

WELFARE OF DIFFERENTLY ABLED PERSONS DEPARTMENT**ROC NO.7015/DAW II-2/2017**

The following draft of Rights of Persons with Disabilities Rules, which the State Government proposes to make, in exercise of the powers conferred by sub-sections (1) and (2) of Sections 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) is hereby published for the information of all persons likely to be affected thereby.

Objections and suggestions, if any may be addressed to State Commissioner for Differently Aabled, No.5, Kamarajar Salai, Lady Willington College Campus, Chennai – 600005 or by e-mail: scd.tn@nic.in or through website: scd.tn.gov.in within 10 days i.e., on or before 22.06.2017.

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 State Government.

STATE COMMISSIONER FOR THE DIFFERENTLY ABLED (FAC)

DRAFT RULES

CHAPTER I

1. Short title and commencement:-(i) This rules may be called the Tamil Nadu Rights of Differently Abled Persons Rules, 2017.

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

2. Definitions:-

(1) In these rules, unless the context otherwise require,-

(a) "Act" means the Rights of Persons with Disabilities Act , 2016 (49 of 2016);

(b)"Certificate" means a certificate of disability issued under section 57 of the Act;

(c) "Form" means a form appended to these rules.

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

CHAPTER II

RIGHTS AND ENTITLEMENTS

3. Establishment not to discriminate on the ground of disability.—(1) The head of the establishment shall ensure that the provisions of sub-section (3) of section 3 of the Act are not misused to deny any right and benefit to differently abled persons covered under the Act.

(2) No establishment shall compel a person with disability to partly or fully pay any of the costs incurred to provide reasonable accommodation.

(3) The aggrieved person with disability may submit a representation before the State Commissioner, as the case may be, who shall dispose of the representation within a period of sixty days:

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

4. Committee for Research on Disability:- The State Government shall constitute a Committee for Research on Disability for the purpose of section 6(2)(ii) of the Act

5. Procedure to be followed by Executive Magistrates:- For the purpose of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure laid down under sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

6. Protection and Safety:-(1) The Differently Abled Persons shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

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

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

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

7. Accessibility in voting: The State Election Commission shall ensure that all polling stations are accessible to differently abled persons and all materials related to the electoral process are easily understandable by and accessible to them.

8. Provision for guardianship: The State Government shall notify the following: (i) Local Level Committee constituted under National Trust Act as designated authority for the purpose of section 14(1) of the Act & (ii) the State Commissioner as appellate authority for the purpose of section 14(3) of the Act, 2016.

CHAPTER III

EDUCATION

9. Nodal Officer in the District Education Office.—There shall be nodal officers in the District to be designated by the District Collector representing all boards of examination including District Differently Abled Welfare officer for Special Education to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in the schools in accordance with the provisions of sections 16 and 31 of the Act.

10. Specific measures to promote and facilitate inclusive education: The State Government shall direct concerned departments to implement the provisions given in the Section 17(a) of the above Act and also to complete the first survey within the period of 2 years from the date of commencement of the Act i.e 19.04.2019 and to send the report to the State Commissioner. The school going children should be screened for specified disabilities as defined in 2z(c) of the Act.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

11. Manner of publication of equal opportunity policy.—(1) Every establishment shall publish equal opportunity policy for differently abled persons.

(2) The establishments shall display the equal opportunity policy preferably on their website or at conspicuous places in their premises.

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

(a) facilities and amenities to be provided to the differently abled persons to enable them to effectively discharge their duties in the establishment;

(b) list of posts identified suitable for differently abled persons in the establishment;

(c) the manner of selection of differently abled persons for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;

(d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;

(e) appointment of liaison officer by the establishment to look after the recruitment of differently abled persons and provisions of facilities and amenities for such employees:

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

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

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

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

(a) the number of differently abled persons who are employed and the date from when they are employed;

(b) the name, gender and address of such person who are employed;

(c) the kind of disability of such persons employed;

(d) the nature of work being rendered by such employed differently abled persons ;
and

(e) the kinds of facilities being provided to such differently abled persons .

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

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

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

Provided that where it is not possible to appoint any Gazetted officer, an officer of reasonable seniority shall be appointed as a Grievance Redressal Officer.

