre for PwDs.

**11(2)** Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned. A copy of the notification of vacancies shall be sent to the concerned Vocational Rehabilitation Centre for PwDs.

**12. Form and manner of notification of vacancies.-** The vacancies shall be notified in writing to the concerned Special Employment Exchange, and the following particulars shall be furnished in respect of each type of vacancy namely:-

(i) Name and address of the employer:



	<p>(ii) Telephone number of the employer:</p> <p>(iii) Nature of vacancy-</p> <p>(a) Type of workers required (Designation)</p> <p>(b) (i) Description of duties;  (ii) Physical requirements (i.e. Job involves  Visual accuracy, frequent movement/  Walking, continuous long hours sitting etc.)</p> <p>(c) Qualifications require--</p> <p>(i) Essential,  (ii) Desirable</p> <p>(d) Age limits, if any:</p> <p>(e) Whether women are eligible?</p> <p>(iv) Number of vacancies-  Reserved for persons with disabilities that is persons with physical, visual, hearing, intellectual and mental illness;</p> <p>(a) Regular  (b) Temporary</p> <p>(v) Pay and allowances</p> <p>(vi) Place of work (Name of town/village and district in which it is situated.)</p>	
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(vii) Probable date by which the vacancy will be filled.

(viii) Particulars regarding interview/test of applicants-

(a) Date of interview/test

(b) Time of interview/test

(c) Place of interview/test

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

(ix) Any other relevant information –

The vacancies shall be re-notified in writing to the concerned Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange and Vocational Rehabilitation Centre for persons with disabilities under this rule.

### **13. Time limit for the notification of vacancies.-**

(1) Vacancies, required to be notified to the local Special Employment Exchange, shall be notified at least thirty days before the date on which applicants will be interviewed or tested where

interview or tests are held, or the date on which vacancies are intended to be filled, if no interview or tests are held.

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

#### **14. Submission of Returns.-**

(1) An employer shall furnish to the local Special Employment Exchange quarterly returns in Form PDER-I and biennial returns in Form PDER-II as may be amended from time to time.

(2) Quarterly returns shall be furnished within thirty days of the due dates namely, 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December,

(3) Biennial return shall be furnished within thirty days of the due date as notified in the Official Gazette.

#### **15. Form in which record to be kept by an employer.-**

An employer shall maintain the record of employees with

	disabilities in Form PDER III, as may be amended from time to time.	
	<b>CHAPTER VII</b>	
<b>Constitution of Assessment Board</b>	<p>16(1)-The Assessment Board for the purpose of assessment of the cases regarding requirement of persons with high support needs shall consist of:-</p> <ul style="list-style-type: none"> <li>i) Chief Medical Officer of the District who shall be the Chairperson of the Assessment Board.</li> <li>ii) Civil Surgeon of the respective district.</li> <li>iii) One nominee of the District Magistrate/Deputy Commissioner of the respective district.</li> <li>iv) Any such other expert as a special invitee which the Chairman may invite as the case may be.</li> </ul> <p>(2) At least 2 persons of this Assessment Board shall constitute the quorum of the Assessment Board for the meeting.</p> <p>(3) The function of this Assessment Board may be exercised</p>	Section 38

notwithstanding any vacancy therein.

17.(i) The Assessment Board shall assess the application referred to it by the authority on the basis of documentary and other current scientific and medical evidence and also other socio-economic factors which will be brought to its notice.

(ii) Such application should be referred to it in advance by the authority and at least 30 days before the Assessment Board convenes for a meeting.

(iii) After the receipt of the application, the Assessment Board shall issue notice to the applicant for presentation of its case before it either through himself or through an authorized representative on the designated date which should not be more than 30 days from the date of issue of notice.

