

[to be published in the Gazette of India, Extraordinary, Part-II, Section 3, sub-section (i)]

Government of India
Ministry of Social Justice and Empowerment
Department of Empowerment and Persons with Disabilities (Divyangjan)

NOTIFICATION

NEW DELHI, Dated 10th March, 2017

G.S.R.....The following draft of the Rights of Persons with Disabilities Rules, which the Central Government proposes to make, in exercise of the powers conferred by sub-sections (1) and (2) of Section 100 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; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri K.V.S. Rao, Director, Department of Empowerment of Persons with Disabilities (Divyangjan), Room No 518, 5th Floor, Pandit Deen Dayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi, 110003 or by email at kvs.rao13@nic.in.

The objections and suggestions which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the Central Government.

Draft rules

CHAPTER-I

1. Short title and extent.-

- (1) These rules may be called the Rights of Persons with Disabilities Rules, 2017.
- (2) They shall extend to the whole of India.

2. Definitions.-

- (1) In the 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

3. Government establishment not to discriminate on the ground of disability.-

- (1) no Government establishment shall compel a person with disability to partly or fully pay any of the costs incurred to provide reasonable accommodation.
- (2) No Government establishment shall discriminate a person with disability only on the ground of disability and the aggrieved person with disability may submit a representation before the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, who shall dispose of the representation within a period of sixty days:
Provided that in emergency cases, the Chief Commissioner or State Commissioner may dispose of such complaint as soon as possible.

4. Central Committee for Research on Disability.-

- (1) The Central Committee for Research on Disability shall consist of the following persons, namely:-
 - (i) an eminent person having a vast experience in the field of science and research, to be nominated by the Central Government, ex officio-Chairperson;
 - (ii) nominee of Director General of Health Services – Member;
 - (iii) four persons drawn from national institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government – Members;
 - (iv) five persons of the registered organisation, representing each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members;
 - (v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary;
 - (vi) any expert appointed by the Chairperson as a special invitee.
- (2) The term of office of the nominated members shall be for a period of three years from the date on which they enter open office but shall be eligible for re-nomination.
- (3) One half of the members including one nominated member present shall constitute the quorum of the meeting.
- (4) The non-official members and special invitees shall be entitled for traveling allowance and dearness allowance as admissible to Group “A” officer of the Central Government.
- (5) The Central Government may provide the Committee with such clerical and other staff as the Central Government consider necessary.

CHAPTER III

5. Manner of publication of equal opportunity policy.-

- (1) Every Government establishment shall publish equal opportunity policy for persons with disabilities.
- (2) The equal opportunity policy shall be displayed by the establishment preferably on their website failing which at a conspicuous places in their premises.
- (3) The equal opportunity policy shall contain the following, namely:-
 - (a) facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
 - (b) list of posts identified suitable for persons with disabilities in the establishment;

- (c) the manner of selection of persons with disabilities for various posts, post recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allocation of residential accommodation if any, and other facilities;
- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disability;
- (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees:
Provided that such liaison officer shall be imparted training on disability equality and etiquettes.

6. Form and manner of maintaining records by the establishments.-

- (1) Every Government 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 persons with disability who are employed and the date from when they are employed;
 - (b) the name 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 person with disability; and
 - (e) the kinds of facilities being provided to such person with disability.
- (3) Every Government establishment shall produce for inspection on demand records maintained under these rules to the authorities under this Act and shall supply such information as sought which it may require for the purpose of ascertaining whether the provisions have been complied with.
- (4) Every Government establishment shall at the time of asking by the authorized person, verify the records which are being complied with.

7. Manner of maintenance of register of complaints by the Government establishments.-

- (1) 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.
- (2) 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.

CHAPTER IV

8. Computation of vacancies.-

- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities.
- (2) The computation of total vacancies shall include vacancies arising in the identified and non-identified posts:
Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

9. Interchange of vacancies.- The Government establishment shall interchange vacancies in terms of section 34 of the Act only if due process of recruitment such as issuance of advertisement to fill up the vacancies meant for persons with benchmark disabilities has been followed and no suitable candidate is found after following the recruitment process.