(2) The grievance redressal officer shall maintain a register of complaints and soft copy specifically maintained for the purpose and separate page shall be allotted for each complaint.

(3) The grievance redressal officer shall record the following particulars in the register, namely

- (a) date of complaint;
- (b) name of complainant;
- (c) name of the person who is enquiring the complaint;
- (d) place of incident;
- (e) the name the establishment or person against whom the complaint is made;
- (f) gist of the complaint;
- (g) any additional information;
- (h) documentary evidence, if any;
- (i) date of disposal by the grievance redressal officer;
- (j) details of disposal of the appeal by the district level committee; and
- (k) any other information.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability to be constituted by the State Government under section 72 of the Act.

14. Vocational Training and Self Employment: The State Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of Differently Abled Persons especially for their vocational training and self-employment in accordance with the provisions given in the section 19 of the Act.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

15. Social Security: The State Government shall ensure that quantum of assistance to differently abled persons under schemes formulated to safeguard and promote the right of differently abled persons shall be at least 25% higher than that available to others under similar schemes in compliance with Section 24 of the above Act.

16. Health Care: The State Government and the local authorities shall take necessary measures for the Differently Abled Persons to provide provisions given in the section 25 of the Act.

17. Insurance Schemes: The State Government shall, by notification, make insurance schemes for their employees with disabilities and also for other differently abled persons.

18. Rehabilitation: The State Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all Differently Abled Persons.

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

(3) The State Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of Differently Abled Persons.

19. Research and development: The State Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of Differently Abled Persons.

20. Culture and recreation: The State Government and the local authorities shall take measures to promote and protect the rights of all Differently Abled Persons to have

a cultural life and to participate in recreational activities equally with others as per the provisions given in the section 29 of the Act.

21. Sporting activities: The State Government shall take measures to ensure effective participation in sporting activities of the Differently Abled Persons and to measures for provisions given in the section 30 of the Act.

CHAPTER VI

SPECIAL PROVISION FOR PERSONS WITH BENCHMARK DISABILITIES

22. Free education for children with benchmark disabilities: The State Government shall ensure that every child with benchmark disability has access to free education in a neighborhood school or in a special school, of his choice, in an appropriate environment till he attains the age of eighteen years in compliance with Section 31 (1) & (2) of the Act and to send the report to the State Commissioner for the Differently abled.

23. Reservation in higher educational institutions: The State Government shall ensure that Institutions of higher education and other higher education institutions receiving aid from Government shall reserve not less than 5% seats for persons with benchmark disabilities in compliance with Section 32(1) of the Act and to send the report to the State Commissioner for the Differently abled. The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

24. Identification of posts for reservation: The State Government shall-

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

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

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

25. Reservation: The State Government shall appoint in every State Government establishment, not less than four per cent of the total number of vacancies in the cadre

strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. Submission of Returns on Vacancies.—(1) Every Government establishment shall furnish to the local special employment exchange returns in Form Differently abled persons Employer's Return (PDER)-I once in every three months and in Form PDER-II once in every year.

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

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

Provided that the first yearly return shall be furnished for the financial year closing on 31st March, 2018.

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

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

31. Special schemes and development programmes: The State Government and the local authorities shall, by notification, make schemes in favor of persons with benchmark disabilities, to provide,—

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

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

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

CHAPTER VII

DIFFERENTLY ABLED PERSONS WITH HIGH SUPPORT NEEDS

32. Assessment Board: The State Government shall notify an authority under section 38(1) to receive the application for high support and refer it to “Assessment Board”. The State Government shall follow the guidelines issued by Government of India regarding constitution of Assessment Board and manner of assessment from time to time.

CHAPTER VIII

DUTIES AND RESPONSIBILITES OF APPROIATE GOVERNMENT

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

(a) standards for public buildings as specified in the “Harmonized Guidelines and Space Standards for Barrier Free Built Environment for Differently abled persons and

Elderly Persons” as issued by Ministry of Urban Development, Government of India in March 2016, as amended from time to time;

(b) (i) Standards for Bus Body Code for transportation system as specified in the notification G.S.R. 895(E), dated the 20th September, 2016 issued by Ministry of Road Transport and Highways, Government of India as amended from time to time.

