

THE PERSONS WITH DISABILITIES (Equal Opportunities, protection Of Rights And Full Participation) ACT, 1995

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Preliminary

1.

1. This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
2. It extends to the whole of India except the State of Jammu and Kashmir.
3. It shall come into force on such date as the Central Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,

(a) "appropriate Government" means,

- i. in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;
- ii. in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government;
- iii. in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;
- iv. in respect of the State Coordination Committee and the State Executive Committee, the State Government;

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

- i. total absence of sight; or
 - ii. visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or
 - iii. Limitation of the field of vision subtending an angle of 20 degree or worse;
- c. "Central Coordination Committee" means the Central Coordination Committee constituted under sub-section (1) of section 3;
 - d. "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;
 - e. "cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
 - f. "Chief Commissioner" means the Chief Commissioner appointed under sub-section (1) of section 57;
 - g. "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;
 - h. "competent authority" means the authority appointed under section 50;
 - i. "disability" means -

- i. blindness;
- ii. low vision;
- iii. leprosy-cured;
- iv. hearing impairment;
- v. locomotor disability;
- vi. mental retardation;
- vii. mental illness;

(j) "employer" means,

- k. in relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and

- l. in relation to an establishment, the chief executive officer of that establishment;
- k. "establishment" means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government;
- l. "hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies;
- m. "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;
- n. "leprosy cured person" means any person who has been cured of leprosy but is suffering from -
 - i. loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
 - ii. manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
 - iii. extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;
- o. "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
- p. "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;
- q. "mental illness" means any mental disorder other than mental retardation;
- r. "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;
- s. "notification" means a notification published in the Official Gazette;
- t. "person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;
- u. "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- v. "prescribed" means prescribed by rules made under this Act;
- w. "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
- x. "special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting -
 - i. persons who seek to engage employees from amongst the persons suffering from disabilities;
 - ii. persons with disability who seek employment;
 - iii. vacancies to which person with disability seeking employment may be appointed;
- y. "state Coordination Committee" means the State Coordination Committee constituted under sub-section (1) of section 13;
- z. "state Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

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The Central Coordination Committee

(1) The Central Government shall by notification constitute a body to be known as the Central Coordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act. 2. The Central Coordination Committee shall consist of -

- a. the Minister in charge of the Department of Welfare in the Central Government, Chairperson, ex officio;
- b. the Minister of State in-charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex officio;
- c. Secretaries to the Government of India in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, ex officio;
- d. Chief Commissioner, Member, ex officio;
- e. Chairman Railway Board, Member, ex officio;
- f. Director-General of Labour, Employment and Training, Member, ex officio;
- g. Director, National Council for Educational Research and Training, Member, ex officio;
- h. three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;
- i. three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;
- j. Directors of the -
 - i. National Institute for the Visually Handicapped, Dehradun;
 - ii. National Institute for the Mentally Handicapped, Secunderabad;
 - iii. National Institute for the Orthopaedically Handicapped, Calcutta;
 - iv. Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai, Members, ex officio;
- k. four Members to be nominated by the Central Government by rotation to represent the States and the Union territories in such manner as may be prescribed by the Central Government:

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

- case may be, the Union territory;
- l. five persons as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members: Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;
 - m. Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio.

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

4. (1) Save as otherwise provided by or under this Act a Member of Central Coordination Committee nominated under clause (i) or clause (1) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination; Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

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

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

(4) A Member nominated under clause (i) or clause (1) of sub-section (2) of section 3 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

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

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

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

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

- a. is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
- b. is of unsound mind and stands so declared by a competent court, or
- c. is or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or
- d. is or at any time has been convicted of an offence under this Act, or
- e. has so abused in the opinion of the Central Government his position as a Member as to render his continuance in the Central Coordination Committee detrimental to the interests of the general public.

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

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

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

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

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

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

- a. review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental

- Organisations which are dealing with matters relating to persons with disabilities;
- b. develop a national policy to address issues faced by persons with disabilities;
- c. advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;
- d. take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies;
- e. review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;
- f. take such other steps to ensure barrier free environment in Public places, work places, public utilities, schools and other institutions;
- g. monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;
- h. to perform such other functions as may be prescribed by the Central Government.