(iv) The Assessment Board may give further opportunities as it thinks fit on the request of the

	<p>applicant.</p> <p>(v) The Assessment Board during its examination should call the person concerned on a definite date to assess the application as provided under Section 38(1) of this Act.</p> <p>(vi) The Assessment Board after the assessment of the person within a period not more than 30 days from that date shall forward its report to the authority.</p> <p>(vii) The authority on receipt of the report under sub rule (vi) above shall take steps as provided under sub section (4) of section 38 and shall inform the appropriate Government.</p>	
	<b>CHAPTER VIII</b>	
<b>Rules for Accessibility</b>	<p>18. Every establishment shall follow the standards for accessibility with respect to the physical environment, transport and Information and Communication Technology as under:</p> <p>a. Physical environment: Model Building By-laws as notified by</p>	Section 40

	<p>the Ministry of the Urban Development.</p> <p>b. Transport:</p> <p>(i) Public Bus Transport-Bus Body Code as notified by the Ministry of Road Transport and Highways;</p> <p>(ii) Rail Coaches- Standards as notified by the Ministry of Railways;</p> <p>(iii) Ship Vessels- Standards as notified by the Ministry of Shipping.</p> <p>(iv) Airports/Aircrafts- Standards as notified by the Ministry of Civil Aviation.</p> <p>c. Information and Communication Technology:</p> <p>(i) Website-W3C standards as per Government of India Guidelines issued by the Ministry of Electronics and Information Technology.</p> <p>(ii) Telecommunication services- Standards as notified by the Ministry of Telecommunication.</p> <p>(iii) Telecasting and Radio Broadcasting Services –</p>	
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	<p>Standards as notified by Ministry of Information &amp; Broadcasting.</p> <p>d. Any other services and facilities: Standards as notified by the respective Ministries/Departments.</p> <p>19 The accessibility standards as notified by the respective Ministries shall be reviewed by the Central Government from time to time in view of the latest scientific knowledge and technology.</p>	
	<b>CHAPTER X</b>	
<b>Manner of applying</b>	<p><b>20. Application for issue of disability certificate -</b></p> <p>(1) A person with disability desirous of getting a Disability Certificate in his favour can submit an application in Form I, either by online through Unique Disability Identity (UDID) Portal (<a href="http://www.swavalambancard.gov.in">www.swavalambancard.gov.in</a>) or otherwise. The application shall be accompanied</p> <p style="text-align: center;">by -</p>	<p>Section 58(1) and (2)</p>



	<p>(a) proof of residence, and</p> <p>(b) two recent passport size photographs.</p> <p>(c) AADHAR Number or AADHAR Enrollment Number, if any.</p> <p>Note: In case AADHAR Number is provided, no further residence proof is required.</p> <p>(2) The application shall be submitted to -</p> <p>(i) a medical authority or any other notified competent authority to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence submitted by him with the application, or</p> <p>(ii) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability :</p> <p>Provided that where a person with disability is a minor or</p>	
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suffering from the intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

**21. Issue of disability certificate -**

- (1) On receipt of an online application under rule 20, the medical authority shall, verify the information as provided by the applicant and shall assess the disability of the applicant in terms of relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a disability certificate in his favour **through the UDID portal.**
- (2) For applications filed by other than online mode under rule 20, the medical authority shall, ensure that the application is converted to the online mode and shall follow the same procedure as provided under sub

rule (1) of this rule **for issue of disability certificate.**

(3) The **disability** certificate shall be issued as far as possible within a month from the date of receipt of the application by the medical authority.

(4)The medical authority shall, after due examination, -.

(i) give a permanent disability certificate in cases where there are no chances of variation over time in the degree of disability, and

(ii) give a temporary disability certificate and indicate the period of validity in the certificate, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of disability certificate, the medical authority shall explain to him the reasons for rejection of his application, and shall convey the reasons to him in writing under Form II as far as

	<p>possible within a period of one month from the date of receipt of the application.</p> <p><b>22. Certificate issued under rule 21 shall:-</b></p> <p>(i) be valid across the country;</p> <p>(ii) render a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government and of Non-Governmental Organizations funded by the Government, subject to such conditions as may be specified in relevant schemes or instructions of Government, etc., as the case may be."</p>	
	<b>CHAPTER XI</b>	
<b>Allowances</b>	<p><b>23. Daily and Traveling Allowances:—</b></p> <p>(1) Non-official members of the Central Advisory Board on disability, resident in Delhi, shall be paid an allowance of rupees two thousand</p>	<p>Section 61(6) and</p>

	<p>per day for each day of the actual meetings of the Central Advisory Board on disability.</p> <p>Non-official members of the Central Advisory Board on disability, not resident in Delhi, shall be paid daily and travelling allowances for each day of the actual meetings at the highest rates admissible to a Group A officer of the Central Government.</p> <p>Provided that in case of a Member of Parliament who is also a Member of the Central Advisory Board on disability, the said daily and travelling allowances shall be paid at the rates admissible to him as Member of Parliament, when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.</p> <p>(2) Nonofficial member of the Central Advisory Board on disability shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is serving on production of a</p>	<p>Sec tion 64</p>
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certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

**24. Notice of Meetings:—**

(1) The meetings of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson :

Provided that it shall meet atleast once in every six months.