(c) Information and Communication Technology:

(i) website standards as specified in the Guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievance (DARPG), Government of India;

(ii) Documents to be placed on websites shall be in ePUB or OCR based pdf format:

Provided that the standards of accessibility in respect of other services and facilities as specified by the Central Government/State Government from time to time.

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

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

35. Mandatory observance of accessibility norms: No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40 of the Act.

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

36. Human Resource Development: Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavor to develop human resource for the purposes of this Act.

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

CHAPTER IX
REGISTRATION OF INSTITUTIONS FOR DIFFERENTLY ABLED PERSONS AND
GRANTS TO SUCH INSTITUTIONS

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

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

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

40. Application and grant of certificate of registration: (1) Every application for a certificate of registration shall be made to State Commissioner for Differently Abled in form (Appendix III Form I) through District Differently Abled Welfare Officer along with his/her inspection report and specific recommendation.

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

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

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

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

(a) shall, unless revoked under section 52 remain in force for 3 years;

(b) may be renewed from time to time for 3 years; and

(c) shall be in form (Appendix III Form II) and shall be subject to such conditions specific in form (Appendix III Form II)

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

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

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by State Commissioner for Differently Abled within 30 days.

41. Revocation of registration: (1) The State Commissioner for Differently Abled may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

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

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

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

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

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

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

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

(3) On the revocation of a certificate of registration in respect of an institution, the State Commissioner for Differently Abled may direct that any person with disability who is an inmate of such

Institution on the date of such revocation, shall be—

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

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

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

42. Appeal: (1) Any person aggrieved by the order of the State Commissioner for Differently Abled refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to Principal Secretary, Welfare of the Differently Abled Persons department against such refusal or revocation.

(2) The order of the Principal Secretary, Welfare of the Differently Abled Persons on such appeal shall be final.

43. Act not to apply to institutions established by Central or State Government: Nothing contained in this Chapter shall apply to an institution for differently abled persons established or maintained by the Central Government or a State Government.

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

CHAPTER IX

CERTIFICATION OF SPECIFIED DISABILITIES

45. Guidelines for assessment of specified disabilities: The State Government shall follow the guidelines notified by the Government of India from time to time for the purpose of assessing the extent of specified disability in a person.

46. Application for disability certificate and identity card- (1) Any person with specified disability may apply in Form I for a disability certificate and submit the application to -

(a) a certifying authority or any other notified authority competent to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence in the application; or

(b) the concerned notified medical authority or any medical officer in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability; or

(c) District Differently Abled Welfare Officer who in turn shall refer the differently abled person with the application to concerned certifying authority for certifying disability.

Provided that where a differently abled person is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organization registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

(a) proof of residence;

(b) two recent passport size photographs; and

(c) aadhaar number or aadhaar enrollment number, if any.

Note:- No other proof of residence shall be required from the applicant who has Aadhaar or Aadhaar enrollment number.

47. Procedure for certification:- (a) On receipt of an application under this Act, the certifying/Medical Authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a differently abled person certify the disability certificate in his favor in Form II, III and IV, as the case may be.

Provided that the certifying/medical authority shall,-

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

(ii) Certify a disability certificate indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(b) The completed and signed disability certificate shall be sent to the concerned District Differently Abled Welfare Officer within two weeks from the date of receipt of the application by the certifying authority.

(c) In the disability certificate issued by the certifying authority, the District Differently Abled Welfare Officer shall enter the District Registration number, countersign it and issue the certificate to the applicant within 2 weeks from the date of receipt from certifying/medical authority.

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

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

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

49. Certificate issued under rule 46 to be generally valid for all purposes.—A certificate issued under this Act shall enable 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 instruction of Government as the case may be. The certificate of disability issued under this section shall be valid across the country.

50. Validity of Certificate of disability issued under the repealed Act.—The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act till the period mentioned therein.

CHAPTER XI
STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL
COMMITTEE

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

(2) The State Advisory Board shall consist of—

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

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*; (c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayat Raj, Industrial Policy and Promotion, Labour and Employment,

Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members,

ex officio;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53. Disqualification: (1) No person shall be a Member of the State Advisory Board, who-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57. District –level Committee on Disability: The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it. The District Level Committee on Disability shall be constituted with the following members.

