



ABSTRACT

Welfare of Differently Abled Persons Department – Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) – Framing of Draft Rules under section 101 of the said Act – Orders – Issued.

Welfare of Differently Abled Persons (DAP.3.1) Department

G.O. (Ms) No.3

Dated: 13.02.2018

ஹேவிளம்பி-மாசி 1, திருவள்ளூர் ஆண்டு, 2049

Read:

1. The Rights of Persons with Disabilities Act, 2016 dated 28.12.2016.
2. From the Secretary to Government of India, Department of Empowerment of Persons with Disabilities, New Delhi D.O.No.16-17/2016-DD-III, dated 28.12.2016.
3. Government D.O. Letter No.565/DAP3.1/ 2017, dated 11.01.2017 and 21.03.2017.
4. From the State Commissioner for the Differently Abled Roc.No.587/DAW 2.2/2017, dated 11.07.2017 and 24.01.2018.

ORDER:

The appended Notification will be published in the Tamil Nadu Government Gazette, Extraordinary, dated 13.02.2018

(By Order of the Governor)

Md.Nasimuddin,
Principal Secretary to Government (FAC).

To

The Works Manager, Government Central Press, Chennai-79. (for publication of the notification in the Tamil Nadu Government Gazette)

The State Commissioner for Differently Abled, Kamarajar Salai, Chennai-5.

The Director of Medical and Rural Health Services, Chennai-6.

All District Collectors.

The Secretary to Government of India,
Ministry of Social Justice and Empowerment,
Shastri Bhavan, New Delhi.

Copy to:-

The Chief Minister's Office, Chennai-9.

The Personnel and Administrative Reforms Department, Chennai-9.

The Law Department, Chennai-9.

The Finance Department, Chennai-9.

The Labour and Employment Department, Chennai-9.

The Health and Family Welfare Department, Chennai-9.

The Special Personal Assistant to Minister (SW&NNMP), Chennai-9.

All Sections of Welfare of Differently Abled Persons Department, Chennai-9.

SF/SC

// Forwarded By Order //

Section Officer

APPENDIX

NOTIFICATION

The following draft of the Tamil Nadu Rights of Persons with Disabilities Rules, 2018, which the State Government proposes to make, in exercise of the powers conferred by sub-section (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) is hereby published for information of all persons likely to be affected thereby, and notice is hereby given that the said draft Rules will be taken into consideration on or after the expiry of the period of fifteen days from the date of publication of this notification in the Tamil Nadu Government Gazette.

2. All 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 duly considered by the State Government.

3. Objections and suggestions, if any, should be addressed to State Commissioner for Persons with Disabilities, No.5, Kamarajar Salai, Lady Willington College Campus, Chennai – 600 005 or by e-mail: scd.tn@nic.in on or before 28.02.2018.

RULES

1. **Short title.** - These rules may be called the Tamil Nadu Rights of Persons with Disabilities Rules, 2018.
2. **Definitions.** - (1) In these rules, unless the context otherwise requires,-
 - (i) "Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016);
 - (ii) "certificate of registration" means a certificate of registration issued by the competent authority under section 50 of the Act;
 - (iii) "certificate of disability" means a certificate of disability issued under section 57 of the Act;
 - (iv) "Form" means the Forms appended to the schedules of these Rules;
 - (v) "Government" means the State Government;
 - (vi) "Schedule" means the schedules annexed to these rules;
 - (vii) "State Commissioner" means the State Commissioner for Persons with Disabilities;
 - (viii) "UDID" means the Unique Disability Identity Card issued by the Central Government.

(2) All words and expressions used in these Rules but not defined but defined in the Act shall have the meanings, respectively, assigned to them in the Act.
3. **Establishment not to discriminate on the ground of disability.**- (1) The head of each 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 persons with disabilities covered under the Act.

- (2) No establishment shall compel persons with disabilities to partly or fully pay any of the costs incurred to provide reasonable accommodation.
- (3) An aggrieved person with disability may submit a representation before the State Commissioner, who shall dispose of the representation as soon as possible and preferably within a period of sixty days from the date of receipt of the representation:

Provided that in case of emergency, the State Commissioner shall dispose of such representation as soon as possible and preferably within a period of thirty days from the date of receipt of such representation.