(2) The Chairperson shall, upon the written request of not less than ten members of the Central Advisory Board on disability, call a special meeting of the Board.

(3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by 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 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, permit him to do so.

(6) (a) The Central Advisory Board on disability may adjourn its meeting from day to day or to any particular day.

(b) Where a meeting of the Central Advisory Board on disabilities adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other

members.

(c) Where a meeting of the Central Advisory Board on disability 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) of this rule.

**25. Presiding officer-** The Chairperson shall preside at every meeting of the Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at that meeting.

**26. 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 ordinary of the special meeting, as the case may be, shall be discussed at adjourned meeting.

(5)(a) Where a meeting of the Central Advisory Board on disability 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 at the place where the meeting which is adjourned is held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the Central Advisory Board on disability is adjourned under sub-rule(2) of rule 21 for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule

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**27. Minutes-** (1) Record shall be kept of the names of members who attended the meeting and of the proceedings at the meetings in a book to be maintained for that purpose by the Member-Secretary.

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

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

**28.Business to be transacted at meeting-** Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 24 shall be transacted at any meeting.

**29**(1) 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.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

**30. Decision by majority-** All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or in the absence of both the Member presiding at the meeting, as the case may be, shall have a second or casting vote.

**31.No proceeding to be invalid due to vacancy or any defect.-**

No proceeding of the Central Advisory Board on disability shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

	<b>CHAPTER XII</b>	
<b>Condi ons of service and allowa nces</b>	<p><b>32. Qualification for appointment of Chief Commissioner -</b></p> <p>The Chief Commissioner shall have the following qualifications and experience.</p> <p>a. Educational Qualifications</p> <p>(i) Essential: Graduate from a recognized University</p> <p>(ii) Desirable: Recognised degree/diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.</p> <p>b. Experience</p> <p>At least 25 years experience in a Group A level post in Central/State Government/Public Sector Undertakings/Semi Government/Autonomous Bodies dealing with disability related matters and/or social sector or as senior level functionary in registered National and International Voluntary organizations in the</p>	<p>Sec tion 74( 4), (7) and (8) and sec tion 78</p>

field of disability/social development.

Provided that out of the total of 25 years of experience, he should have atleast 3 years of experience in the field of rehabilitation or empowerment of persons with disabilities.

- (iii) He should not have attained the age of sixty years as on 1<sup>st</sup> January of the year of recruitment
- (iv) If he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post;

### **33. Qualification for appointment of Commissioner -**

The Commissioner shall have the following qualifications and experience.

- a. Educational Qualifications
  - (i) Essential: Graduate from a

	<p>recognized University</p> <p>(ii) Desirable: Recognised degree/diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.</p> <p>(iii) Experience</p> <p>Atleast3 years experience in Joint Secretary or equivalent level post in a Central/State Government/Public Sector Undertakings/Semi-Government/Autonomous Bodies or atleast 20 years experience in a Group A level posting a Central/State Government/Public Sector Undertakings/Semi Government/Autonomous Bodies dealing with disability related matters and/or social sector or as senior level functionary in registered National and International Voluntary organizations in the field of disability/social development.</p>	
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(v) He should not have attained the age of fifty six years as on 1<sup>st</sup> January of the year of recruitment

**34. Mode of appointment of the Chief Commissioner and Commissioner-**

(1) About six months before the post of Chief Commissioner is due to fall vacant, an advertisement shall be published in atleast two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 32& 33 as the case may be.

(2) A Search-cum-Selection Committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner or Commissioner.

(3) Composition of the Committee will be governed by relevant instructions issued by the Department of Personnel and Training from time to time.

(4) The panel recommended by the Committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) above, as well as other eligible persons whom the Committee may consider suitable.