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

(2) The Central Executive Committee shall consist of -

- a. the Secretary to the Government of India in the Ministry of Welfare, Chairperson, ex officio;
- b. the Chief Commissioner, Member, ex officio;
- c. the Director-General for Health Services, Member, ex officio;
- d. the Director-General, Employment and Training, Member, ex officio;
- e. six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension and Urban Affairs and Employment, Science and Technology, Member, ex officio;
- f. the Financial Adviser, Ministry of Welfare in the Central Government, Member, ex officio;
- g. advisor (Tariff) Railway Board, Member, ex officio;
- h. four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union territories in such manner as may be prescribed by the Central Government;
- i. one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;
- j. five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members: Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes:
- k. Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio.<

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

(4) A Member nominated under clause (i) or clause (j) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

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

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

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

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

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

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

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The State Coordination Committee

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

(2) the State Coordination Committee shall consist of -

- a. The Minister in-charge of the Department of Social Welfare in the State Government, Chairperson, *ex officio*;
- b. the Minister of State in-charge of the Department of Social Welfare, if any, Vice-Chairperson, *ex officio*;
- c. Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called, Members, *ex officio*;
- d. Secretary of any other Department which the State Government considers necessary, Member, *ex officio*;
- e. Chairman Bureau of Public Enterprises (by whatever name called) Member, *ex officio*;
- f. five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members: Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;
- g. three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;
- h. three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, *ex officio*;
- i. the Commissioner, Member, *ex officio*;
- j. Secretary to the State Government dealing with the welfare of the handicapped, Member-Secretary, *ex officio*.

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

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

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

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

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

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

(4) A Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 may, at any time, resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

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

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

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

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

- a. is, or at any time, has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
- b. is of unsound mind and stands so declared by a competent court, or
- c. is or has been convicted of an offence which in the opinion of the State Government involves moral turpitude, or
- d. is or at any time has been convicted of an offence under this Act, or
- e. has so abused, in the opinion of the State Government his position as a member as to render his continuance in the State Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been

given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

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

17. The State Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

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

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

- a. review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;
- b. develop a State policy to address issues faced by persons with disabilities;
- c. advise the State Government on the formulation of policies, programmes, legislation and projects with respect to disability;
- d. review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;
- e. take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;
- f. monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;
- g. to perform such other functions as may be prescribed by the State Government.

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

The State Government shall constitute a committee to be known as the State Executive Committee to perform the functions assigned to it under this Act.

(2) The State Executive Committee shall consist of -

- a. the Secretary, Department of Social Welfare, Chairperson, *ex officio*;
- b. the Commissioner, Member, *ex officio*;
- c. nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs Labour and Employment, Science and Technology, Members, *ex officio*;
- d. one person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;
- e. five persons, as far as practicable being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members: Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;
- f. Joint Secretary dealing with the disability division in the Department of Welfare, Member-Secretary, *ex officio*.

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

(4) A Member nominated under clause (d) or clause (e) may at any time resign his office by writing under his hand address to the State Government and the seat of the said Member shall thereupon become vacant.

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

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

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

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

under this Act.

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

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

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

- a. the Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and
 - b. the State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State Government may give to it:
- Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

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

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Prevention and Early Detection of Disabilities

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

- a. undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;
- b. promote various methods of preventing disabilities;
- c. screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- d. provide facilities for training to the staff at the primary health centres;
- e. sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;
- f. take measures for pre-natal, perinatal and post-natal care of mother and child;
- g. educate the public through the pre-schools, primary health centres, village level workers and anganwadi workers;
- h. create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

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Education

26. The appropriate Governments and the local authorities shall -

- a. ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- b. endeavour to promote the integration of students with disabilities in the normal schools;
- c. promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
- d. endeavour to equip the special schools for children with disabilities with vocational training facilities.

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

- a. conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis;
- b. conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
- c. imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;
- d. imparting education through open schools or open universities;
- e. conducting class and discussions through interactive electronic or other media;
- f. providing every child with disability free of cost special books and equipments needed for his education.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items

as are necessary to give a child with disability equal opportunities in education.