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

- (i) Chairperson – Principal Secretary to Government, Health and Family Welfare department, Chennai;
 - (ii) Ex-officio members,-
 - (a) State Commissioner for Persons with Disabilities - Member - Secretary.
 - (b) Head of Department, Medical Education and Curriculum Development, Dr. M.G.R Medical University, Chennai.
 - (c) Director, Government Institute of Rehabilitation Medicine, Chennai;
 - (d) Director, National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Muttukadu;
 - (e) Head of Ear, Nose, Throat (ENT) Department, Madras Medical College, Chennai.
 - (iii) Two Members from the registered organizations nominated by the Government;
 - (iv) Four members from the registered organisations representing Persons with Specified disability nominated by the Government.
- (2) The Committee shall function as per the terms and conditions given below,-
- (i) The term of office of the nominated members shall be for a period of two years from the date on which they enter upon office but shall be eligible for re-nomination.
 - (ii) One half of the members may constitute the quorum of the meeting.
 - (iii) The non- official members and special invitees shall be entitled for traveling allowances and dearness allowances as admissible to Group “A” officer of the Government.

5. Limited Guardianship.- (1) Appointment of designated authority and appellate authority:-

- (i) The District Collector shall be the designated authority for the purpose of sub-section (1) of section 14 of the Act.
- (ii) The State Commissioner shall be the appellate authority for the

purpose of sub-section (3) of section 14 of the Act.

(2) Appointment of limited guardian:-

(i) A parent of person with disability or his relative shall make an application in Form-I in Schedule-I to the designated authority for appointment of any person of his choice including himself to act as a limited guardian of the person with disability. A person with disability may also directly apply for appointment of limited guardian for himself, if the extent of disability so permits.

(ii) Any registered organization shall also make an application, in Form-I in Schedule-I to the designated authority for appointment of a limited guardian for a person with disability:

Provided that no such application shall be entertained by the designated authority unless the consent of the parent of the person with disability is also obtained.

(iii) While considering the application for appointment of a limited guardian, the designated authority shall consider,-

- (a) whether the persons with disabilities needs a limited guardian;
- (b) the opinion of the person with disability if such person is in a position to give such opinion; and
- (c) the purposes for which the limited guardianship is required for persons with disabilities.

(iv) While taking a decision for the appointment of limited guardianship, the designated authority shall ensure that the person whose name has been suggested for appointment as limited guardian,-

- (a) is a citizen of India;
- (b) is not of unsound mind or is currently undergoing treatment for mental illness;
- (c) does not have a history of criminal conviction;
- (d) is not a destitute and dependent on others for his own living; and
- (e) has not been declared insolvent or bankrupt.

(v) In case an institution or organization is being considered by the designated authority for appointment as a limited guardian, such organization should be a registered organisation as defined in the Act.

(vi) The designated authority shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to his notice of the need of such limited guardianship.

(vii) The confirmation of appointment of limited guardian on such application shall be made in Form-II in Schedule-I:

Provided that while making appointment of a limited guardian, the designated authority shall provide for the obligations which are to be fulfilled by the limited guardian and it shall be ensured that any

decision taken by the limited guardian shall, if the extent of disability so allows, shall follow a system of joint decision making between the person with disability and the limited guardian based on mutual trust and understanding.

(viii) The designated authority shall send to the State Commissioner, the particulars of the applications received by him and orders passed thereon at the interval of once in six months.

(3) Procedure for removal of limited guardian:-

(i) The designated authority, upon receiving an application for removal of a limited guardian from the person with disability or a parent or a relative of a person with disability or a registered organization on the grounds such as failure to fulfill obligations, abuse of powers, abuse or neglecting a person with disability, misappropriation or neglecting the property or any other genuine reasons shall appoint a team of investigators consisting not less than three persons.

(ii) The team shall consist of the District Differently Abled Welfare Officer, one representative of any association for the persons with disabilities or a registered organisation and any other official or non official as nominated by the designated authority.

(iii) The team of investigators shall submit their report within a period of ten days.

