

डॉ. क. सी. पाठक

K. C. Pathak

संयुक्त सचिव
Joint Secretary



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विश्वविद्यालय अनुदान आयोग

35, फिरोज़शाह मार्ग, नई दिल्ली-110 001

UNIVERSITY GRANTS COMMISSION

35, Ferozeshah Road, New Delhi-110 001

D.O.No.F.1-33/2008(SCT)

January, 2012

Dear Sir/Madam,

10 JAN 2012

This is to bring to your kind notice that the Government of India is continuously monitoring the progress of implementation of Reservation Policy for SCs, STs & OBCs and Persons with Disabilities in filling up teaching and non-teaching posts in Universities/Institutions.

In this connection, the Hon'ble Minister of Human Resource Development vide his D.O. letter No. A-14014/3/2008-E.II dated 20-12-2011 has exhorted all the institutions of higher learning to initiate to clear the backlog of all the reserved vacancies through a special Recruitment Drive. This exercise has to be completed by 31st March, 2012 (Copy enclosed as annexure-I)

Further, in the above backdrop you are requested to look into the matter for necessary compliance and ensure filling up of the remaining identified backlog vacancies for Scs, STs and OBCs as on 1.11.2008 and Persons with Disabilities as on 15.11.2009 by 31st March, 2012. Due care may also be taken to ensure correct assessment of the backlog vacancies and maintenance of requisite registers/roster as per instructions contained in DoP&T OM No. 36035/3/2004-Estt(Res) dated 29.12.2005 as amended from time to time in furtherance of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act-1995 (Copy enclosed as annexure-II).

A Compliance Report on the action taken may also be submitted within fifteen days.

This may be treated as **Most Urgent**.

With kind regards,

Yours sincerely,

K. C. Pathak
(K.C. Pathak)

Encl: As above

The ~~vice~~ vice-chancellor,
All Universities/Deemed
to be Universities
(578) As per list attached.

olc
09-01-12



कपिल सिब्बल
KAPIL SIBAL



D.O No. A-14014/3/2008-E.II
MOST IMMEDIATE/TIME BOUND

मंत्री

मानव संसाधन विकास,
संचार एवं सूचना प्रौद्योगिकी
भारत सरकार, नई दिल्ली - 110 115

MINISTER OF
HUMAN RESOURCE DEVELOPMENT,
COMMUNICATIONS AND INFORMATION TECHNOLOGY
GOVERNMENT OF INDIA
NEW DELHI - 110 115

Cell Sectt

Dr. No. 9028
27/12/11

Dated 20th December, 2011

Dear Sir/Madam

You may be aware that the Special Recruitment Drives to fill up backlog reserved vacancies for SCs, STs & OBCs identified as on 01.11. 2008 and Persons with Disabilities as on 15.11.2009 have been re-launched and as per the fresh schedule, the remaining identified backlog vacancies are to be filled up by 31st March, 2012.

It was brought to my notice in Parliament as well as by representatives of organizations working for welfare of Persons with Disabilities that the backlog vacancies for Persons with Disabilities from 1995 are not reported correctly by many organizations in terms of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act - 1995.

Since these drives are an important part of programme of the Government, I request you to personally look into the matter and ensure filling up of the remaining identified backlog vacancies for SCs, STs and OBCs as on 1.11.2008 and Persons with Disabilities as on 15.11.2009 by 31st March, 2012 and due care may also be taken to ensure correct assessment of the backlog vacancies and maintenance of requisite registers/roster as per instructions contained in DoP&T OM No. 36035/3/3004-Estt (Res.) dated 29. 12. 2005 as amended from time to time in furtherance of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act-1995.

With regards,

Yours sincerely,

Kapil Sibal
(KAPIL SIBAL)

To,

Prof. Ved Prakash, Chairman
University Grants Commission (UGC)
Bahadurshah Zafar Marg
New Delhi - 110 002

SECRETARY
DIARY No. 996
DATE 29/12/11
SECRETARIAT

Office : Room No. 302 'C' Wing, Shastri Bhawan, New Delhi - 110 115

Phone: 91-11-23387085, 23782387, 23782698, Fax No.: 91-11-23382365, 23782028

No. 36035/3/2004-Estt(Res)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, Dated the 29th December, 2005

OFFICE MEMORANDUM

Subject- Reservation for the Persons with Disabilities.