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

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

- a. transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools;
- b. the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;
- c. the supply of books, uniforms and other materials to children with disabilities attending school;
- d. the grant of scholarship to students with disabilities;
- e. setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;
- f. suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
- g. restructuring of curriculum for the benefit of children with disabilities;
- h. restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

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

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Employment

32. Appropriate Governments shall -

- a. identify posts, in the establishments, which can be reserved for the persons with disability;
- b. at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

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

(i) blindness or low vision;

(ii) hearing impairment;

(iii) locomotor disability or cerebral palsy,

in the posts identified for each disability:

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

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

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

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

36. Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment

year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability: Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

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

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

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

- a. the training and welfare of persons with disabilities;
- b. the relaxation of upper age limit;
- c. regulating the employment;
- d. health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;
- e. the manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and
- f. constituting the authority responsible for the administration of the scheme.

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

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

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

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Affirmative Action

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

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

- a. house;
- b. setting up business;
- c. setting up of special recreation centres;
- d. establishment of special schools;
- e. establishment of research centres;
- f. establishment of factories by entrepreneurs with disabilities.

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Non-Discrimination

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

- a. adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;
- b. adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.

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

- a. installation of auditory signals at red lights in the public roads for the benefit of persons with visual handicap;
- b. causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;
- c. engraving on the surface of the zebra crossing for the blind or for persons with low vision;
- d. engraving on the edges of railway platforms for the blind or for persons with low vision;
- e. devising appropriate symbols of disability;
- f. warning signals at appropriate places.

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

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

47. (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service: Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

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

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

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Research And Manpower Development

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

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

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

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Recognition of Institutions for Persons with Disabilities

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

51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority: Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for such certificate under this section within the said period of six months, till the disposal of such application.

52. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for :

Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant

in such manner as may be prescribed by the State Government.

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

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

- a. shall, unless revoked under section 53, remain in force for such period as may be prescribed by the State Government.
- b. may be renewed from time to time for a like period; and
- c. shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.

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

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

- a. made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or
- b. committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate:
Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

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

Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function -

- a. where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or
- b. where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be -

- a. restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or
- b. transferred to any other institution specified by the competent authority.

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

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

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

55. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

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Institution for Persons with Severe Disabilities

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

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

Provided that no institution shall be recognised under this section unless such institution has complied with the requirements

of this Act and the rules made thereunder.

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

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

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The Chief Commissioner and Commissioners for Persons with Disabilities

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

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

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

(4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

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

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

58. The Chief Commissioner shall -

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

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

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

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

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

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

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

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

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

61. The Commissioner within the State shall -

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

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

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

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

- a. summoning and enforcing the attendance of witnesses;
- b. requiring the discovery and production of any document;
- c. requisitioning any public record or copy thereof from any court or office;
- d. receiving evidence on affidavits; and
- e. issuing commissions for the examination of witnesses or documents.

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

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

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

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

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

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Social Security

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

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

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

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

disabilities.

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

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

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Miscellaneous

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

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

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

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

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

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

- a. the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;
- b. allowances which members shall receive under sub-section (7) of section 4;
- c. rules of procedure which the Central Coordination Committee shall observe in regard to the transaction of business in its meeting under section 7;
- d. such other functions which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;
- e. the manner in which a State Government or a Union territory shall be chosen under clause (h) of sub-section (2) of section 9;
- f. the allowances which the Members shall receive under sub-section (3) of section 9;
- g. rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;
- h. the manner and purposes for which a person may be associated under sub-section (1) of section 12;
- i. fees and allowances which a person associated with the Central Executive Committee shall receive under sub-section (3) of section 12;
- j. allowances which members shall receive under sub-section (7) of section 14;
- k. rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;
- l. such other functions which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;
- m. the allowances which Members shall receive under sub-section (3) of section 19;
- n. rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;
- o. the manner and purposes for which a person may be associated under sub-section (1) of section 22;
- p. fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of section 22;
- q. information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;
- r. the form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;
- s. the form and manner in which an application shall be made under sub-section (1) of section 52;
- t. the manner in which an order of refusal shall be communicated under sub-section (2) of section 52;
- u. facilities or standards required to be provided or maintained under sub-section (3) of section 52;
- v. the period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;
- w. the form in which and conditions subject to which a certificate of registration shall be granted under clause (c) of sub-section (4) of section 52;
- x. period within which an appeal shall lie under sub-section (1) of section 54;
- y. the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;
- z. the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (3) of section 57;