(iv) Upon receiving the report of the investigation team, the designated authority shall take the final decision within the period of ten days on the removal of the limited guardian against whom the complaint has been received after giving the said guardian an opportunity of being heard.

(v) The designated authority shall record in writing its reasons for removal of the limited guardian or rejection of the application.

(vi) The designated authority shall have power to suspend the limited guardianship with immediate effect, without notice, pending his removal, if the designated authority is satisfied that grave and irreversible harm will be caused to the persons with disabilities on account of the continuance of the limited guardianship or when the person with disability himself applies for a revocation of the limited guardianship.

(4) Report from Limited Guardian.-

Every limited guardian appointed under the Act shall furnish a detailed report to the designated authority within two months before the expiry of one year or expiry of the limited guardianship period, whichever is earlier, as to how the obligation vested on him has been or is being fulfilled.

6. Assessment Board for special provisions for persons with disabilities with high support needs.- For the purpose of providing the services listed in clause(I) of section 2 of the Act, the District Differently Abled Welfare Officer shall be the authority under sub-section (1) of section 38 of the Act to receive

the application for high support and refer it to Assessment Board.

7. Competent Authority for registration of institutions for persons with disabilities and grants to such institutions.- The State Commissioner shall be the competent authority for the purposes of Chapter IX of the Act.

8. Application and grant of certificate of registration.- (1) Every application for a certificate of registration shall be made to the State Commissioner in Form-III in Schedule-I through District Differently Abled Welfare Officer along with his inspection report and specific recommendations.

(2) No certificate of registration shall be granted under sub-section (2) of section 51 of the Act 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 given in Form-IV in Schedule-I.

(3) A certificate of registration may be granted in Form-V in Schedule-I for a period not exceeding three years.

(4) An application for renewal of a certificate of registration shall be made in Form-III in Schedule-I not less than sixty days before the expiry of the period of validity:

Provided further that the competent authority may consider application for renewal of the certificate of registration after sixty days but not later than one hundred and twenty days, if he is satisfied that sufficient reasons has been provided for such delay.

(5) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (4), the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired, if application for its renewal is not made within sixty day as specified in the said provision.

(6) Every application made under sub-section (1) or sub-section (5) of section 51 of the Act shall be disposed of by competent authority within thirty days from the date of receipt of application.

9. Appeal.- (1) Any person aggrieved by the order of the State Commissioner refusing to grant a certificate of registration under sub-section (2) of section 52 or revoking a certificate of registration under sub-section (1) of section 52, respectively may, within thirty days, prefer an appeal to Principal Secretary to Government, Welfare of the Differently Abled Persons department against such refusal or revocation.

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

- 10. Authority to issue disability certificate on Specified disabilities.-** (1) The Medical Authorities and Certifying Authorities to issue disability certificate shall be as specified in Schedule-II.
- (2) The disability certificate may be obtained by the persons with disabilities residing anywhere in the State, from any of the specified Certifying Authority in Tamil Nadu.
- (3) In cases where the Government of India has issued guidelines on the composition of medical and certifying authorities or appellate authorities, competent to evaluate and assess specific disabilities or the method of such assessments, such guidelines shall be followed, unless specifically exempted by the State Government, notwithstanding anything listed in the Schedule II.
- 11. Appeal against a decision of certifying authority.-** (1) Any person aggrieved with the decision of the certifying authority, in case of rejection or disagree with the percentage of disability assigned by the certifying authority, may appeal against such decision, within three months from the date of issue of disability certificate to the Joint Director (Medical Services) of the district concerned.
- (2) The appeal shall be accompanied by a copy of the Certificate or letter of rejection being appealed against.
- (3) On receipt of an appeal, the appellate authority shall, after giving the appellant an opportunity of being heard and after consultation with concerned specialist pass such orders on it as it may deem appropriate.
- (4) An appeal shall be disposed of within one month from the date of receipt of the same.
- 12. Members to be nominated by the State Government for the State Advisory Board on disability.-** Five experts in the field of rehabilitation of persons with disabilities shall be nominated by the State Government by rotation to represent the districts in the following manner:-
- (i) One representative from the district of Chennai or Tiruvallur or Kanchipuram;
- (ii) One representative from the district of Vellore or Cuddalore or Villupuram or Tiruvannamalai or Ariyalur or Perambalur;
- (iii) One representative from the district of Tiruchirappalli or Karur or Thanjavur or Tiruvarur or Nagapattinam or Pudukkottai;
- (iv) One representative from the district of Madurai or Dindigul or Theni or Virudhunagar or Sivagangai or Ramanathapuram or Thoothukudi or Kanniyakumari or Tirunelveli;
- (v) One representative from the district of Coimbatore or Tiruppur or Erode or The Nilgiris or Salem or Namakkal or Dharmapuri or Krishnagiri;
- 13. Allowances for the members of the State Advisory Board on disability.-** (1) The non-official members of the State Advisory Board on disability residing in Chennai shall be paid an allowance at a rate of daily allowance applicable to Group 'A' officers of the State Government for each day of the actual meetings