With a view to consolidating the existing instructions, bringing them in line with the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and clarifying certain issues including procedural matters, the following instructions are issued with regard to reservation for persons with disabilities (physically handicapped persons) in posts and services under the Government of India. These instructions shall supercede all previous instructions issued on the subject so far.

2. QUANTUM OF RESERVATION

- (i) Three percent of the vacancies in case of direct recruitment to Group A, B, C and D posts shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability;
- (ii) Three percent of the vacancies in case of promotion to Group D, and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

3. EXEMPTION FROM RESERVATION : If any Department / Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment.

4. **IDENTIFICATION OF JOBS / POSTS:** The Ministry of Social Justice and Empowerment have identified the jobs / posts suitable to be held by persons with disabilities and the physical requirement for all such jobs / posts vide their notification no. 16-25/99.N.I.I dated 31.5.2001. The jobs / posts given in Annexure II of the said notification as amended from time to time shall be used to give effect to 3 per cent reservation to the persons with disabilities. It may, however, be noted that:

- (a) The nomenclature used for any job / post shall mean and include nomenclature used for other comparable jobs / posts having identical functions.
- (b) The list of jobs / posts notified by the Ministry of Social Justice & Empowerment is not exhaustive. The concerned Ministries / Departments shall have the discretion to identify jobs / posts in addition to the jobs / posts already identified by the Ministry of Social Justice & Empowerment. However, no Ministry / Department / Establishment shall exclude any identified job / post from the purview of reservation at its own discretion.
- (c) If a job/ post identified for persons with disabilities is shifted from one group or grade to another group or grade due to change in the pay-scale or otherwise, the job/ post shall remain identified.

5. **RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES:** If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of three categories of disabilities, as far as possible, get equal representation.

6. **APPOINTMENT AGAINST UNRESERVED VACANCIES:** In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

7. **ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT :** Persons with disabilities selected on their own merit without relaxed

standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

8. **DEFINITIONS OF DISABILITIES** : Definitions of categories of disabilities for the purpose of this Office Memorandum are given below:

(i)(a)**Blindness**: "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;

(b) **Low vision**: "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.

(ii) **Hearing Impairment**:- "Hearing Impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

(iii)(a) **Locomotor disability** : "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.

(b) **Cerebral Palsy** :- "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.

(c) All the cases of orthopaedically handicapped persons would be covered under the category of "locomotor disability or cerebral palsy."

9. **DEGREE OF DISABILITY FOR RESERVATION** : Only such

persons would be eligible for reservation in services / posts who suffer from not less than 40 per cent of relevant disability. A person who wants to avail of benefit of reservation would have to submit a Disability Certificate issued by a competent authority in the format given in Annexure I.

10. COMPETENT AUTHORITY TO ISSUE DISABILITY

CERTIFICATE :- The competent authority to issue Disability Certificate shall be a Medical Board duly constituted by the Central or a State Government. The Central / State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral / visual / hearing disability, as the case may be.

11. 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. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. 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 orders in the matter as it thinks fit.

12. At the time of initial appointment and promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

13. **COMPUTATION OF RESERVATION:** Reservation for persons with disabilities in case of Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'C' and Group 'D' posts. Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

14. Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

15. **EFFECTING RESERVATION – MAINTENANCE OF ROSTERS:**

(a) All establishments shall maintain separate 100 point reservation roster registers in the format given in **Annexure II** for determining / effecting reservation for the disabled – one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'C' posts filled by promotion, Group 'D' posts filled by direct recruitment and Group 'D' posts filled by promotion.