1. President - District Collector
2. Members
 - (i) District Revenue officer
 - (ii) Project officer District Rural Development Agency
 - (iii) Deputy Director, Health
 - (iv) Dean, Medical College
 - (v) District Employment officer
 - (vi) General Manager, District Industries center
 - (vii) District Social Welfare officer
 - (viii) Project officer, ICDS
 - (ix) Chief Education Officer,
 - (x) District Education officer
 - (xi) District Elementary Education Officer
 - (xii) Executive engineer (Building), Public works Department

- (xiii) Regional Transport Officer
 - (xiv) Corporation commissioner
 - (xv) District Adidraavidar welfare officer
 - (xvi) District Backward class and Minority welfare officer
 - (xvii) Advocate, Free legal Aid cell, District Court
 - (xviii) Regional Director for Municipal Administration
 - (xix) District Differently Abled Welfare officer – Member Secretary
3. Representatives of Differently abled persons nominated by the District Collector (Category wise) Visually Impaired, Low vision, Hearing Impaired, Locomotor Disability, Mentally Retarded, Muscular Dystrophy, Multiple Disability including deaf blindness, Cerebral Palsy, Mentally ill, Dwarfism, Autism spectrum disorder, intellectual disability, Leprosy cured, Acid attack victim, Chronic neurological conditions, specific learning disability, Parkinson's disease, Thalassemia

The District Level committee on Disability shall perform the following functions:

- a. Advise the District Administration on policies, programmes, Legislations and projects with respect to disabilities.
- b. Bringing out convergence among the schemes implemented by the various departments
- c. Finding out the various avenues for Employment of Persons with Disabilities in private sector establishment.
- d. Discuss about the issuance of Disability certificate.
- e. Discuss about the specific problems faced by the Persons with Disabilities in availing assistances from both Government and Non-Government organizations.
- f. Recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for Persons with Disabilities, services and the built environment, and the participation in social life on an equal basis with others.

- g. Take up the cause of Persons with Disabilities with the concerned authority and other organizations with a view to provide for schemes and projects for the Persons with Disabilities in the District plant.
- h. Such other functions as may be assigned from time to time by the State Government.

The District Level Committee on Disability shall conduct meetings twice in a year (Second and fourth quarter).

58. Vacancies not to invalidate proceedings: No act or proceeding of the State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

59. Appointment of State Commissioners: (1) The State Government may, by notification, appoint a State Commissioner for Differently abled persons (hereinafter referred to as the "State Commissioner") for the purposes of this Act as per the provisions in the section 79 of the Act.

(2) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

60. Functions of State Commissioner: The State Commissioner shall—

(a) identify, suo-moto or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, suo-moto or otherwise deprivation of rights of differently abled persons and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

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

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

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

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

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

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

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

61. Action by appropriate authority on recommendations of State Commissioner: Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within one month from the date of receipt of the recommendation:

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

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

(a) summoning and enforcing the attendance of witnesses;

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

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

(d) receiving evidence on affidavits; and

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

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

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

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

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

CHAPTER XIII SPECIAL COURT

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

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

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

CHAPTER XIV

STATE FUND FOR PERSONS WITH DISABILITIES

66. State Fund for persons with disabilities: (1) The State Government shall constitute a Fund to be called the State Fund for differently abled persons and the State Fund for differently abled persons shall be utilized and managed in such manner as may be prescribed by the State Government.

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

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

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

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

CHAPTER IX

33. State Fund and its management:- The State Government shall constitute a fund to be called the state Fund for differently abled. (hereinafter in this Chapter referred to as the State Fund) and its management and administration shall be

conducted by a Board of Management (hereinafter in this chapter referred to as the Management Board) consisting of the following members, namely:

- | | | |
|--|------|--------------------------------|
| (a) Principal Secretary,
Welfare of Differently Abled
Persons Department | ---- | Chairperson |
| (b) Principal Secretary,
Finance Department | ---- | Member |
| (c) Principal Secretary,
School Education Department | ---- | Member |
| (d) Principal Secretary,
Health and Family
Welfare Department | ---- | Member |
| (e) Principal Secretary,
Labour, Employment
and Training Department | ---- | Member |
| (f) State Commissioner for the
Differently Abled | ---- | Member Secretary and Treasurer |

CHAPTER XIV MISCELLANEOUS

67. Powers of State Government to make rules: Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

68. (1) The Differently abled persons(Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed.