of the said board.

- (2) The non- official members of the State Advisory Board on disability not residing in Chennai shall be paid travelling allowance and daily allowance for each day of the actual meeting at the rate applicable to Group 'A' officer of the State Government.

- 14. Notice of Meetings.-** (1) The meetings of the State Advisory Board on disability shall ordinarily be held at the state head quarters on such dates as may be fixed by the Chairperson.
- (2) The State Advisory Board on disability shall meet at least once in every six months.
 - (3) The Chairperson shall preside over every meeting of the State Advisory Board on disability, and in his absence, the members present shall elect one of the members to preside at that meeting.
 - (4) Fifteen clear days notice of an ordinary meeting and five clear days notice of a special meeting, specifying the time, venue and the agenda, shall be given by the Member-Secretary to the members.
 - (5) Notice of a meeting may be given to the members by delivering the same by messenger or by sending it by registered post with acknowledgment due, to his last known place of residence or business.
- 15. Quorum.-** (1) One-third of the total members of the State Advisory Board on disability shall form the quorum for any meeting.
- (2) If a meeting of the Board cannot be held for want of quorum, then, the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding date which is not public holiday, at the same time and place.
 - (3) Notice of the adjourned meeting shall be given to all the members.
- 16. Minutes.-** (1) The Member-Secretary shall maintain the record containing the names of all the members of the Board who attended the meeting of the Board and of the proceedings at the meetings in a book to be maintained for that purpose.
- (2) The minutes of the previous meeting of the Board shall be read at the beginning of 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 of the Board at the office of the Member-Secretary of the Board during office hours.
- 17. District-Level Committee on Disability.-** (1) The District Level Committee on Disability shall consist of,-
- (i) District Collector, Chairperson
 - (ii) Ex-officio-Members;
 - (a) Deputy Director, Health;

- (b) District Employment Officer;
 - (c) General Manager, District Industries Center;
 - (d) District Social Welfare officer;
 - (e) Project officer, Integrated Child Development Service (ICDS);
 - (f) Chief Education Officer;
 - (g) Executive Engineer (Building), Public works Department;
 - (h) Regional Transport Officer;
 - (i) District Child Protection Officer;
 - (j) Advocate, Free legal Aid cell, District Court;
 - (k) Regional Director for Municipal Administration;
 - (l) District Differently Abled Welfare officer – Member Secretary.
- (iii) Five representatives of persons with benchmark disabilities as mentioned in the Schedule to the Act nominated by the District Collector and three representatives of registered organizations.
- (2) The District-Level committee on disability shall perform the following functions, namely:-
- (a) advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities.
 - (b) monitor the implementation of the provisions of the Act and the Rules made there under by the District authorities.
 - (c) assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities.
 - (d) look into the complaints relating to non implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authority to redress such complaints.
 - (e) look into the appeal made by the employees of Government establishments aggrieved with the action taken under sub-section (4) of section 23 of the Act and recommend appropriate measures.
 - (f) any other functions as may be assigned by the State Government.
- (3) The District Level Committee on Disability shall meet once in three months in a year.

18. Salary and allowances of the State Commissioner.- The salary and allowances of the State Commissioner shall be the salary and allowances as admissible to a Secretary to the State Government.