(5) The Central Government shall appoint one of the candidates recommended by the Search-cum-Selection Committee as the Chief Commissioner or Commissioner.

**35. Term of the Chief Commissioner and Commissioner**

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(1) The Chief Commissioner shall be appointed on full-time basis for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

(2) The tenure of appointment of Commissioner shall be for a period of three years and can be extended for a period of another 2 years or till he attains sixty years.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years in case of Chief Commissioner and sixty years in case of Commissioner.

**36. Salary and allowances of the Chief Commissioner and Commissioner -**

(1) The salary and allowances of the Chief Commissioner shall be the salary and allowances as admissible to

	<p>a Secretary to the Government of India.</p> <p>(2) The salary and allowances of the Commissioners shall be the salary and allowances as admissible to a Additional Secretary to the Government of India</p> <p>(3) Where a Chief Commissioner or Commissioner being a retired Government Servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the</p>	
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pension.

**37. Other terms and conditions of service of the Chief Commissioner and Commissioner-**

**(1) Leave -**

The Chief Commissioner and Commissioners shall be entitled to such leave as is admissible to Government servants under the Central Civil Service (Leave) Rules, 1972.

**(2) Leave Travel Concession -**

The Chief Commissioner and Commissioners shall be entitled to such Leave Travel Concession as is admissible to Group A officers under Central Civil Service (LTC) Rules, 1988.

**(3) Medical Benefits -**

The Chief Commissioner and Commissioners shall be entitled to such medical benefits as is admissible to Group A officers under the Central Government Health Scheme (CGHS).

### **38. Resignation and removal —**

(1) The Chief Commissioner and Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign his post.

(2) The Central Government shall remove a person from the office of the Chief Commissioner and Commissioner, if he -

(a) becomes an undischarged insolvent;

(b) engages during his term of office in any paid employment or activity outside the duties of his office;

(c) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(d) is in the opinion of the

	<p>Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;</p> <p>(e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of 15 days or more; or</p> <p>(f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:</p> <p>Provided that no person shall be removed under this rule except after following the procedure, mutatis</p>	
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mutandis, prescribed for removal of a Group A employee of the Central Government.

(3) The Central Government may suspend a Chief Commissioner and Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

### **39. Residuary provision -**

Conditions of service of a Chief Commissioner and Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to a Secretary and Additional Secretary to the Government of India as the case may be.";

### **40. Procedure to be followed by Chief Commissioner and Commissioner:-**

(1) A compliant containing the following particulars shall be presented by the complainant in person or by his agent to the Chief Commissioner and Commissioner of persons with disabilities or be sent by registered post addressed to the Chief Commissioner and 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 complaint;

(e) The relief which the complainant claims:

(2) The Chief Commissioner and Commissioner on receipt of a complaint shall 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 thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Chief Commissioner and Commissioner.

(4) Where the complainant or his agent fails to appear before the Chief Commissioner and Commissioner on such days, the Chief Commissioner and Commissioner may in his discretion either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing the Chief Commissioner and Commissioner may take such necessary action under section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner and Commissioner may dispose of the complaint ex-parte, if necessary



(7) The Chief Commissioner and Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) 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.

**41.** Advisory Committee to assist the Chief Commissioner:

**(1)** The Advisory Committee comprising of not more than eleven members shall be appointed by the Central Government.

(2) The Advisory Committee shall comprise of:

(i) Five experts to represent each of the five groups of specified disabilities mentioned in the Schedule of the Act provided that two of the experts are women.

(ii) Three experts in the field of barrier-free environment, one each from physical environment, transportation and information and communication technology or other services and facilities provided to

the public.

(iii) One expert in the area of employment of persons with disabilities.

(iv) One legal expert.

(iv) One expert as recommended by the Chief Commissioner for Persons with Disabilities.

(3) The Chief Commissioner may invite subject or domain expert as per the need who will assist him in meeting or hearing as well as in preparation of the report.

#### **42. Submission of Report to Central Government.-**

The Chief Commissioner shall submit his report to the Central Government on the implementation of the Act at the interval of six months in such a manner that atleast two reports are sent in one financial year.