(b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising the following points:

- 1st Block – point No.1 to point No.33
- 2nd Block – point No. 34 to point No.66
- 3rd Block – point No.67 to point No.100

(c) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities – one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(d) All the vacancies in Group C posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(e) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

(g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(h) A separate roster shall be maintained for group C posts filled by promotion and procedure as explained above shall be followed for giving reservation to persons with disabilities. Likewise two separate rosters shall be maintained for Group D posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(i) Reservation in group A and group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

16. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

(a) Reservation for each of the three categories of persons with disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the

vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

17. In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the relatively later carried forward reservation would be further carried forward.

18. CONSIDERATION ZONE, INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

(a) While filling up the reserved vacancies by promotion by selection, the disabled candidates who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, whereafter it shall lapse.

(b) In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years whereafter it shall lapse.

19. HORIZONTALITY OF RESERVATION FOR PERSONS WITH DISABILITIES: Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such

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as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of two persons with disabilities appointed, one belongs to a Scheduled Caste and the other to general category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the general candidate against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

20. Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

21. **RELAXATION IN AGE LIMIT :**

- (i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.
- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

22. **RELAXATION OF STANDARD OF SUITABILITY:** If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up

the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post / posts in question.

23. **MEDICAL EXAMINATION:** As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

24. **EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE:** Persons with disabilities shall be exempt from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission etc. for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

25. **NOTICE OF VACANCIES :** In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, the following points shall be kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

- (i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/ Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/Persons suffering from Locomotor Disability or Cerebral Palsy should be indicated clearly.
- (ii) In case of vacancies in posts identified suitable to be held by persons with disability, it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or locomotor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.
- (iii) In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or

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- (iv) not, the categories of disabilities viz blindness or low vision, hearing impairment and locomotor disability or cerebral palsy, for which the post is identified suitable alongwith functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
 - (v) It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

26. **CERTIFICATE BY REQUISITIONING AUTHORITY** : In order to ensure proper implementation of the provisions of reservation for persons with disabilities, the requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no. of cycle no. of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities.”

27. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH DISABILITIES** :

- (i) Soon after the first of January of every year, each appointing authority shall send to its administrative Ministry/Department:-
 - (a) PWD Report-I in the prescribed proforma (Annexure III) showing the total number of employees, total number of employees in the posts which have been identified suitable for persons with disabilities and number of employees suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy as on the 1st January of the year, and
 - (b) PWD Report-II in the prescribed proforma (Annexure IV) showing the number of vacancies reserved for persons suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy and number of such persons actually appointed during the preceding calendar year.
- (ii) The administrative Ministry/Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proformae in respect of the Ministry/Department including information in respect of all attached and

subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(iii) The following points may be kept in view while sending the reports to the Department of Personnel & Training:-

- (a) The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information in the prescribed proforma to the administrative Ministry/Department concerned who may scrutinize, monitor and maintain it at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.
- (b) The attached/subordinate offices shall send information to their administrative Ministry/Department only and shall not send it direct to this Department.
- (c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.
- (d) The PWD Report I relates to persons and not to posts. Therefore, while furnishing this report the posts vacant etc. should not be taken into account. In this report persons on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

28. LIAISON OFFICER FOR PERSONS WITH DISABILITIES :

Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions.

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29. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.



(K.G. Verma)

Deputy Secretary to the Govt. of India

To

- (i) All Ministries/Departments of the Govt. of India.
- (ii) Department of Economic Affairs (Banking Division), New Delhi
- (iii) Department of Economic Affairs (Insurance Division), New Delhi
- (iv) Department of Public Enterprises, New Delhi
- (v) Railway Board.
- (vi) Public Service Commission/Supreme Court of India/ Election Commission/Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
- (vii) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (viii) Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi - 110 001
- (ix) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (x) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
- (xi) Information and Facilitation Centre, DOPT, North Block, New Delhi.
- (xii) 200 spare copies for Estt(Res)Desk.