19. Other terms and conditions of service of the State Commissioner.- Other terms and conditions of service of the State Commissioner shall be on par with the Secretary to the State Government.

20. Advisory Committee to assist State Commissioner.- (1) The Government shall constitute an Advisory Committee to assist State Commissioner comprising of following members, namely:-

- (i) Four experts in the field of rehabilitation of persons with disabilities nominated by the State Government
- (ii) One legal advisor not lower than a rank of Under Secretary to Government, Law Department to be deputed by the State Government or any legal practitioner with minimum practice of fifteen years to be appointed by the State Government.
- (2) Members of the Advisory Committee shall be appointed for a period of two years but they may be removed by the State Government before the expiry of this period.

21. Procedure to be followed by the State Commissioner for disposal of Complaints.- (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the State Commissioner or be sent by registered post addressed to the State Commissioner:-

- (i) the name, description and the address of the complainant;
- (ii) the name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;
- (iii) the facts relating to complaint and when and where it arose;
- (iv) document in support of the allegations contained in the complaint and;
- (v) the relief, which the complainant claims.
- (2) The State 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 30 (thirty) days or such extended reasonable period as may be granted by the State Commissioner.
- (3) On the date of hearing or any other date to which hearing is adjourned, it shall be obligatory on the parties or their agents to appear before the State Commissioner. Where the complainant or his agent fails to appear before the State Commissioner on such days, the State Commissioner may in his discretion either dismiss the complaint on default or decide on merits. Where the opposite party or his agent fails to appear on the date of hearing, the State Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party. The State Commissioner may dispose of the complaint ex parte, if necessary.
- (4) The State Commissioner may, on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of three months from the date of receipt of notice by the opposite party.

22. Annual and special reports by State Commissioner.- (1) The State Commissioner, shall as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and

submit to the State Government, an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

- (i) names of its officers and staff and a chart showing the organizational set up;
- (ii) the functions which the State Commissioner has been empowered under sections 80 and 81 of the Act and the highlights of the performance in this regard;
- (iii) the main recommendations made by the State Commissioner;
- (iv) the progress made in the implementation of the Act; and
- (v) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time.

23. The Special Public Prosecutor.- The Special Public Prosecutor appointed under sub-section (1) of section 85 of the Act shall be entitled to receive fee or remuneration on par with fee or remuneration paid to Special Public Prosecutor appointed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989).

24. State Fund for Persons with Disabilities and its management.- (1) The State Government shall constitute a fund to be called the "State Fund for Persons with Disabilities" (hereinafter in this Chapter referred to as the "State Fund") and its management and administration shall be conducted by a governing body consisting of following members, namely:-

- (i) Secretary to Government, Welfare of }
the Differently Abled Persons } -- Chairperson
Department
- (ii) Secretary to Government, }
Finance (Expenditure) } -- Member
- (iii) State Commissioner for the Persons with }
Disabilities } -- Member Secretary

(2) The State Commissioner for Persons with Disabilities and Accounts Officer of State Commissionerate for the Persons with Disabilities shall perform all the transactions connected with the State Fund and Accounts Officer shall maintain proper accounts.

(3) There shall be credited to the State Fund,-

- (i) sums granted by the Government from the Consolidated Fund of the State for the use of the State Fund.
- (ii) sums received by way of gifts, donations, benefactions, bequests or transfers;
- (iii) sums from such other sources as may be decided by the State Government.

- 25. Utilization of the State Fund.-** The State Fund shall be utilized for the following purposes, namely:-
- (i) providing financial assistance for persons with disabilities and implementing schemes to further the purposes of the Act;
 - (ii) administrative and other expenses of the Fund, as may be required to be incurred by or under the Act; and
 - (iii) such other purposes as may be decided by the governing body.
- (2) Every proposal of expenditure shall be placed before the governing body for its approval.
- (3) The State Fund shall be invested in such manner as may be decided by the governing body.
- (4) The Accounts Officer of the State Fund shall prepare the accounts of revenue and expenditure under the State Fund for each financial year, not later than September 30th of the next financial year and shall place the same for the approval of the governing body. The Accounts shall be audited by the Comptroller and Auditor General of India.