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

State Commissioner for the Differently Abled (FAC)

Appendix I:

THE SCHEDULE
[See clause (zc) of section 2 of the Act]
SPECIFIED DISABILITY

1. Physical disability.—

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

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

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

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

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

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

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

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

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

B. Visual impairment—

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

(i) total absence of sight; or

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

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

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

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

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

C. Hearing impairment—

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

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

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

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

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

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to

communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviors.

3. Mental behavior,—

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

4. Disability caused due to—

(a) chronic neurological conditions, such as—

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

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

(b) Blood disorder—

(i) "hemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterized by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding; (ii) "Thalassemia" means a group of inherited disorders characterized by reduced or absent amounts of hemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterized by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of

hearing and visual impairments causing severe communication, developmental, and educational problems.

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

Appendix II:

FORM PDER-I

(Return by the Employer)

[Sec rule 28(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 person 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 person with under clauses (a) to (d) of the including deaf-blindness of sub section (1) of section 34 of the Act

Men with disability

Women with disability

.....Total

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

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

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

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

Occurred

Notified

Filled

Source

(Describe the source from which filled)

Local/Special Employment

General Employment Exchange

Exchange

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

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

.....

3. Manpower shortages

Vacancies/posts unfiled because of shortage of suitable applicants.

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

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

Signature of employer

To

The Employment Exchange

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

Form PDER-II

[see rule 28(1)]

Occupational return to be submitted to the local Special Employment Exchange once in a year.

Name and Address of the Employer.....

Nature of business -----

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

1. Total number of persons on the pay rolls of the establishment on
Specify date (This figure should include every person whose wage or salary is paid by the establishment) (Separate figures for men with disability and women with disability may be given).
2. Occupational Classification of all employees as given in item-1 above.
(Please give below the number of employees in each occupation separately

Occupation	Number of Employees		
Use exact terms	Men with Disability	Women with Disability	Total

Such as Engineer
(Mechanical);
Teacher
(Domestic / Science); Officer
On Duty (actuary);
Assistant Director
(Metallurgist);

Scientific Assistant
(chemist); Research Officer
(economist); Instructor

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.

(Carpenter);

1	2	3	4	5	6	7	8	9
Supervisor (tailor)	C	C						
Fitter (Internal Combustion engine);								
Inspector	A	A						
Sanitary), Superintendent Office); apprentice	Y	Y						
Electrician)								
Total								

Dated.....

Signature of Employer

To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 8 under item 2 should correspond to the figure given against item-I.

FORM PDER – III

[See rule 29]

Name and Address of the Employer.....

Whether – Head Office.....

Branch Office.....

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

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

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

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

Occupation	Number of Employees			
	Use exact terms	Men with Disability	Women with Disability	Total
Such as Engineer (Mechanical):				Please give as far as possible approximate number of vacancies in each
Teacher				
(Domestic / Science); Officer				
On Duty (actuary);				

Assistant Director
(Metallurgist);

Scientific Assistant
(chemist); Research Officer
(economist); Instructor
(Carpenter);

occupation you are likely to fill during the next calendar year due to retirement.

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

Total

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

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

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

Number of vacancies which come within the purview of the Act

Occurred	Notified Local Special Employment Exchange	General Employment	Filled	Sources (Describe the Source form which filled)
----------	--	-----------------------	--------	---

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	Number of unfilled vacancies/posts
---------------------------	------------------------------------

Designation of the posts

Essential Qualification	Essential Experience	Experience Not Necessary
-------------------------	----------------------	--------------------------

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

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

Signature of employer

Appendix III:

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY**FORM I****(See Rule 40)(1)****Application for Certificate / Renewal of Registration**

1	Name of the Organization/ Institution	:	
2	Administrative office :Address, Phone Number and email ID of the Organization/ Institution	:	
3	Place of Institution: Address, Phone Number and email ID of the Organization/ Institution	:	
4	<p>Applicant is</p> <ul style="list-style-type: none"> • An organization registered under the Tamil Nadu Societies Registration Act 1860 (Act Xxi of 1860) • A public Trust registered under any law for the time being in force • Indian Red cross society or its branches • Company registered under section 25 of the Companies Act 1956 • Any other organization (Details of registration with the name of the Act) which may be recognized by the Ministry for the purpose of this scheme (Details of Registration with the name of Act) (Copy to be enclosed) 	:	
5	Date of registration of the Organization/ Institution	:	
6	Brief history of the Organization/ Institution and of its objects and activities	:	
7	Type of services rendered by	:	

