

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996

UNION OF INDIA

India

The Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995

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Rule

THE-PERSONS-WITH-DISABILITIES-EQUAL-OPPORTUNITIES of 1996

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1. Short title and commencement.—

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

2. Definitions. —

(1)In these rules, unless the context otherwise requires,—(a)“Act” means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);(b)“certificate” or “disability certificate” means a certificate issued in pursuance of clause (t) of section 2 of the Act;(c)“multiple disabilities” means a combination of two or more disabilities as defined in clause (i) of section 2 of the Act;(d)“Form” means a form appended to these rules.(2)Words and expressions defined in the Act but not defined in these rules, shall have the meanings respectively assigned to them in the Act.](a)“Act” means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);(b)“Chairperson” means a Chairperson appointed under the Act;(c)“Vice-Chairperson” means a Vice-Chairperson appointed under the Act;(d)“Member” means a Member appointed under the

Act;(e)“Member-Secretary” means a Member-Secretary appointed under the Act;(f)“Special Employment Exchange” means Special Employment Exchange, Special cell in normal Employment Exchange and such Employment Exchanges which are notified Special Employment Exchanges by notification in the Official Gazette;(g)“Year” means the financial year commencing on the first day of April.'.

3. Application for issue of disability certificate.—

(1)A person with disability desirous of getting a certificate in his favour shall submit an application in Form I, and the application shall be accompanied by—(a)proof of residence, and(b)two recent passport size photographs.(2)The application shall be submitted to—(i)a medical authority competent to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence submitted by him with the application, or(ii)the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:Provided that where a person with disability is a minor or suffering from mental retardation or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

4. Issue of disability certificate. —

(1)On receipt of an application under rule 3, the medical authority shall, after satisfying himself that the applicant is a person with disability as defined in sub-clause (t) of section 2 of the Act, issue a disability certificate in his favour in Form II, Form III or Form IV as applicable.(2)The certificate shall be issued as far as possible, within a week from the date of receipt of the application by the medical authority, but in any case, not later than one month from such date.(3)The medical authority shall, after due examination,—(i)give a permanent disability certificate in cases where there are no chances of variation, over time, in the degree of disability, and(ii)shall indicate the period of validity in the certificate, in cases where there is any chance of variation, over time, in the degree of disability.(4)If an applicant is found ineligible for issue of disability certificate, the medical authority shall explain to him the reasons for rejection of his application, and shall also convey the reasons to him in writing.(5)A copy of every disability certificate issued under these rules by a medical authority other than the Chief Medical Officer shall be simultaneously sent by such medical authority to the Chief Medical Officer of the District.(2)The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/Visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.

5. Review of a decision regarding issue of, or refusal to issue, a disability certificate .—

(1)Any applicant for a disability certificate, who is aggrieved by the nature of a certificate issued to him, or by refusal to issue such a certificate in his favour, as the case may be, may represent against such a decision to the medical authority as specified for the purpose by the appropriate

Government: Provided that where a person with disability is a minor or suffering from mental retardation or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.(2)The application for review shall be accompanied by a copy of the certificate or letter of rejection being appealed against.(3)On receipt of an application for review, the medical authority shall, after giving the appellant an opportunity of being heard, pass such orders on it as it may deem appropriate.(4)An application for review shall, as far as possible, be disposed of within a fortnight from the date of its receipt, but in any case, not later than one month from such date.(2)The Medical Board shall indicate the period of validity in the certificate, in cases where there is any chance of variation in the degree of disability.(3)No refusal of Disability Certificate shall be made unless an opportunity is given to the applicant of being heard.(4)On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.

6. Certificate issued under rule 4 to be generally valid for all purposes. —

A certificate issued under rule 4 shall render a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government and of Non-Governmental Organizations funded by the Government, subject to such conditions as may be specified in relevant schemes or instructions of Government, etc., as the case may be.

7. Nomination of State Government representatives by rotation.—

The Central Government shall nominate four members—three from the State and one from the Union territories under clause (k) of sub-section (2) of section 3 of the Act, by rotation, in such a manner so as to cover all the four regions of the country, every year.

8. Membership Roll.—

The Member-Secretary shall keep a record of names of Members and their addresses.

9. Change of Address.—

If a Member changes his address, he shall notify his new address to the Member-Secretary, who shall thereupon enter his new address, in the official records (but if he fails to notify his new address, the address in the official records shall for all purposes be treated as his correct address).