Schedule - I
Form – I
[See rules 5(2)(i) and (ii)]

**Form of application to the designated authority by a person with disability,
parent, relative or a registered organisation for appointment of limited
guardian.**

From

Date:

To

District Collector (Designated authority)

Sir/Madam,

_____ is a person with disability and require a limited guardian to take legally binding decisions regarding_____.
I / We hereby request that _____ be appointed as limited guardian of the said _____ for_____ purpose for a period of_____

We furnish hereunder further details and request early decision

1. Particulars of the person with disability

1.	Name of the Person with disability	
2.	Complete postal address	

3.	Age	
4.	Male/female	
5.	Type of disability and percentage of disability (Xerox copy to be enclosed)	
6.	ID card No/UDID No (Xerox copy to be enclosed)	
7.	Aadhar card No. (Xerox copy to be enclosed)	
8.	Contact No.	

2. Particulars of the applicant

1.	Name of the applicant	
2.	Complete postal address	
3.	Age	
4.	Male/female	
5.	Relationship with Person with Disability	
6.	Type of disability and percentage of disability of Person with Disability (Xerox copy to be enclosed)	
7.	ID card No/UDID No of Person with Disability (Xerox copy to be enclosed)	

8.	Aadhar card No. of the applicant (Xerox copy to be enclosed)	
9.	Contact No.	

3. Particulars of the persons or registered organisation proposed to be appointed as limited guardian.

1.	Name	
2.	Postal address	
3.	Age	
4.	Male/female	
5.	Relationship with person with disability	
6.	Details of registration, in case of registered organisation	
7.	Contact phone no.	
	i. Landline	
	ii. Mobile	
8.	Purpose for which limited guardianship is required (Please attach documents if	

	any)	
9.	Period for which the support of limited guardianship is required	
10.	Details of situation if any which warrants limited guardianship (Please describe)	

Consent of the person proposed to be appointed as limited guardian.

I/We hereby agree to be the limited guardian of _____ for a period of _____ and shall discharge my obligation with due diligence.

**Signature of the
applicant / Person with Disability**

**Signature of the
proposed limited guardian**

Form – II

[See rule 5(2)(vii)]

**Form of Confirmation of appointment of limited guardian on application
made by (1) person with disability (2) a registered organisation, or
(3) parent or relative of person with disability**

I Mr/Mrs. _____ District Collector, _____ District
having considered the application made by . _____ hereby
appoint _____ as limited guardian for Mr / Ms..
_____ (name of the person with disability) for a period of
_____ for the purpose of taking legally binding decisions regarding
_____. The obligations of limited guardian shall be as listed
below:

joint photo of limited guardian
and person with disability

Place:

Signature of Designated authority

Date:

Stamp/seal:

Form - III

[See rules 8(1)&(4)]

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 1975 (Tamil Nadu Act 27 of 1975)• 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 erstwhile Companies Act, 1956 (Central Act 1 of 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 the Act or the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996)		
10	Whether located in its own or rented building and provide address details. if rented, enclose rental agreement copy		
11	Present number of beneficiaries with disabilities (S. No., Name, Address, Age, Sex, Type of specified disabilities, % of disability and ID Card / UDID Card No.)		
12	Mandatory Documents: a) Building license from Tahsildar b) Building Structural Stability Certificate from Public Works Department Engineer / Chartered Engineer c) Blue Print of the Building map drawn by qualified engineer. d) Sanitary Certificate from District Health Officer e) No Objection Certificate 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 be appointed. give details of the qualifications, academic, professional and experience prescribed for the 		

	<p>purpose</p> <ul style="list-style-type: none"> • Number of employees working in the organization – whether they are full time or part time (Recognized 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 Government</p> <p>(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</p>		

15	Details of barrier free facilities in the institution		
16	Recreation / Sports facilities		
17	Transport and attendant facilities for children with disabilities having high support needs		
18	List of additional papers, if any		
19	List of additional information, if any		

Date:

Signature:

Place:

Name of Applicant:

Form - IV
[See rule 8(2)]

Facilities and standards to be met by institutions for grant of Certificate of Registration

- (1)
 - a) Building license 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