10. Notification of vacancies to the Special Employment Exchange.-

- (1) The following vacancies shall be notified by the Government establishments to the special employment exchange namely:-
 - (a) vacancies in posts of a technical and scientific nature carrying a basic pay in Level 6 or more per month occurring in Central Government establishments; and
 - (b) vacancies which the employer of the Central Government establishment may circulate to the special employment exchange outside the State or Union territory in which the establishment is situated, as may be notified in the Official Gazette.
- (2) The Government establishment shall send the copy of the notification of vacancies to the concerned Vocational Rehabilitation Centre for persons with disabilities.
- (3) The vacancies other than those specified in sub-rule (1) shall be notified to the local special employment exchange concerned and the Government establishment shall send a copy of the notification of vacancies to the concerned Vocational Rehabilitation Centre for persons with disabilities.

11. Form and manner of notification of vacancies.-

- (1) the Government establishment shall notify the vacancies in writing to the concerned special employment exchange, and furnish the following particulars in respect of each type of vacancy, namely:-
 - (a) name and address of the employer;
 - (b) telephone number of the employer;
 - (c) nature of vacancy, namely:-
 - (i) designation of workers required;
 - (ii) description of duties;

- (iii) physical requirements for the job, namely, visual accuracy, frequent movement or walking, continuous long hours sitting and other physical requirements;
- (iv) qualification requirements, namely:-
 - (i) essential;
 - (ii) desirable;
- (v) age limit, if any;
- (vi) whether women are eligible?
- (d) number of vacancies reserved for persons with disabilities, that is, persons with physical, visual, hearing, intellectual and mental illness-
 - (i) regular;
 - (ii) temporary;
- (e) pay and allowances;
- (f) place of work, that is, name of town and village and district in which it is situated;
- (g) probable date by which the vacancy will be filled;
- (h) particulars regarding interview/test of applicants, namely:-
 - (a) date of interview or test;
 - (b) time of interview or test;
 - (c) place of interview or test;
 - (d) designation and address of the person to whom applicants should report;
 - (i) any other relevant information.
- (2) The appropriate Government shall re-notify the vacancies to the concerned special employment exchange if there is any change in the particulars already furnished to the special employment exchange and vocational rehabilitation centre for persons with disabilities under this rule.

12. Time limit for the notification of vacancies.-

- (1) The vacancies, required to be notified to the local special employment exchange, shall be notified at least thirty days before the date on which the applicants are to be interviewed or tested, where interview or test is held, or the date on which vacancies are intended to be filled, if no interview or test is held.
- (2) An employer of the Government establishment shall furnish to the concerned special employment exchange, the result of the selection within fifteen days from the date of selection.

13. Submission of Returns.-

- (1) An employer of the Government establishment shall furnish to the local special employment exchange returns once in every three months in Form PDER-I and once in every two months in Form PDER-II.
- (2) The return shall be furnished within thirty days of the respective dates that is, 31st March, 30th June, 30th September and 31st December.
- (3) The two months return shall be furnished within thirty days of the due date as may be notified by the appropriate Government in the Official Gazette.

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

CHAPTER V

15. Constitution of Assessment Board.-

- (1) The Assessment Board for the assessment of the cases regarding requirement of persons with high support needs shall consist of:-
 - (a) Chief Medical Officer of the District who shall be the Chairperson of the Assessment Board;
 - (b) civil surgeon of the respective district - Member;
 - (c) one nominee of the District Magistrate or Deputy Commissioner of the respective district - Member;
 - (d) any other expert as a special invitee which the Chairman may invite - Member;
- (2) At least two persons of the Assessment Board shall constitute the quorum for the meeting.
- (3) The Assessment Board may function notwithstanding any vacancy therein.

16. Assessment of disability with high support.-

- (1) The Assessment Board shall assess the application referred to it by the authority on the basis of documentary and other current scientific and medical evidence and other socio-economic factors.
- (2) The authority shall refer the application to the Assessment Board at least thirty days before its meeting.
- (3) On receipt of the application, the Assessment Board may issue notice to the applicant for presentation of his case before it either by himself or through an authorised representative on the designated date which shall not be more than thirty days from the date of issue of notice.
- (4) The Assessment Board may give further opportunity as it thinks fit on the request of the applicant.
- (5) The Assessment Board may during its examination call the person concerned on a fixed date to assess the application.
- (6) The Assessment Board shall forward its report to the authority within a period of thirty days of the assessment of the applicant.
- (7) On receipt of the report under sub rule (6), the authority shall take steps as provided in sub-section (4) of section 38 and inform the appropriate Government.