10. Daily and Travelling Allowances.—

(1)Non-official members of the Central Co-ordination Committee, resident in Delhi, shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Co-ordination Committee.(2)Non-official members of the Central Co-ordination Committee, not resident in Delhi shall be paid daily and travelling allowances for each day of the actual meetings at

the highest rates admissible to a Grade I Officer of the Central Government: Provided that in case of a Member of Parliament who is also a Member of the Central Co-ordination Committee, the said daily and travelling allowances shall be paid at the rates admissible to him as Member of Parliament, when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.(3)An official member of the Central Co-ordination Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

11. Notice of Meetings.—

(1)The meetings of the Central Co-ordination Committee shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson: Provided that it shall meet at least once in every six months.(2)The Chairperson shall, upon the written request of not less than ten members of the Central Co-ordination Committee, call a special meeting of the Committee.(3)Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by Member-Secretary to the members.(4)Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case think fit.(5)No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairpersons in his discretion, permits him to do so.(6)(a)The Central Co-ordination Committee may adjourn its meetings from day to day or to any particular day.(b)Where a meeting of the Central Co-ordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned if held by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.(c)Where a meeting of the Central Co-ordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.

12. Presiding Officer.—

The Chairperson shall preside at every meeting of the Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at the meeting.

13. Quorum.—

(1)One-third of the total members shall form the quorum for any meeting.(2)(a)If a meeting of the Central Coordination Committee cannot be held for want of quorum then, the meeting shall stand adjourned to the same day in the next week, at the same time and place, and if that day is a public holiday, to the next succeeding date which is not public holiday and at the same time and

place.(b)Notice of the adjourned meeting shall be given to all the Members.(3)No quorum shall be necessary for the adjourned meeting.(4)No matter which had not been on the agenda of the ordinary or the special meeting, in the case may be, shall be discussed at adjourned meeting.

2[***](5)(b)Where a meeting of the Central Government Committee is adjourned under sub-rule (2) above for want of quorum not to be the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11. ————

14. Minutes.—

(1)Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary,(2)The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.(3)The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

15. Maintaining order at meeting.—

The presiding officer shall maintain order at the meeting.

16. Business to be transacted at meeting.—

Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of Rule 11, shall be transacted at any meeting.

17.

(1)At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.(2)Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

18. Decision by majority.—

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

19. No proceeding to be invalid due to vacancy or any defect.—

No proceeding of the Central Co-ordination Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.

20. Nomination of State Government representatives by rotation.—

The Central Government shall nominate four members—three from the States and one from the Union territories under clause (h) of sub-section (2) of section 9 of the Act, by rotation in such a manner so as to cover all the four regions of the country, every year.

21. Daily and Travelling Allowances.—

(1) Non-official members of the Central Executive Committee, resident in Delhi, shall be paid an allowance of rupees seventy-five per day for each day of the actual meetings of the Central Co-ordination Committee. (2) Non-official members of the Central Executive Committee, not resident in Delhi shall be paid daily and travelling allowances for each day of the actual meetings at the higher rates admissible to a Grade I Officer of the Central Government. (3) Official members of the Central Executive Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of Meetings.—

(1) The meetings of the Central Executive Committee shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson: Provided that it shall meet at least once in every three months. (2) The Chairperson shall, upon the written request of not less than ten members of the Central Executive Committee, call a special meeting of the Committee. (3) Fifteen clear days 'notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members. (4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case, thinks fit. (5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member-Secretary unless the Chairperson, in his discretion, permits him to do so. (6) (a) The Central Executive Committee may adjourn its meetings from day to day or to any particular day. (b) Where a meeting of the Central Executive Committee is adjourned from day today, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members. (c) Where a meeting of the Central Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the

members as provided in sub-rule (4) of this rule.

23. Presiding Officer.—

The Chairperson shall preside at every meeting of the Board and in his absence, the members present shall elect one of the members to preside at that meeting.

24. Quorum.—

(1) One-third of the total members shall form the quorum for any meetings. (2) (a) If a meeting of the Central Executive Committee cannot be held for want of quorum then, the meeting shall stand adjourned to the same day in the next week, at the same time and place, and if that day is a public holiday, to the next succeeding date which is not public holiday and at the same time and place. (b) Notice of the adjourned meeting shall be given to all the Members. (3) No quorum shall be necessary for the adjourned meeting. (4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting. 2[***] 5 (b) Where a meeting of the Central Executive Committee is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of Rule 22. ————

25. Minutes.—

(1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary. (2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting. (3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

26. Maintaining order at meeting.—

The presiding officer shall maintain order at the meeting.