	Organization/ Institution (indicate specified disability)		
8	Whether recognized by the State Government, if so provide details	:	
9	Copy of previous certificate of Registration issued under Sec.51(2) of Rights of Differently abled persons Act, 2016	:	
10	Whether located in its own or rented building and provide address details. if rented, enclose rental agreement copy	:	
11	Present number of differently abled beneficiaries (S.No., Name, Address, Age, Sex, Type of specified disability. % of disability and ID Card / UDID Card No.)	:	
12	Mandatory Documents: a) Building licence from Tahsildar b) Building Structural Stability Certificate from PWD Engineer / Chartered Engineer c) Blue Print of the Building map drawn by qualified engineer. d) Sanitary Certificate from District Health Officer e) NOC from Fire and Rescue Services Department		
13	<ul style="list-style-type: none"> • Whether trained staff and other suitable facilities for undertaking the project are available. If so, Give details • In case new staff is to appointed. Give details of th qualifications, Academic, professional and experience prescribed for the purpose • Number of employees working in the organization – whether they are full time or part time (Recognised by 		

	Rehabilitation Council of India.)		
14	<p>List of papers / statements to be attached</p> <p>(a) Constitution of the organization</p> <p>(b) Constitution of Board of Management with particular of each Member</p> <p>(c) Latest available Annual Report</p> <p>(d) Income and Expenditure accounts and Receipt and payment accounts duly audited in a Chartered Accountant or Government Auditor for the last two year for the organization as a whole (along with copy of the certified balance sheet form the previous financial year for the organization as whole)</p> <p>(e) A statement giving details (year purpose amount, etc) of assistance received during the last five years from the Central / State Government institution including requests made thereof to any one of those or any other organization for the projects under consideration or of any other project</p> <p>(f) A statement giving item – wise and year wise details of estimated recurring and non-recurring expenditure on the project</p> <p>(g) A statement indicating equipment, apparatus, furniture, library books etc., (by number of details whichever is possible) already available and separately statement indicating the above items purchased year – wise with financial assistance from the Ministry of</p>		

	Welfare (h) Details of budget estimate of the organization as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for		
15	Access facilities provided (Building campus and others to differently abled persons)		
16	Recreation / Sports facilities		
17	Provision of reasonable accommodation according to the individual requirements.(specify the details)		
18	Transport and attendant facilities for children with disabilities having high support needs		
19	List of additional papers, if any		
20	List of additional information, if any		

FORM II:



COMMISSIONERATE FOR WELFARE OF THE DIFFERENTLY ABLED,
 LADY WELLINGTON COLLEGE CAMPUS, KAMARAJAR SALAI, CHENNAI - 600
 005.

CERTIFICATE OF REGISTRATION

(See rule 40(2))

(Proceedings of the State Commissioner for the Differently Abled)

Proc.No.

Dated:

Registration is awarded / renewed to -----

----- as an
 institution for the Persons with Disabilities vide **S.No.** ----- Under Section 51 (2)
 of the RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 to run residential/non-

residential ----- .This certificate of registration is valid for the period commencing from -----to ----- and is subject to the following conditions:-

1. Application for granting renewal of a certificate of registration should be submitted to this office two months in advance before the expiry of the period of validity.
2. The Management should not appoint any staff whose Certificate has been cancelled or who has been convicted for offence involving moral turpitude.
3. The State Government grant will not be given at present.
4. The Institution should provide proper infra-structure facilities including sufficient accommodation to Differently Abled children.
5. The building license should be duly renewed periodically.
6. The Management should appoint not less than four percentage of the total number of vacancies in the cadre strength in each group of posts meant to filled with persons with bench mark conditions as per section 34 (1) of the RPD Act, 2016.
7. Rain Water Harvesting facilities should be made in the Institute immediately.
8. This certificate should be displayed by the institution in a conspicuous place.
9. The following words may be mentioned in the name board of the Institute - ----
----- - is registered under Section 51(2) of the Rights of Persons with Disabilities Act, 2016, temporarily for a period from ----- to ----
-----.
10. Institution should follow rules/regulations issued by State Commissioner for the Differently Abled from time to time.
11. Necessary fire safety facilities should be properly installed at the appropriate scale as indicated by the Fire and Rescue Services Department.
12. Structural Stability Certificate, Sanitary Certificate, Building License and No Objection Certificate from Fire and Rescue Services Department should be renewed periodically without fail.
13. The Institution is subjected to inspection by the inspection authorities under the Act/Rules and by the persons / officers authorized by the State Government.
14. The certificate of registration is liable to be revoked as the provisions given in the section 52 of the RPD Act 2016.