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UNIVERSITY GRANTS COMMISSION
35, Feroze Shah Road,
New Delhi-110 001
(SCT Section)
CONSOLIDATED STATISTICAL DATA

Information for the year -2011-2012 (As on)

Name of the University/College

1.	(A) Details of teaching staff:									
S.No.	Name of the Post	Total Post		In Position out of Total Filled.						
		Sanctioned	Filled	Gen.	OBC	SC	ST	PWD	Total	Vacant
1.	Assistant Professor									
2.	Associate Professor									
3.	Professor									
2.	(B) Details of Non-Teaching Staff :-									
S.No.	Name of the Post	Total Post		In Position out of Total Filled.						
		Sanctioned	Filled	Gen.	OBC	SC	ST	PWD	Total	Vacant
1.	Group-A									
2.	Group-B									
3.	Group-C									
4.	Group-D (Except Safai Karamchhari)									
3.	(B) Details of Admission to various courses/degrees :-									
S.No.	Course/Degree	Total Seats		In Position out of Total Filled.						
		Sanctioned/ Approved	Filled	Gen.	OBC	SC	ST	PWD	Total	Vacant
1.	UG									
2.	PG									
2.	M. Phil									
3.	Ph. D									
4.	Others									

Note . SC-Scheduled Caste, ST-Scheduled Tribes, OBC-Other Backward Classes, PWD-Person with Disability.

1. Whether Liaison Officer for SC/ST appointed, if yes, Name and designation:-
2. Percentage of reservation followed as per StateGovt./Central Govt. i.e SC.....%s
 ST.....% OBC.....%

Registrar/Principal



भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 11
No. 11

पहें दिखीं, सोमवार, जनवरी 1, 1996/पौष 11, 1917

NEW DELHI, MONDAY, JANUARY 1, 1996/PAUSA 11, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 1st January, 1996/Pausa 11, 1917 (Saka)

The following Act of Parliament received the assent of the President on the 1st January, 1996, and is hereby published for general information:—

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

No. 1 of 1996

[1st January, 1996]

An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.

WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993—2002 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region;

AND WHEREAS India is a signatory to the said Proclamation;

AND WHEREAS it is considered necessary to implement the Proclamation aforesaid.

As it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

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.

Definitions.

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;

2 of 1924.

(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,—

(i) 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

(ii) 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;

of 1956.

(l) "hearing impairment" means loss of sixty decibels or more in the better year 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;

(3)

(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.

CHAPTER II

THE CENTRAL COORDINATION COMMITTEE

Central
Coordination
Committee.

3. (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, Secundrabad;

(iii) National Institute for the Orthopaedically Handicapped, Calcutta;

(iv) All Yavar Jung National Institute for the Hearing Handicapped, Bombay,

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 (l) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination:

Term of office
of Members.

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 Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (l) 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 (l) 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 (l) of sub-section (2) of section 3 shall be eligible for renomination.

(7) Members nominated under clause (i) and clause (l) 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—

Disqualifica-
tions.

(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

(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*;

Vacation of seats by Members.

Meetings of the Central Coordination Committee.

Functions of the Central Coordination Committee.

Central Executive Committee.

(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, Members, *ex officio*;

(f) the Financial Advisor, 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) Members 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,

Functions of the Central Executive 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.

Meetings of the Central Executive Committee.

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.

Temporary association of persons with Central Executive Committee for particular purposes.

(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.

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(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.

CHAPTER III

THE STATE COORDINATION COMMITTEE

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:

Terms and conditions of service of Members.

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 re-nomination.

(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—

Disqualifications.

(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 re-nomination 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.

Vacation of seats.

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.

Meetings of the State Coordination Committee.

Functions of
the State
Coordination
Committee.

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.

State
Executive
Committee.

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.

(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 seat and be re-elected to the State Government and the seat of the said

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.

Function of the State Executive 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.

Meeting of the State Executive Committee

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.

Temporary association of persons with State Executive Committee for particular purposes.

(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,—

Power to give directions.

(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.

Vacancy in or defect in

CHAPTER IV

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—

Appropriate Government and local authorities to take certain steps for the prevention of occurrence of disabilities.

(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

(7)

(g) educate the public through the pre-schools, 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.