CHAPTER VI

17. Rules for Accessibility.- Every establishment shall comply with the following standards - physical environment, transport and information and communication technology, namely:-

- a. model building bye-laws notified by the Government of India Ministry of the Urban Development;
- b. (i) public bus transport body code notified by the Government of India, Ministry of Road Transport and Highways;
(ii) rail coach standards notified by the Government of India, Ministry of Railways;
(iii) ship vessels standards notified by the Government of India, Ministry of Shipping; and
(iv) airports and aircrafts standards notified by the Government of India, Ministry of Civil Aviation.
- c. (i) website - w3c standards guidelines of the Government of India, Ministry of Electronics and Information Technology;
(ii) telecommunication services standards notified by the Government of India, Ministry of Telecommunication;
(iii) telecasting and radio broadcasting services standards notified by the Government of India, Ministry of Information and Broadcasting;
- d. any other service and facility standards notified by the respective Ministries and Departments of the Government of India.

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

CHAPTER VII

19. Application for disability certificate.-

- (1) Any person with specified disability may apply in Form I for a disability certificate either online through Unique Disability Identity Portal (www.swavalambancard.gov.in) or submit the physical application to -
- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence in the application; or
 - (b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

- (2) The application shall be accompanied by -
- (a) proof of residence;
 - (b) two recent passport size photographs; and
 - (c) aadhar number or aadhar enrollment number, if any.

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

20. Issue of disability certificate.-

- (1) On receipt of an online application under rule 19, the 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 person with disability, issue a disability certificate in his favour through the UDID portal.
- (2) For applications other than online mode, the medical authority shall, ensure that the application is converted to the online mode and shall follow the same procedure as provided under sub-rule (1) for issuing of disability certificate.
- (3) The disability certificate shall be issued within a month from the date of receipt of the application by the medical authority.
- (4) The medical authority shall, after due examination -
 - (i) issue a permanent disability certificate in cases where there are no chances of variation over time in the degree of disability; or
 - (ii) give a temporary disability certificate and indicate the period of validity in the certificate, in cases where there is any chance of variation over time in the degree of disability.
- (5) If an applicant is found ineligible for issue of disability certificate, the medical authority shall convey the reasons to him in writing under Form II within a period of one month from the date of receipt of the application.

CHAPTER VIII

21. Allowances for the members of the Advisory Board.-

- (1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.
- (2) Non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Group A officer of the Central Government:
Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily and travelling allowances shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.
- (3) Non-official member of the Central Advisory Board shall be paid daily and travelling allowances, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.-

- (1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:
Provided that it shall meet at least once in every six months.

- (2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.
- (3) The Member Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.
- (4) The Member Secretary may give to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case thinks fit.
- (5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member Secretary, unless the Chairperson may permit him to do so.
- (6) The Central Advisory Board may adjourn its meeting from day to day or to any particular day.
- (7) Where a meeting of the Central Advisory Board adjourned from day to day, the Member Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
- (8) Where a meeting of the Central Advisory Board is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).

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

24. Quorum.-

- (1) One-third of the total members of the Central Advisory Board shall form the quorum for any meeting.
- (2) If time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
- (3) No quorum shall be necessary for the adjourned meeting.
- (4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.

25. Minutes.-

- (1) The Member Secretary shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.
- (2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

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

26. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22 shall be transacted at any meeting.

27. Agenda for the meeting of the Central Advisory Board.-

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

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

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

29. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Central Advisory Board shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

30. Qualification for appointment of Chief Commissioner.-

1) No person shall be eligible for appointment as Chief Commissioner unless-

a) he is a graduate from a recognized University; and

Note:- Preference shall be given for a person having recognized degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

b) having experience of at least twenty-five years in a Group 'A' level post in Central Government or State Government or public sector undertakings or semi Government or autonomous bodies dealing with disability related matters or social sector or as a senior level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

c) he attained the age of sixty years as on 1st January of the year of recruitment.