27. Business to be transacted at meeting.—

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

28.

(1) At any meeting business shall be transacted in the order in which it is entered in the agenda. (2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business

as entered in the agenda and the Chairperson agrees, such a change shall take place. the persons with disabilities (equal opportunities, protection of rights and full participation) Rules, 1996

29. Decision by majority.—

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

30. No proceeding to be invalid due to vacancy or any defect.—

No proceeding of the Central Executive Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.

31. Manner and purpose of association of persons with Central Executive Committee.—

(1) The Central Executive Committee may invite any person to participate in the deliberations of its meetings, whose assistance or advice, is considered useful in performing any of its function, under the Act. (2) If the person associated with the Central Executive Committee under sub-rule (1) happens to be a non-official resident in Delhi, he shall be entitled to get an allowance of rupees seventy-five per day for each day of actual meeting of the Committee in which he is so associated. (3) If such a person is not resident in Delhi, he shall be paid daily and travelling allowances for each day of the actual meeting at the highest rates admissible to a Grade I Officer of the Central Government. (4) If such person is a Government servant, or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

32. Fee for the associated person.—

Notwithstanding anything in Rule 31, the Central Executive Committee may pay the person associated with the Committee, with the prior approval of the Central Government, such fees as the Central Government may determine depending on the nature of work assigned and the qualifications and experience of the associated person.

33. Tours by associated person.—

The associated person may, with the prior approval of the Chairperson undertake tours within the country for the performance of the duties entrusted to him by the Central Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowances at the rates admissible

to a Grade I Officer of the Central Government.

34. Associated person not be disclose any information.—

The associated person shall not disclose any information either given by the Central Executive Committee or obtained during the performance of the duties assigned to him either from the Central Executive Committee otherwise, to any person other than the Central Executive Committee without the written permission of the Chairperson of the Committee.

35. Duties and functions of the associated person—

The associated person shall discharge such duties and perform such functions as are assigned to him by the Central Executive Committee.

36. Computation of vacancies.—

For the purpose of computation of vacancies for persons with disabilities in Group A, B, C, and D posts, the manner of computation of vacancies shall be such as may be determined by the Government by instructions or orders in this regard.

37. Notification of vacancies to the Special Employment Exchanges.—

(1)The following vacancies shall be notified to the Special Employment Exchanges, namely:—(a)Vacancies in posts of a technical and scientific nature carrying a basic pay of Rs. 1400 or more per month occurring in establishments in respect of which the Central Government is the appropriate Government under the Act, and(b)Vacancies which an employer may desire to be circulated to the Special Employment Exchanges outside the State or Union territory in which the establishment is situated, shall be notified to such Special Employment Exchanges as may be specified by the Central Government by notification in the Official Gazette, in this behalf. A copy of the notification of vacancies shall be sent to the Vocational Rehabilitation Centre for Handicapped concerned.(2)Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned. A copy of the notification of vacancies shall also be sent to the Vocational Rehabilitation Centre for Handicapped concerned.

38. Form and manner of notification of vacancies.—

The vacancies shall be notified in writing to the Special Employment Exchange concerned, and the following particulars shall to furnished in respect of each type of vacancy, namely:—(1)Name and address of the employer.(2)Telephone number of the employer, if any.(3)Nature of vacancy—(a)Type of workers required (Designation)(b)(i)Description of duties;(ii)Physical requirements (i.e., job involves visual accuracy, frequent movement/walking, continuous long hours sitting, etc.)(c)Qualifications required—(i)Essential,(ii)Desirable(d)Age-limits, if any(e)Whether women are eligible(4)Number of vacancies— Reserved for physically handicapped persons

Orthopedically Visually Hearing Handicapped Handicapped Impairment(a) Regular(b)Temporary.(5)Pay and allowances.(6)Place of work (Name of town/village and district in which it is situated.)(7)Probable date by which the vacancy will be filled.(8)Particulars regarding interview/test of applicants—(a)Date of interview/test(b)Time of interview/test(c)Place of interview/test(d)Designation and address of the person to whom applicants should report.(9)Any other relevant information—The vacancies shall be re-notified in writing to the concerned Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange and Vocational Rehabilitation Centre for Handicapped under this rule.

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

(1)Vacancies, required to be notified to the local Special Employment Exchange, shall be notified at least thirty days before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.(2)Vacancies required to be notified to the Special Employment Exchange notified under sub-rule (1) of Rule 37 shall be notified at least three weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.(3)An employer shall furnish to the concerned Special Employment Exchange, the results of selection within fifteen days from the date of selection.