- (za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;
- (zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;
- (zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section (3) of section 60;
- (zd) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 60;
- (ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;
- (zf) the form and time in which annual report shall be prepared under sub-section (1) of section 64;
- (zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;
- (zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the proviso to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, notification or scheme, both Houses agree that the rule, notification or scheme should not be made, the rule, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or scheme, as the case may be.

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

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

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

THE PERSONS WITH DISABILITIES RULES, 1996

33004/96 Registered No. DL-33004/96

The Gazette of India
Extraordinary
Part II - Section 3
Published By Authority
Ministry of Welfare
Notification

New Delhi, the 31st December, 1996

S.O. 908(E). - In exercise of the powers conferred by sub-sections (1) and (2) of sections 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), the Central Government hereby make the following rules, namely:-

Chapter I - Preliminary

1. Short Title and Commencement: - (1) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996.
2. They shall come into force on date of their Publication in the Official Gazette.

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

- a. "Act" means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
- b. "Chairperson" means a Chairperson appointed under the Act;
- c. "Vice Chairperson" means a Vice-Chairperson appointed under the Act;
- d. "Member" means a Member appointed under the Act;
- e. "Member-Secretary" means a Member-Secretary appointed under the Act;
- f. "Special Employment Exchange" means special employment exchange, special cell in normal employment exchange and such employment exchanges which are notified special employment exchanges by notification in the Official Gazette.
- g. "Year" means the financial year commencing on the first day of April.

Chapter II - Guidelines for evaluation and assessment of various disabilities

3. The general guidance for evaluation and assessment of various disabilities issued by the Government of India in the Ministry of Welfare vide No. 4-2/83-HW.III dated the 6th August, 1986 and as may be amended from time to time, shall be followed for evaluation of various disabilities specified in section 2(b),(e),(l),(n),(o),(q),(r),(t), and (u) of the Act.
4. **Authorities to give disability Certificate.** - (1) A Disability Certificate shall be issued by a Medical Board duly constituted by the Central and the State Government. (2) The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.
 1. The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability.
 2. The Medical Board shall indicate the period of validity in the certificate, in cases where there is any chance of variation in the degree of disability.
 3. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard.
 4. On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.
6. The Certificate issued by the Medical Board under rule 5 shall make a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government or Non Governmental Organisations, subject to such conditions as the Central or the State Government may impose.

Chapter III - The Central Coordination Committee.

7. Nomination of State Government representatives by rotation. - The Central Government shall nominate four members - three from the State and one from the Union Territories under clause (k) of sub-section (2) of section 3 of the Act, by rotation, in such a manner so as to cover all the four regions of the country, every year.
8. Membership Roll. - The Member-Secretary shall keep a record of names of members and their addresses.
9. Change of Address - If a member changes his address, he shall notify his new address to the Member-Secretary, who shall there upon enter his new address, in the official records (but if he fails to notify his new address, the address in the official records shall for all purposes be treated as his correct address).
10. **Daily and Travelling Allowances -**
 1. Non-official members of the Central Coordination Committee, resident in Delhi, shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Coordination Committee.
 2. Non-official members of the Central Coordination Committee, not resident in Delhi, shall be paid daily and travelling allowances for each day of the actual meetings at the highest rates admissible to a Grade I Officer of the Central Government : Provided that in case of a Member of Parliament who is also a member of the Central Coordination Committee, the said daily and travelling allowances shall be paid at the rates admissible to him as member of Parliament, when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other government source.
 3. An official member of the Central Coordination Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other government source.
11. **Notice of Meetings. -**
 1. The meetings of the Central Coordination Committee 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, upon the written request of not less than ten members of the Central Coordination Committee, call a special meeting of the Committee.
 3. Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by Member-Secretary to the members.
 4. Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case 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, in his discretion, permits him to do so.
 6.
 - a. The Central Coordination Committee may adjourn its meetings from day to day or to any particular day.
 - b. Where a meeting of the Central Coordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned if held by messenger and it