Note:- If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post.

31. Qualification for appointment of Commissioner.- No person shall be eligible for appointment as Commissioner unless -

(a) he is a graduate from a recognized University; and

Note:- preference shall be given for a person having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) having experience of at least three years in the post of the level of Joint Secretary or equivalent in Central Government or State Government or public sector undertakings or semi Government or autonomous bodies or at least twenty years experience in a Group 'A' level posting in a Central Government or State Government or public sector undertakings or semi Government or autonomous bodies dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development; and

(c) he attained the age of fifty six years as on 1st January of the year of recruitment.

32. Method of appointment of the Chief Commissioner and Commissioner.-

(1) The Central Government shall, six months before the post of Chief Commissioner is due to fall vacant, advertise in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the qualifications specified in rule 30 and 31.

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

(3) The search-cum-selection Committee shall be constituted in accordance with the instructions issued by the Department of Personnel and Training from time to time.

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

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

33. Term of the Chief Commissioner and Commissioner.-

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

(2) The term of office of the Commissioner shall be for a period of three years and may be extended for a period of another two years or till he attain age of sixty years.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms: Provided that the Chief Commissioner or the Commissioner have not attained age of sixty five years or sixty years respectively.

34. Salary and allowances of the Chief Commissioner and Commissioner.-

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

35. Other terms and conditions of service of the Chief Commissioner and Commissioner.-

- (1) The Chief Commissioner and Commissioners shall be entitled to such leave as is admissible to a Government servant under the Central Civil Service (Leave) Rules, 1972.
- (2) The Chief Commissioner and Commissioners shall be entitled to such leave travel concession as is admissible to a Group 'A' officer under the Central Civil Services Rules, 1988.
- (3) The Chief Commissioner and Commissioners shall be entitled to such medical benefits as is admissible to a Group 'A' officer under the Central Government Health Scheme.

36. Resignation and removal.-

- (1) The Chief Commissioner and Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the post.
- (2) The Central Government may remove a person from the office of the Chief Commissioner and Commissioner, if he -
 - (a) becomes an undischarged insolvent;
 - (b) engages during his term of office in any paid employment or activity outside the duties of his office;
 - (c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
 - (d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
 - (e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or
 - (f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group A employee of the Central Government.

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

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

38. Procedure to be followed by Chief Commissioner and Commissioner.

- (1) A complainant may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or Commissioner or be sent by registered post addressed to the Chief Commissioner or Commissioner, namely:-
- (a) the name, description and the address of the complainant;
 - (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;
 - (c) the facts relating to complaint and when and where it arose;
 - (d) documents in support of the allegations contained in the complaint;
 - (e) the relief which the complainant claims.
- (2) The Chief Commissioner or Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or Commissioner.
- (3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.
- (4) Where the complainant or his agent fails to appear before the Chief Commissioner or the Commissioner on such days, the Chief Commissioner or the Commissioner may either dismiss the complaint on default or decide on merits.
- (5) Where the opposite party or his agent fails to appear on the date of hearing the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.
- (6) The Chief Commissioner or the Commissioner may dispose of the complaint ex-parte, if necessary
- (7) The Chief Commissioner or the Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.
- (8) The Chief Commissioner or the Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

39. Advisory Committee to assist the Chief Commissioner.-

- (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-
 - (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of whom two shall be women;
 - (b) three experts in the field of barrier-free environment, one each from physical environment, transportation and information and communication technology or other services and facilities provided to the public;
 - (c) one expert in the area of employment of persons with disabilities;
 - (d) one legal expert; and
 - (e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.
- (2) The Chief Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

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

41. Submission of Annual Report.-

- (1) The Chief Commissioner shall as soon as possible after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government an annual report giving a complete account of his activities during the said financial year.
- (2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-
 - (a) names of its officers and staff and a chart showing the organizational set up;
 - (b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;
 - (c) the main recommendations made by the Chief Commissioner;
 - (d) the progress made in the implementation of the Act;
 - (e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

42. Management of National Fund.- Their shall be governing body consisting of following members to manage the National Fund, namely:-

- (a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;
- (b) Chairperson, Rehabilitation Council of India -Member;
- (c) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