40. Submission of returns.—

(1)An employer shall furnish to the local Special Employment Exchange quarterly returns in Form DPER I and biennial returns in Form DPER II as may be amended from time to time.(2)Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December.(3)Biennial returns shall be furnished within thirty days of the due date as notified in the Official Gazette.the persons with disabilities (equal opportunities, protection of rightsand full participation) Rules, 1996

41. Form in which record to be kept by an employer.—

An employer shall maintain the record of employees with disabilities in Form DPER III, as may be amended from time to time.

42. Procedure to be followed by Chief Commissioner.—

(1)A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Chief Commissioner for Persons with Disabilities or be sent by registered post addressed to the Chief Commissioner:—(a)The name, description and the address of the complainant;(b)The name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;(c)The facts relating to complaint and when and where it arose;(d)Documents in support of the allegations contained in the complaint;(e)The relief

which the complainant claims.(2)The Chief Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party/parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner.(3)On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Chief Commissioner.(4)Where the complainant or his agent fails to appear before the Chief Commissioner on such days, the Chief Commissioner may in his discretion either dismiss the complaint on default or decide it on merits.(5)Where the opposite party or his agent fails to appear on the date of hearing the Chief Commissioner may take such necessary action under section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.(6)The Chief Commissioner may dispose of the complaint ex parte, if necessary.(7)The Chief Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.(8)The complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.the persons with disabilities (equal opportunities, protection of rightsand full participation) Rules, 1996

43. Qualification for appointment of Chief Commissioner.—

In order to be eligible for the appointment as Chief Commissioner, a person must satisfy the following conditions, namely:—(i)he should have special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities;(ii)he should not have attained the age of sixty years on the 1st January of the year in which the last date for receipt of applications, as specified in the advertisement issued under sub-rule (1) of rule 43A, falls;(iii)if he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post; and(iv)he must possess the following educational qualification and experience, namely(A)Educational qualifications,—(i)Essential: Graduate from a recognised university.(ii)Desirable: Recognised degree/diploma in Social Work/Law/Management/Human Rights/Rehabilitation/Education of Disabled Persons.(B)Experience.—Should have at least twenty-five years experience in one or more of the following types of organizations at specified levels:—(a)In a Group 'A'-level post in Central/State Government/Public Sector Undertaking/Semi-Government or Autonomous Bodies dealing with disability related matters and/or social sector (health/education/poverty alleviation/women and child development); or(b)A senior level functionary in a registered national or international level voluntary organisation working in the field of disability/social development; or(c)Senior Executive position in a leading private sector organisation, involved in social work and in charge of handling social development activities of the organization:Provided that out of the total twenty-five years experience mentioned above, at least three years of experience in the recent past should have been in the field of empowerment of persons with disabilities.]

43. Qualification for appointment of Chief Commissioner.—

In order to be eligible for the appointment as Chief Commissioner, a person must satisfy the following conditions, namely:—(i)he should have special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities;(ii)he should not have

attained the age of sixty years on the 1st January of the year in which the last date for receipt of applications, as specified in the advertisement issued under sub-rule (1) of rule 43A, falls;(iii)if he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post; and(iv)he must possess the following educational qualification and experience, namely(A)Educational qualifications,—(i)Essential: Graduate from a recognised university.(ii)Desirable: Recognised degree/diploma in Social