CHAPTER V

EDUCATION

Appropriate Governments and local authorities to provide children with disabilities free education, etc.

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.

Appropriate Governments and local authorities to make schemes and programmes for non-formal education, etc.

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.

Research for designing and developing new assistive devices, teaching aids, etc.

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.

Appropriate Governments to set up teachers' training institutions to develop trained manpower for schools for children with disabilities.

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.

(8)

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

Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books, etc.

(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.

Educational institutions to provide amanuensis to students with visual handicap.

CHAPTER VI

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.

Identification of posts which can be reserved for persons with disabilities.

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—

Reservation of posts.

(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 provi-

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Special Employment Exchange.

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.

Power to inspect record or document in possession of any establishment.

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.

Vacancies not filled up to be carried forward.

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.

Employers to maintain records.

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.

Schemes for ensuring employment of persons with disabilities.

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 for—

- (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.

All educational institutions to reserve seats for persons with disabilities.

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.

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.

Incentives to employers to ensure five per cent. of the work force is composed of persons with disabilities.

CHAPTER VII

AFFIRMATIVE ACTION

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

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—

Schemes for preferential allotment of land for certain purposes.

- (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.

CHAPTER VIII

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—

Non-discrimination in transport.

- (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—

Non-discrimination on the road.

- (a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually 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;

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Non-discrimination in the built environment.

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

- (a) ramps in public buildings;
- (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.

Non-discrimination in Government employment

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.

CHAPTER IX

RESEARCH AND MANPOWER DEVELOPMENT

Research

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.

Financial incentives to Universities to enable them to undertake research.

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.

CHAPTER X

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

Competent authority.

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

No person to establish or maintain an

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:

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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.

Certificate of registration.

(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—

Revocation of certificate.

(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.

Appeal.

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.

Act not to apply to institutions established or maintained by the Central or State Government.

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.

CHAPTER XI

INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

Institutions 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.

CHAPTER XII

THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

Appointment of Chief Commissioner 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

(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.

Functions of
the Chief
Commissioner.

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,

Chief
Commissioner
to look into
complaints
with respect to
deprivation of
rights of
persons with
disabilities.

and take up the matter with the appropriate authorities.

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

Appointment of
Commissioners
for persons
with disabili-
ties.

(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 utilisation of funds disbursed by the State Government;
- (c) take steps to safeguard 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.

Powers of the
Commissioner.

(25)

Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.

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.

Authorities and officers to have certain powers of civil court.

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:—

5 of 1908.

(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.

45 of 1860.

2 of 1974.

Annual report to be prepared by the Chief Commissioner.

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.

Annual reports to be prepared by the Commissioners.

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.

CHAPTER XIII

SOCIAL SECURITY

Appropriate Governments and local authorities to undertake

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 include non-governmental organisations.

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(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.

Insurance scheme for 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.

68. 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.

Unemployment allowance.

CHAPTER XIV
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.

Punishment for fraudulently availing any benefit meant for persons with disabilities.

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

Chief Commissioners, Commissioners, officers and other staff to be public servants.

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.

Protection of action taken in good faith.

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.

Act to be in addition to and not in derogation of any other law.

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

Power of appropriate Government to make rules.

(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 meetings under section 7;

(d) such other functions which the Central Coordination Committee may per-



- (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 (4) 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 (1) 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.

Amendment of
Act 39 of
1987

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."

K. L. MOHANPURIA.
Secy. to the Govt. of India.

11/1/25

PROFORMA-II

REPORT ON RESERVATION IN JOBS FOR THE MONTH/QUARTER ENDING

NAME OF MINISTRY/DEPARTMENT/OFFICE:

Sl. No.	ITEMS	GROUP OF POSTS				REMARKS
		A	B	C	D	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	No. of category of posts identified as suitable for being held by the disabled					
2	No. of posts in the identified category					
3	Total strength of the cadre					
4	Percentage of identified posts with reference to the total strength of the cadre					
5	No. of posts held by the disabled persons					
6	Percentage of posts held by the disabled persons w.r.t. the (i) identified posts (ii) total sanctioned strength					
7	No. of backlog vacancies (Required to be carried forward for three recruitment year)					
8	Whether requisition was sent to SSC for the Special Examination for blind for filling up of Matriculation Level Posts held in October, 2000 If so, no. of vacancies intimated?					
9	Whether requisition has been sent/is being sent to SSC for the Special Examination for blind for filling up of Graduate Level Posts to be held tentatively in May, 2001 If so, no. of vacancies intimated/being intimated?					
10	Why the backlog and reasons for backlog					
11	No. of posts recruited under Section					

REPORT ON ADMISSIONS FOR THE MONTH/QUARTER ENDING

Name of the Organisation/Institution:

Section - 39 Regarding Reservation in Admissions in Educational Institutions

1.	Total Number of seats for admission	
2.	Total number of seats reserved for the disabled	
3.	Percentage of seats reserved for the disabled	
4.	Total number of disabled students admitted	
5.	Percentage of disabled students admitted - w.r.t. column no.1 above	

Section - 38 Regarding provision of barrier-free architecture in Educational institutions/Schools/Autonomous Organisations and creation of a non-handicapping environment

Whether accessibility through ramps, appropriate toilets, lifts with voice indicator (wherever applicable), etc. have been provided	
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OBLIGATIONS OF THE HEADS OF ORGANISATIONS/INSTITUTIONS/OFFICES UNDER THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995.

While Sections 32 to 41 under Chapter - VI on Employment are all mandatory for the Heads of Institutions/Organisations/Offices to implement, obligations under Sections 32, 33 and 39 are highlighted for strict compliance

SECTION	PROVISION	OBLIGATIONS
32.	<p>Appropriate Government shall:</p> <p>(a) identify posts, in the establishments, which can be reserved for the persons with disability;</p> <p>(b) at periodical intervals not exceeding three years, review the list of posts identified and update the list taking into consideration the developments in technology.</p>	<ul style="list-style-type: none"> • To identify and reserve posts for the disabled in accordance with the guidelines/booklet circulated by DOPT, Ministry of Personnel, Public Grievances & Pensions - Brochure on Reservation and Concession for Physically Handicapped in Central Government Services. • Review of backlog vacancies and formulation of an action plan to fill in such posts including organization of special recruitment/crash recruitment drives to clear the backlog of such vacancies. • 3% reservation of vacancies to be announced in all advertisements for Group 'A', 'B', 'C' & 'D' posts. • Periodical review of vacancies.
33.	<p>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:</p> <p>(i) blindness or low vision;</p> <p>(ii) hearing impairment;</p> <p>(iii) locomotor disability or cerebral palsy</p> <p>in the posts identified for each disability</p> <p>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</p>	<ul style="list-style-type: none"> • 100 point common roster/register to be maintained for horizontal reservations for the disabled person in respect of Group 'A' & 'B' posts (3% of identified posts) and Group 'C' & 'D' posts (3% of total number of posts) in all Organisations/ Institutions/Offices coming under Deptt. of Secondary Education & Higher Education. • All new recruitment notices henceforth must invariably indicate provisions relating to 3% reservation in their advertisements • Information relating to job reservations to be furnished in Proforma - II.

(t)
22

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.	<ul style="list-style-type: none">• The information relating to admissions in various Institutions particularly the Universities / Autonomous Bodies / Autonomous Institutions / Central Universities / Technical Institutions coming under the purview of Dept. of SE & HE to be furnished in Proforma - I.• Heads of Institutions/Organisations to have special review of admissions being made into educational institutions prior to admission and immediately after the admission session so that more focussed attention is given to this aspect of admissions during the critical period of April to July-August every year when most admissions take place, beginning with this year.• Monthly reports to be furnished beginning with the month ending 31st March, 2001.• All new admission notices for the year 2001-2002 must invariably indicate the provisions relating to 3% reservation in their advertisements.
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IMPORTANT:

Since this is a Central Act, all appropriate Governments/Local Authorities shall implement the PWD Act, 1995 irrespective of the existing State Laws.