- (d) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;
 - (e) two representatives from the Ministries or Departments of health and family welfare, human resource development (department of school education and literacy and department of higher education), labour and employment, financial services and rural development in the Central Government, not below the rank of a Joint Secretary, by rotation - Members;
 - (f) two persons representing different types of disabilities to be nominated by the Central Government, by rotation – Members;
 - (g) Joint Secretary in the Department of Empowerment of Persons with Disabilities – Convener and Chief Executive Officer.
- (2) The governing body shall meet as often as necessary, but at least once in every financial year.
 - (3) The nominated members shall hold office for not more than three years.
 - (4) No member of the governing body shall be a beneficiary of the Fund during the period such Member holds office.
 - (5) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group ‘A’ employees of the Central Government for attending the meetings of the governing body.
 - (6) No person shall be nominated as a member of the governing body if he -
 - (a) is, or has been, convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
 - (b) is, or at any time has been, adjudicated as an insolvent.

43. Utilization of the National Fund.-

- (1) The amount available as fixed deposits for empowerment of persons with disabilities and the National Fund for people with disability as on the date of the commencement of the Act shall form the corpus of the National Fund.
- (2) All moneys available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.
- (3) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body, may, subject to the general guidelines of the Central Government, decide.
- (4) Only the interest accruing on the corpus shall be utilized for the following purposes, namely:-
 - (a) financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government;
 - (b) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
 - (c) such other purposes as may be decided by the governing body.
- (5) Every proposal of expenditure shall be placed before the governing body for its approval.
- (6) Any expenditure in any exigency is to be incurred from the National Fund, the said expenditure may be incurred with the approval of the Chairperson of the governing body:

Provided that such expenditure shall be placed before the governing body for ex-post-facto approval in its earliest meeting.

- (7) The governing body may appoint secretarial staff including accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the Fund based on need based requirement.

44. Budget.- The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund in each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

45. Annual Report.- The annual report of the Department of Empowerment of persons with Disability shall include a chapter on National Fund.

FORM PDER -I

(Return by the Employer)

[See rule **13(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

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

On the last working day of the quarter under report

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

(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
	Local/Special Employment Exchange	General Employment Exchange		
1	2	3	4	5

(Describe the source from which filled)

(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.

Name of the occupation or Designation of the posts	Number of unfiled vacancies/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

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 13(1)]

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

Name and Address of the Employer _____

Nature of business _____

(describe what the 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 Use exact term	Men with Disability			Women with Disability			Total		
	O	V	H	O	V	H	O	V	H
1	2	3	4	5	6	7	8	9	10
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on Duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);									
Total									

Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.

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-1.

FORM PDER -III

[See rule 14]

Name and Address of the Employer _____

Whether - Head Office _____

Branch Office _____

Nature of business/principal activity: _____

Total number of persons on the pay rolls of the 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 Use exact term	Men with Disability			Women with Disability			Total		
	O	V	H	O	V	H	O	V	H
1	2	3	4	5	6	7	8	9	10
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on Duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);									
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		Filled	Sources (Describe the Source form which filled)
	Local Special Employment Exchange	General Employment		
1	2	3	4	5
Total				

(a) 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 Designation of the posts	Number of unfilled vacancies/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

FORM-I

[Application for certificate of disability]

<http://www.swavlambancard.gov.in>



Unique Disability ID
Department of Empowerment of Persons with Disabilities
Ministry of Social Justice and Empowerment, Government of
India