- shall not be necessary to give notice of the adjourned meeting to other members.
- c. Where a meeting of the Central Coordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.
12. **Presiding Officer.**- The Chairperson shall preside at every meeting of the Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at that meeting.
13. **Quorum.** -
1. One-third of the total members shall form the quorum for any meeting.
 2. If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
 3. No quorum shall be necessary for the adjourned meeting.
 4. No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.
 5.
 - a. Where a meeting of the Central Coordination Committee is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
 - b. Where a meeting of the Central Coordination Committee is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11.
14. **Minutes.** - (1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary. (2) The minutes of the previous meeting shall be 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.
15. **Maintaining order at meeting.** - The presiding officer shall maintain order at the meeting.
16. **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 11, shall be transacted at any meeting.
17. (1) At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer. (2) Either at the beginning of the meetings 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.
18. **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 Chairperson and the Vice-Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.
19. **No proceeding to be invalid due to vacancy or any defect.** - No proceeding of the Central Coordination Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.

Chapter IV - The Central Executive Committee

20. **Nomination of State Government representatives by rotation.** - The Central Government shall nominate four members - three from the States and one from the Union Territories under clause (h) of Sub-section (2) of section 9 of the Act, by rotation, in such a manner so as to cover all the four regions of the country, every year.
21. **Daily and Travelling Allowances.** - (1) Non-official members of the Central Executive Committee, resident in Delhi, shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Coordination Committee. (2) Non-official members of the Central Executive Committee, not resident in Delhi, shall be paid daily and travelling allowances for each day of the actual meetings at the highest rates admissible to a Grade I Officer of the Central Government. (3) Official members of the Central Executive Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective government under whom he is serving on production of a 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 Meetings.** - (1) The meetings of the Central Executive Committee 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 three months.
- (2) The Chairperson shall, upon the written request of not less than ten members of the Central Executive Committee, call a special meeting of the Committee.
- (3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members.
- (4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case, 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, in his discretion, permits him to do so.
- (6)
- a. The Central Executive Committee may adjourn its meetings from day to day or to any particular day.
 - b. Where a meeting of the Central Executive Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
 - c. Where a meeting of the Central Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.
23. **Presiding Officer.** - The Chairperson shall preside at every meeting of the Board and in his absence, the members present shall elect one of the members to preside at that meeting.
24. **Quorum.** - (1) One-third of the total members shall form the quorum for any meeting.

- (2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
- (3) No quorum shall be necessary for the adjourned meeting.
- (4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.
- (5) (a) Where a meeting of the Central Executive Committee is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
- (b) Where a meeting of the Central Executive Committee is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 22.
25. **Minutes.** - (1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.
- (2) The minutes of the previous meeting shall be 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. **Maintaining order at meeting.** - The presiding officer shall maintain order at the meeting.
27. **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.
28. (1) At any meeting business shall be transacted in the order in which it is entered in the agenda.
- (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.
29. **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 Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.
30. **No proceeding to be invalid due to vacancy or any defect.** - No proceeding of the Central Executive Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.
31. **Manner and Purpose of Association of Persons with Central Executive Committee.** - (1) The Central Executive Committee may invite any person to participate in the deliberations of its meetings, whose assistance or advice, is considered useful in Performing any of its function, under the Act. 2. If the person associated with the Central Executive Committee under Sub-rule (1) happens to be a non-official resident in Delhi, he shall be entitled to get an allowance of rupees seventy five per day for each day of actual meeting of the Committee in which he is so associated. (3) If such a person is not resident in Delhi, he shall be paid daily and travelling allowances for each day of the actual meeting at the highest rates admissible to a Grade I Officer of the Central Government. (4) If such person is a government servant, or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.
32. **Fee for the associated person.** - Notwithstanding anything in rule 31, the Central Executive Committee may pay the person associated with the committee, with the prior approval of the Central Government, such fees as the Central Government may determine depending on the nature of work assigned and the qualifications and experience of the associated person.
33. **Tours by associated person.** - The associated person may, with the prior approval of the Chairperson, undertakes tours within the country for the performance of the duties entrusted to him by the Central Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowances at the rates admissible to a Grade I Officer of the Central Government.
34. **Associated Person not to disclose any information.**- The associated person shall not disclose any information either given by the Central Executive Committee or obtained during the performance of the duties assigned to him either from the Central Executive Committee or otherwise, to any person other than the Central Executive Committee without the written permission of the chairperson of the Committee.
35. **Duties and functions of the associated person** - The associated person shall discharge such duties and perform such functions as are assigned to him, by the Central Executive Committee.