- (2) Ownership of building or valid rental agreement for the building

- (3) Barrier free facilities applicable for the category of disability being dealt with by the registration seeking organization

- (4) Presence of sufficiently trained personnel as prescribed by the guidelines of Government of India, State Government and Rehabilitation Council of India

- (5) Presence of sufficient furniture, teaching aids and equipment to fulfill the stated purpose

Form – V

[See rule 8(3)]



COMMISSIONERATE FOR WELFARE OF THE DIFFERENTLY ABLED,

LADY WILLINGDON COLLEGE CAMPUS, KAMARAJAR SALAI,

CHENNAI - 600 005.

CERTIFICATE OF REGISTRATION/ RENEWAL

(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

(Central Act 49 of 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 children with disabilities.
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 Rights of Persons with Disabilities 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 Rights of Persons with Disabilities Act, 2016.

The registration shall be subjected to the conditions laid down in the Rights of 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 PERSONS WITH DISABILITIES**

To:

(The Name of the NGO/School with address)

Copy to:

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

Schedule – II
[See rules 10(1) and (3)]

List of Certifying Authority for the issue of disability certificate

Table - I

S. No	Specified disability	Medical Authority for the purpose of the issue of disability certificate	Certifying authority to issue certificate of disability
1	Locomotor disability by way of only of amputation or complete permanent paralysis of limbs and Blindness	Hospitals/ Institutions/ Primary Health Centers run by Government/ Statutory Local bodies	Any doctor/ medical practitioner working in the Hospitals/ Institutions/ Primary Health Centers run by Government/ Statutory Local bodies.
2	Multiple Disability	District Hospital/ Other hospitals/ Institutions run by the State Government or Statutory Local Bodies having relevant medical specialist and testing facilities	Medical Board consisting three members of whom one will be specialist dealing with relevant disabilities
3	Specified Disabilities not mentioned in Serial number 1& 2 above	Hospitals/ Primary Health Centers Institutions run by Government/ Statutory Local bodies	A specialist dealing with the relevant disability as specified in the table - II given below

Table - II

Sl. No.	Category	Specialist
1	Cerebral Palsy	Physical Medicine and Rehabilitation Orthopaedician or Pediatrician or Pediatric /Neurologist or Psychiatrist
2	Hearing Impairment	Specialist in the field of E.N.T.
3	Leprosy cured person	Physical Medicine and Rehabilitation or Orthopaedician or Dermatologist
4	Locomotor disability other than amputation or complete permanent paralysis of limbs	Physical Medicine and Rehabilitation or Orthopaedician
5	Mental Illness	Psychiatrist
6	Intellectual Disability	Children with mental retardation below the age of 12 years – pediatrician or pediatric Neurologist or psychiatrist for adults, above the age group of 12 years – Psychiatrist.

7	Low Vision	Specialist in the field of Ophthalmology.
8	Blindness	Specialist in the field of Ophthalmology.
9	Autism spectrum disorder	A Psychiatrist or Pediatrician or Neurologist
10	Acid Attack Victim	Dermatologist/ Orthopaedician
11	Chronic Neurological Conditions	Neurologist/Neurosurgeons
12	Dwarfism	Orthopaedician
13	Hemophilia	Hematologists / Orthopaedician or pediatrician
14	Multiple Disabilities including Deaf Blindness	Medical Board consisting of three members of whom two shall be specialist dealing with the relevant disabilities
15	Multiple Sclerosis	Neurologist / Orthopaedician
16	Muscular Dystrophy	Neurologist / Orthopaedician
17	Parkinson's Disease	Neurologist
18	Sickle Cell Disease	Hematologists / Orthopaedician or pediatrician
19	Specific Learning Disabilities	Children below the age of 12 years – pediatrician Or pediatric Neurologist or psychiatrist For adults, above the age group of 12 years – Psychiatrist.
20	Speech and Language Disabilities	Specialist in the field of E.N.T/ Neurologist
21	Thalassemia	Hematologists / Orthopaedician or pediatrician

(By Order of the Governor)

Md.Nasimuddin,
Principal Secretary to Government (FAC).

// Forwarded By Order //

Section Officer