#### **43. Submission of Annual Report.-**

(1) The Chief Commissioner shall as soon as possible after the end of

the financial year but not later than the 30<sup>th</sup> day of September in the next year ensuing prepare and submit to the Central Government an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule(I) shall contain information in respect of each of the following matters, namely:-

(a) Names of officers, staff of the Board and

a chart showing the organizational set up:

(b) The functions which the Chief Commissioner has been empowered under section 58 and 59 of the Act and the highlights of the performance in this regard;

(c) The main recommendations made by the Chief Commissioner;

(d) Progress made in the implementation of the Act(state wise):

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

	<b>CHAPTER XIV</b>	
<b>Utilization of Funds</b>	<p><b>44.</b> The National Fund shall be governed by a Governing Body consisting of:-</p> <p>(i) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government.....Chairperson</p> <p>(ii) Chairperson, Rehabilitation Council of India.....Member</p> <p>(iii) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.....Member</p> <p>(iv) Financial Advisor, Ministry of Social Justice &amp; Empowerment, in the Central Government.....Member</p>	<p>Section 86 and 87</p>

	<p>(v) Two representatives from the Ministries/Departments of Health &amp; Family Welfare, Human Resource Development (Deptt. of School Education &amp; Literacy, and Deptt. of Higher Education, Labour &amp; Employment, Financial Services and Rural Development in the Central Government, not below the rank of a Joint Secretary by rotation.....Member</p> <p>(vi) Two persons representing different types of disabilities, to be nominated by the Central Government, by rotation.....Member</p> <p>(vii) Joint Secretary in the Department of Empowerment of Persons with Disabilities – Convener and Chief Executive Officer.</p> <p>(2) The Governing Body shall meet as often as necessary, but at least once in every financial year.</p> <p>(3) Nominated members shall hold office for not more than three years.</p>	
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(4) No Member of the Governing Body shall be a beneficiary of the Fund during the period such Member holds office.

(5) The nominated non-official members shall be eligible for payment of TA/DA admissible to Group A employee of the Central Government for attending the meetings of the Governing body

(6) No person shall be nominated as a member of the Governing Body if he/ she -

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

b) is, or at any time has been, adjudicated as an insolvent.

#### **45. Management and Utilization of the Fund**

(1) The amount available as Fixed Deposits for empowerment of persons with disabilities and the National Fund for people with disability as on the date of the commencement of the Act shall form the corpus of the National

	<p>Fund. ;</p> <p>(2) All money available under the two funds mentioned under sub rule (1) shall stand transferred to the National Fund.</p> <p>(3) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as the Governing body, may, subject to the general guidelines of the Central Government, decide.</p> <p>(4) Amounts in excess of the corpus, including the interest accruing on the corpus, may be spent for one or more of the following purposes in relation to persons with disabilities:</p> <ul style="list-style-type: none"> <li>i. Financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government.</li> <li>ii. administrative and other expenses of the Fund, as may be required to be incurred by or under this Act, and</li> <li>iii. such other purposes as may be decided by the Governing Body.</li> <li><b>iv.</b> Every proposal of</li> </ul>	
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expenditure shall be placed before the Governing Body for its approval

- v. In case it is felt that any expenditure in the event of any exigency is to be incurred from the National Fund, the said expenditure can be incurred with the approval of Chairperson of the Governing Body provided that such expenditure should be placed before the Governing Body for ex-facto approval in its earliest meeting.

(5) The Governing Body may appoint secretarial staff including Accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the fund based on need based requirement.

#### **46. Budget**

The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the fund in each financial year showing the estimated receipt and expenditure of the Fund, in January every year and



	<p>shall place the same for consideration of the governing body.</p> <p><b>47.</b>The annual report of the Department of Empowerment of persons with Disability shall have a chapter on National Fund.</p>	
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**FORM PDER –I**

(Persons with Disabilities Employed Return)

(See rule **14(1)**)

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

Name and Address of the  
Employer.....

Whether - Head Office.....

Branch Office.....

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

**1(a) EMPLOYMENT**

Total number of persons including working  
proprietors/ partners/ commission  
agents/contingent paid and contractual workers, on  
the pay rolls of the Establishment excluding part-

time workers and apprentices. (The figures should include every person whose wage or salary is paid by the establishment).