Chapter V : Employment

36. **Computation of vacancies.** - For the purpose of computation of vacancies for persons with disabilities in Group A,B,C and D posts, the manner of computation of vacancies shall be such as may be determined by the Government by instructions or orders in this regard.
37. **Notification of Vacancies to the Special Employment Exchanges.** - (1) The following vacancies shall be notified to the Special Employment Exchanges, namely:-
- Vacancies in posts of a technical and scientific nature carrying a basic Pay of Rs. 1400/- or more per month occurring in establishments in respect of which the Central Government is the appropriate Government under the Act, and
 - Vacancies which an employer may desire to be circulated to the Special Employment Exchanges outside the State or Union Territory in which the establishment is situated, shall be notified to such Special Employment Exchanges as may be specified by the Central Government by notification in the Official Gazette, in this behalf. A copy of the notification of vacancies shall be sent to the concerned Vocational Rehabilitation Center for Handicapped.
- (2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned. A copy of the notification of vacancies shall also be sent to the concerned Vocational Rehabilitation Centre for Handicapped.
38. **Form and manner of notification of vacancies.** - The vacancies shall be notified in writing to the concerned special employment exchange, and the following particulars shall be furnished in respect of each type of vacancy, namely:-
- Name and address of the employer;
 - Telephone number of the employer, if any;
 - Nature of vacancy-
- (a) Type of workers required (Designation)
- (b) (i) Description of duties;
- (ii) Physical requirements (i.e. job involves visual accuracy, frequent movement/walking, continuous long hours sitting etc.)

(c) Qualifications required -

(i) Essential,

(ii) Desirable

(d) Age limits, if any;

(e) Whether women are eligible?

4. Number of vacancies -

Reserved for physically handicapped persons
Orthopedically Visually Hearing Handicapped

d. Regular

e. Temporary

5. Pay and allowances

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

7. Probable date by which the vacancy will be filled.

8. Particulars regarding interview/test of applicants -

f. Date of interview/test.

g. Time of interview/test.

h. Place of interview/test.

i. Designation and address of the person to whom applicants should report.

9. Any other relevant information. -

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

39. **Time limit for the notification of vacancies. -**

0. Vacancies, required to be notified to the local Special Employment Exchange, shall be notified at least thirty days before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

1. Vacancies, required to be notified to the Special Employment Exchange notified under sub-rule (1) of rule 37 shall be notified at least three weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

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

40. **Submission of Returns -**

0. An employer shall furnish to the local Special Employment Exchange quarterly returns in Form DPER-I and biennial returns in Form DPER-II, as may be amended from time to time.

1. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December.

2. Biennial return shall be furnished within thirty days of the due date as notified in the official Gazette.

41. **Form in which record to be kept by an employer. -** An employer shall maintain the record of employees with disabilities in Form DPER III, as may be amended from time to time.

Chapter VI - Chief Commissioner for persons with Disabilities

41. **Procedure to be followed by Chief Commissioner-**

1. A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Chief Commissioner of persons with disabilities or be sent by registered post addressed to the Chief Commissioner :-

a. The name, description and the address of the complainant;

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

c. The facts relating to complaint and when and Where it arose;

d. Documents in support of the allegations contained in the complaint;

e. The relief which the complainant claims;

2. The Chief Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party/parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief commissioner.