The registration shall be subjected to the conditions laid down in the Persons with Disabilities Act, 2016. The Institution should comply with Rules/Regulation/Institutions issued by the State Commissioner for the Differently Abled from time to time.

**STATE COMMISSIONER
FOR THE DIFFERENTLY ABLED (FAC)**

To:

(The Name of the NGO/School with address)

Copy to:

1. District Differently Abled Welfare Officer, ----- District.
2. Stock file / spare.

Appendix IV

Form – I**(See Rule 46)****APPLICATION FOR OBTAINING DISABILITY CERTIFICATE BY DIFFERENTLY
ABLED PERSONS**

1. Name
(Surname) (First Name) (Middle Name)

2. Father's Name Mother's Name

3. Date of Birth: _____ / _____ / _____
(date) (month) (year)

4. Age at the time of application: _____ years

5. Sex: Male/Female
General/OBC/MBC/SC/ST

Category:

6. Address:

(a) Permanent address

(b) Current Address (i.e. for communication)

.....

.....

.....

.....

(c) Period since when residing at current

address.....

7. Educational Status (Pl. tick as applicable)

- (I) Post Graduate
- (II) Graduate
- (III) Diploma
- (IV) Higher Secondary
- (V) High School
- (VI) Middle
- (VII) Primary

(VIII) Illiterate

8. Occupation-----

9. Identification marks (i) (ii)

10. Nature of disability:

11. Period since when disabled: From Birth/Since year-----

12. (i) Did you ever apply for issue of a disability certificate in the past---YES/NO

(ii) If yes, details:

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

(b) Result of application -----

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

Declaration: I hereby declare that all particulars stated above are true to the best of
my knowledge and belief, and no material information has been concealed or misstated.

I further, state hat if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

(Signature or left thumb impression of
Differently abled person, or of his/her
legal guardian in case of persons with
mental retardation, autism, cerebral
palsy and multiple disabilities)

Date:

Place:

Encl.:

1. Proof of residence (Please tick as applicable)

(a) ration card,

(b) voter identity card,

(c) driving license,

(d) bank passbook

(e) PAN card,

(f) passport.

(g) telephone, electricity, water and any other utility bill indicating the address of the applicant,

(h) a certificate of residence issued by a Panchayat, Municipality,

Cantonment Board, any gazetted officer, or the concerned Patwari or Head Master of a Government School.

(i) in case of an inmate of a residential institution for persons with

disabilities, destitute, mentally ill, etc. a certificate of residence from the head of such institution.

(j) Aadhar card

2. Two recent passport size photographs.

(For office use only)

Date:

Signature of issuing authority

Place:

Stamp

Form – II**(See Rule 47(i))****Disability Certificate****(In cases of amputation or complete permanent paralysis of limbs and in cases of blindness)****(NAME AND ADDRESS OF THE CERTIFYING AUTHORITY ISSUING THE CERTIFICATE)**

Recent Passport size Photograph Showing only) Differently person	Attested face of the abled
---	---

Certificate No.

Date:

This is to certify that I have carefully examined

Shri/Smt./Kum. _____

son/wife/daughter of Shri _____ Date

of Birth ____ ____ Age ____ years, male/female _____

(DD / MM / YY)

Registration No* _____ permanent resident of House

No. _____ Ward/Village/ Street _____ Post

Office _____ District _____ State _____ whose

photograph is affixed above, and am satisfied that :

(A) he/she is a case of:

- locomotor disability
 - blindness
- (Please tick as applicable)

(B) the diagnosis in his/her case is

(A) He/She has% (in figure).....percent

(in words) permanent physical Impairment/blindness in relation to his/her-----

(part of body) as per guidelines (to be specified).