Work/Law/Management/Human Rights/Rehabilitation/Education of Disabled

Persons.(B)Experience.—Should have at least twenty-five years experience in one or more of the following types of organizations at specified levels:—(a)In a Group 'A'-level post in Central/State Government/Public Sector Undertaking/Semi-Government or Autonomous Bodies dealing with disability related matters and/or social sector (health/education/poverty alleviation/women and child development); or(b)A senior level functionary in a registered national or international level voluntary organisation working in the field of disability/social development; or(c)Senior Executive position in a leading private sector organisation, involved in social work and in charge of handling social development activities of the organization:Provided that out of the total twenty-five years experience mentioned above, at least three years of experience in the recent past should have been in the field of empowerment of persons with disabilities.**43A Mode of appointment of the Chief Commissioner.**—(1)About six months before the post of Chief Commissioner is due to fall vacant, an advertisement shall be published in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 43.(2)A Search-cum-Selection Committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner.(3)Composition of the Committee will be governed by relevant instructions issued by the Department of Personnel and Training from time-to-time.(4)The panel recommended by the Committee may consist of persons from amongst those who have applied in response to the- advertisement mentioned in sub-rule (1) above, as well as other eligible persons whom the Committee may consider suitable.(5)The Central Government shall appoint one of the candidates recommended by the Search-cum-Selection Committee as the Chief Commissioner.**43B Term of the Chief Commissioner.** —(1)The Chief Commissioner shall be appointed on full-time basis for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.(2)A person may serve as Chief Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years. **43C Salary and allowances of the Chief Commissioner.** —(1)The salary and allowances of the Chief Commissioner shall be the salary and allowances as admissible to a Secretary to the Government of India.(2)Where a Chief Commissioner, being a retired Government Servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.**43D Other terms and conditions of service of the Chief Commissioner.**—(1)Leave —The Chief Commissioner shall be entitled to such leave as is admissible to Government servants under the Central Civil Service (Leave) Rules, 1972.(2)Leave Travel Concession —The Chief Commissioner shall be entitled to such Leave Travel Concession as is admissible to Group 'A' officers under Central Civil Service (LTC) Rules, 1988.(3)Medical Benefits —The Chief Commissioner shall be entitled to such medical benefits as is admissible to Group 'A' officers under the Central Government Health

Scheme (CGHS). **43E Resignation and removal.** —(1)The Chief Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign his post.(2)The Central Government shall remove a person from the office of the Chief Commissioner, if he—(a)becomes an undischarged insolvent;(b)engages during his term of office in any paid employment or activity outside the duties of his office;(c)gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;(d)is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;(e)without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of 15 days or more; or(f)has, in the opinion of the Central Government, so abused the position of the Chief Commissioner as to render his continuance in office detrimental to the interest of persons with disability: Provided that no person shall be removed under this rule except after following the procedure, mutatis mutandis, prescribed for removal of a Group 'A' employee of the Central Government.(3)The Central Government may suspend a Chief Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub- rule (2), pending conclusion of such proceedings.] **43F Residuary provision.** —Conditions of service of a Chief Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India.]

44. Submission of Report to Central Government.—

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

45. Submission of annual report.—

(1)The Chief Commissioner shall as soon as possible after the end of the financial year but not later than the 30th day of September in the next year ensuing, prepare and submit to the Central Government an annual report giving a complete account of his activities during the said financial year.(2)In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:—(a) Names of officers, staff of the Board and a chart showing the organizational set-up;(b)The functions which the Chief Commissioner has been empowered under sections 58 and 59 of the Act and the highlights of the performance in this regard;(c)The main recommendations made by the Chief Commissioner;(d)Progress made in the implementation of the Act Statewise;(e)Any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.[On 1st August, a bench at the Supreme Court comprising Justices Hemant Gupta and Vikram Nath in *Ajay Kumar Pandey vs State Of U.P.* on 1 August, 2022 set aside the Allahabad High Court's 2019 order which had found the Uttar Pradesh government's 1999 order disqualifying persons with locomotor disability from applying for the posts of sweepers as unconstitutional. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, "locomotor disability" means the disability of the bones, joints or muscles, leading to substantial restriction of the movement of the limbs, or any form of cerebral palsy. Despite the Medical Council of India

informing the Delhi High Court that persons with 80 per cent locomotor disability can apply for postgraduate medical courses, the Supreme Court bench, on Monday, did not find anything wrong with the 1999 policy, being followed by the Uttar Pradesh government, which made persons with locomotor disability ineligible for certain jobs under the state. The court held that the impugned GO could not be set aside in the exercise of the power of judicial review based on a cursory glance. Additionally, the identification of the posts which can be filled up by candidates suffering from disabilities is the responsibility and power of the appropriate government under section 32, and once such exercise has been carried out, the government, in terms of section 33, shall reserve one per cent each for the visual disability, hearing impairment and locomotor disability. Such power of the government cannot be interfered with unless the reservation is arbitrary, irrational or against the objectives sought to be achieved, and on judicially recognized principles, the bench concluded. Consequently, the court set aside the impugned order of the high court, stating that it was not sustained in law. The court also held that since the posts of Safai-Karmis are not identified to be filled up from amongst the candidates having a locomotor disability, the appellants could not be appointed against such category of posts, even though they had appeared for cycling test and interview. Thus, the bench found that the appellants were not eligible for the appointment against such posts in terms of the advertisement, and disposed of their appeals.

(<https://indiankanoon.org/doc/191165120/>,

<https://www.moneylife.in/article/sc-sets-aside-high-court-order-giving-relief-to-persons-with-locomotor-d>