PERSON WITH DISABILITY REGISTRATION FORM

1. Personal Details

Applicant Name :	_____	_____	_____	Photograph Passport Size 2 x 3
Father's Name :	_____			
Mother's Name :	_____			
Date of Birth :	_____	Age :	_____	
Mobile No :	_____	E-mail ID :	_____	
Gender :	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other	
Mark of Identification :	_____			Signature / Thumb / Other Print
Category :	<input type="checkbox"/> General	<input type="checkbox"/> OBC*	<input type="checkbox"/> SC*	<input type="checkbox"/> ST* (*Attached cast certificate for OBC/SC/ST only)
Blood Group :	<input type="checkbox"/> O+	<input type="checkbox"/> O-	<input type="checkbox"/> A+	<input type="checkbox"/> A- <input type="checkbox"/> B+ <input type="checkbox"/> B- <input type="checkbox"/> AB+ <input type="checkbox"/> AB-
Marital Status :	<input type="checkbox"/> Married*	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Widow	<input type="checkbox"/> Divorced <input type="checkbox"/> Divorcee & Widower
*If you are married give Spouse Name : _____				
Name of Guardian/ Caretaker /Attendant / Related Person :	_____			His/Her Contact No. : _____
Relation with Person with Disability :	<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/> Wife	<input type="checkbox"/> Husband <input type="checkbox"/> Uncle <input type="checkbox"/> Aunty <input type="checkbox"/> Sister <input type="checkbox"/> Other
Educational Details :	<input type="checkbox"/> Primary	<input type="checkbox"/> Middle/Higher Primary	<input type="checkbox"/> Senior Secondary	<input type="checkbox"/> Higher Secondary
	<input type="checkbox"/> Diploma	<input type="checkbox"/> Graduate	<input type="checkbox"/> PG Diploma	<input type="checkbox"/> Post Graduate
	<input type="checkbox"/> Doctorate			

2. Address Details

Correspondence Address :	_____		
	_____	Pincode :	_____
	State/UTs : _____	District :	_____
	City/Sub District/Tehsil : _____	Village/Block :	_____
Document for Address Proof :	<input type="checkbox"/> Driving Licence	<input type="checkbox"/> Ration Card	<input type="checkbox"/> Voter ID <input type="checkbox"/> Other (Domicile Certificate)

Permanent Address : _____
 _____ Pincode : _____
 State/UTs : _____ District : _____
 City/Sub District/Tehsil : _____ Village/Block : _____

3. Disability Details

Have disability Certificate : Yes* No (*If yes, please fill in the following details & attach disability certificate)

Sr./Reg. No. of Certificate : _____ Date of Issue : _____
(DD/MM/YYYY)

Disability Percentage (%) : _____ (For example: 30%, 40%, 50%, 60%)

Details of Issuing Authority : Chief Medical Office Medical Authority

Disability Type : Blindness Muscular Dystrophy Hearing Impairment Hemophilia
 Low Vision Parkinson's Disease Intellectual Disability Thalassemia
 Leprosy Cured Sickle Cell Disease Acid Attack Victim Locomotor Disability
 Cerebral Palsy Dwarfism Mental Illness Multiple Sclerosis
 Specific Learning Disabilities Speech and Language Disability Autism Spectrum Disorder Chronic Neurological Conditions
 Multiple Disabilities including Deaf Blindness

Disability By Birth : Yes* No Disability Since : _____
(in Year)

Pension Card Number : _____ Disability Scheme : _____

Hospital Treating Disability : _____

Disability Area : Chest Ears Head Left Eye Left Hand Left Leg Mouth
 Nose Shoulder Throat Right Eye Right Hand Right Leg Stomach

Disability Due to : Accident Congenital Hereditary

4. Employment Details

Employed : Yes No* Unemployed Since : _____

Occupation : Govt. Job Professional/Technical Agriculture Service & Shops
 Clerks Craft/Trade Workers Daily Wages Worker Plant/Factory
 Other Occupation _____

BPL/APL : N/A APL BPL Antodya

Personal Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Father Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Spouse Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

5. Identity Details

Attached Identity Proof : Driving Licence PAN Card Ration Card Voter ID Aadhar Card

Identity Proof Number : _____

Aadhaar Card Number : _____ TIN (NPR) : _____

Any Other State/UTs ID : _____ Other State/UTs ID Value : _____

I _____, the applicant do hereby declare that what is stated above is true to the best of my own information and brief.

Date : _____ Applicant's Signature/Thumbprint : _____

FORM-II

[Intimation of Rejection of Application for Certificate of Disability]

[See rule 20(5)]

No. _____ Dated :

To,

(Name and address of applicant
for Disability Certificate)

Sub: Rejection of Application for Disability Certificate

Sir/ Madam,

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

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

(i)

(ii)

(iii)

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

Yours faithfully,
(Authorised Signatory of the notified Medical Authority)
(Name and Seal)



[File No. 03-01/2017-DD-III]

[Awanish Kumar Awasthi]

Joint Secretary to the Government of India