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

Nature of Document	Date of Issue	Details of authority issuing certificate

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

Signature/Thumb
impression of the
person in whose
favour disability

certificate is issued.

Note: Registration No:

* -----To be filled up by the District Differently Abled Welfare Officer

Counter signature

District Differently Abled Welfare

Officer

Form – III**(See Rule 47(i))****Disability Certificate****(In case of multiple disabilities)****(NAME AND ADDRESS OF THE CERTIFYING AUTHORITY ISSUING THE
CERTIFICATE)**

Recent Passport size Attested Photograph (Showing face only) of the differently abled person

Certificate No.

Date:

This is to certify that we have carefully examined

Shri/Smt./Kum. _____

son/wife/daughter of Shri _____ Date

of Birth ____ ____ ____ Age ____ years, male/female ____

(DD / MM / YY)

Registration No*. _____ permanent resident of House

No. _____ Ward/Village/Street _____ Post

Office _____ District _____ State _____ whose

photograph is affixed above, and are satisfied that :

(A) He/she is a Case of **Multiple Disability**. His/her extent of permanent physical impairment/disability has been evaluated as per guidelines (to be specified) for the disabilities ticked below, and shown against the relevant disability in the table bel

Sl. No.	Disability	Affected Part of Body	Diagnosis	Permanent physical impairment/mental

				disability (in %)
1.	Locomotor Disability	@		
2.	Low Vision	#		
3.	Blindness	Both Eyes		
4.	Hearing Impaired	£		
5.	Mental Retardation	X		
6.	Mental Illness	X		
7	Other Specified disabilities			

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

In figures:- _____ Percent

In words:- _____ percent

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

3. Reassessment of disability is :

(i) not necessary,

Or

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

(DD)

(MM)

(YY)

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

e.g. Single eye / both eyes

£ e.g. Left/Right/both ears

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

Nature of Document	Date of Issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority

--	--	--

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

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

Note: Registration No:

* -----To be filled up by the District Differently Abled Welfare Officer

Counter signature

District Differently Abled Welfare Officer

Form – IV**(See Rule 47(i))****Disability Certificate****(In cases other than those mentioned in Forms II and III)****(NAME AND ADDRESS OF THE CERTIFYING AUTHORITY ISSUING THE
CERTIFICATE)**

Recent Passport size Attested Photograph (Showing face only) of the differently abled
--

person

Certificate No.

Date:

This is to certify that I have carefully examined
 Shri/Smt./Kum. _____
 son/wife/daughter of Shri _____ Date
 of Birth ____ ____ Age _____ years, male/female _____

(DD / MM / YY)

Registration No* _____ permanent resident of House
 No. _____ Ward/Village/Street _____ Post
 Office _____ District _____ State _____ whose
 photograph is affixed above, and am satisfied that he/she is a case of -----
 ----- **Disability**. His/her extent of permanent physical impairment/disability has been
 evaluated as per guidelines (to be specified) and is shown against the relevant disability
 in the table below:-

Sl.	Disability	Affected Part of	Diagnosis	Permanent physical

No.		Body		impairment/mental disability (in %)
1.	Locomotor Disability	@		
2.	Low Vision	#		
3.	Blindness	Both Eyes		
4.	Hearing Impaired	£		
5.	Mental Retardation	X		
6.	Mental Illness	X		
7	Other Specified disabilities			

(Please strike out the disabilities which are not applicable)

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

3. Reassessment of disability is :

(i) not necessary,

Or

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

(DD)

(MM)

(YY)

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

e.g. Single eye / both eyes

£ e.g. Left/Right/both ears

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

Nature of Document	Date of Issue	Details of authority issuing certificate

(Authorised Signatory of notified certifying Authority

(Name and seal)

(Counter signature and seal of the

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

CMO/Medical Superintendent/Head of Government Hospital, in case the Certificate is issued by a medical authority who is not a government servant (with seal)

Note: Registration No:

* -----To be filled up by the District Differently Abled Welfare Officer

Counter signature

District Differently Abled Welfare Officer

FORM – V

(See Rule 47(4))

Intimation of Rejection of Application for Disability Certificate

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 favor:

(i)

(ii)

(iii)

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

Yours faithfully,

(Authorized Signatory of certifying Medical Authority

(Name and seal)