On the last working day of the previous quarter				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with under clauses (a) to (d) of the including deaf-blindness of sub section (1) of section 34 of the Act

On the last working day of the quarter under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with under clauses (a) to (d) of the including deaf-blindness of sub section (1) of section 34 of the Act

Men disability

Women disability

-----Total

(c) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter.

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

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

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Number of vacancies which come within the purview of the Act.

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Occurred	Notified	Filled	Source
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(Describe the source from which filled)

Local/Special Employment	General
Employment Exchange	

Exchange

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1.	2	3	4	5
----	---	---	---	---

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(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above

.....

### 3.Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

---

Name of the occupation or vacancies/posts	Designation of the posts	Essential	Number of unfiled
Experience	Essential	Essential	Essential
Qualification	experience	Not Necessary	Not Necessary
1.	2.	3.	4.

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

Signature of employer

To

The Employment Exchange

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Note: This return relates to quarters ending 31<sup>st</sup> March/30<sup>th</sup> June/30<sup>th</sup> September and 31<sup>st</sup> December and shall be rendered to the local Special Employment Exchange within thirty days after the end of the quarter concerned.

## **Form PDER-II**

**(see rule 14(1))**

Occupational return to be submitted to the local  
Special Employment Exchange once in two years.

Name and Address of the  
Employer.....

Nature of  
business \_\_\_\_\_

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

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

2. Occupational Classification of all employees as



given in item -1 above.

(please give below the number of employees in each occupation separately

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Occupation

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Use exact terms with	Men with Total Disability	Women Disability
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Such as Engineer Please give as far (mechanical) Teacher(domestic/ Science),Officer number of vacancies On Duty(actually) each occupation you Assistant Director are likely to fill Metallurgist)	O V H R I E T H U O P A L G	O V H R I E S A T S A R H U A I O A I L N A L G during the next
---	---	---

Scientific Assistant E E Y  
calendar year due to  
Chemist) D Y D retirement  
Research officer  
Economist), I I  
Instructor(carpenter)

---

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

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Supervisor(tailor) C C  
Fitter(internal  
Combustion engine);  
Inspector AA  
Sanitary),Superintendent  
Office);apprentice Y Y  
Electrician)

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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. 8 under item 2 should  
correspond to the figure given against item-1.

**FORM PDER –III**

(See rule 15)

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

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

Total number of persons on the pay rolls of the establishment (This figure should include every person whose wage or salary is paid by the establishment).

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

(a) Occupational qualification of all employees as given in item 5 above(Please give below the number of employees in each occupation separately.

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Occupation

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Use exact terms	Men with Disability	Women with Disability	Total
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Such as Engineer Nature and extent of (mechanical)	O V H R I E	O V H R I E	disability
Teacher(domestic/ Science),Officer On Duty(actually)	T H U O	S A T R H U A I O	S A R
Assistant Director  Metallurgist)	P A L G	L N A L G	G
Scientific Assistant Chemist)	E D Y	E D	Y

Research officer

Economist), I I

Instructor(carpenter)

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

---

---

Total

---

(b)Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter.....

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

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

---

---

Number of vacancies which come within the purview of the Act

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Occurred	Notified		Filled	Sources (Describe the filled)
	Local Employment Exchange	General Employment		

1.	2	3	4	5
----	---	---	---	---

---

Total

---

(b) Reasons for not notifying all vacancies occurred during the quarter under report vide (a)2.....above.

### 3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or vacancies/posts	Number of unfilled		
Designation of the posts	Essential	Essential	Not
Experience	experience		Not
Necessary	Qualification		
2.	2.	3.	4.

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

Signature of employer



**FORM-II**

**Intimation of Rejection of Application for  
Disability Certificate**

**(See rule 21)**

No. \_\_\_\_\_

Dated :

TO,

(Name and address of applicant  
for Disability Certificate)

Sub: Rejection of Application for Disability  
Certificate

Sir/ Madam,

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

\_\_\_\_\_  
\_\_\_\_\_

2. Pursuant to the above application, you have  
been examined by the undersigned/ Medical Board  
on \_\_\_\_\_ , and I regret to inform that, for the  
reasons mentioned below, it is not possible to issue  
a disability certificate in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to \_\_\_\_\_ , requesting for review of this decision.

Yours faithfully,

(Authorised Signatory of the notified Medical  
Authority)

(Name and Seal)