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

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

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

6. The Chief Commissioner may dispose of the complaint exparte, if necessary.

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

8. The complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

42. **Salary and Allowances of the Chief Commissioner-** The Chief Commissioner for Persons with Disabilities shall be entitled to salary, allowances and other perquisites as are available to the Secretary to the Government of India.

43. **Submission of Report to Central Government. -** The Chief Commissioner shall submit 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 one financial year.

44. **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:-
- Names of officers staff of the Board and a chart showing the organizational set up;
 - The functions which the Chief Commissioner has been empowered under section 58 and 59 of the Act and the highlights of the performance in this regard;
 - The main recommendations made by the Chief Commissioner;
 - Progress made in the implementation of the Act Statewise;
 - Any other matter deemed appropriate for inclusion by Chief Commissioner or specified by the Central Government from time to time.

Form DPER-1
 (Disabled Persons Employed return)
 (See rule 40)

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. 1(a) Employment:

Total number of persons including working proprietors/ partners/commission agents/contingent paid and contractual workers, on the pay rolls of the Establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the establishment).

On the last working day of the previous quarter			On the last working day of the quarter under report		
Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped	Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped

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

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	Sources
Local Special Employment Exchange		General Employment Exchange		(Describe the source from which filled)
1	2	3	4	5

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

Vacancies/posts unfilled because of shortage of suitable applicants			
Name of the occupation of designation of the post		Number of unfilled Vacancies posts	Disability wise
Essential qualification	Essential experience	experience not necessary	
1	2	3	4

5. Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants
 6. 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 DPER-II
(see rule 40)

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	Numbers of Employees						Total
	Use exact terms	Men	with Disability	Women	with Disability		
such as engineer	o	v	h	o	v	h	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
(Mechanical);	R	I	E	R	I	E	
Teacher (domestic/	T	S	A	T	S	A	
Science); officer on	H	U	R	H	U	R	
Duty (actuary);	O	A	I	O	A	I	
Assistant director	P	L	N	P	L	N	
(Metallurgist);	A	L	G	A	L	G	
Scientific	E			E	Y		
Assistant							
(chemist); Research Officer	D	Y		D			
(economist); instructor							
(carpenter);	I		I				
Supervisor (tailor)							
fitter (internal	C		C				
Combustion engine);							
Inspector		A		A			
(sanitary);							
Superintendent		L		L			
(office); apprentice		L		L			
(electrician)		Y		Y			

Total
Dated.....

Signature of Employer

To
The Employment Exchange

(Please fill in here the address of your Local special Employment exchange)

Note :- Total of col. 8 under item 2 should correspond to the figures given against item - 1.

Form DPER-III
(See rule 41)

- Name and address of the employer
- Whether Head Office Branch Office
- Nature of business/ principal activity
- Total number of persons on the pay-roll of the establishment. (This figures should include every person whose wage or salary is paid by the establishment).
- 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	Numbers of Employees						
	Men	with	Disability	Women	with	Disability	Total
such as engineer	O	V	H	O	V	H	Nature and extent of disability
(Mechanical);	R	I	E	R	I	E	
teacher (domestic/	T	S	A	T	S	A	
science); officer on	H	U	R	H	U	R	
duty (actuary)	O	A	I	O	A	I	
assistant director	P	L	N	P	L	N	
(Metallurgist);	A	L	G	A	L	G	
Scientific Assistant	E	Y		E	Y		
(chemist); Research							
Officer	D			D			
(economist);							
instructor (carpenter);	I			I			
Supervisor (tailor)							
fitter (internal	C			C			
Combustion engine);							
Inspector	A			A			
1	2	3	4	5	6	7	8

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
	Local Special Employment Exchange	General Employment		(Describe the Source from which filled).
1	2	3	4	5
Total:				

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

3. Manpower Shortages

Vacancies posts unfilled because of shortage of suitable applicants

Name of the	Number of unfilled Vacancies/posts		
occupation or designation of the posts	essential qualification	essential experience	experience not necessary
1	2	3	4

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

Signature of Employer
(F.No. 16-7/96-NI.1)
Gauri Chatterji, Jt. Secy.