

# **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Punjab Rules, 2003**

PUNJAB

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## **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Punjab Rules, 2003**

### **Rule**

### **PERSONS-WITH-DISABILITIES-EQUAL-OPPORTUNITIES-PROTECTION of 2003**

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Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Punjab Rules, 2003 Government of Punjab Department of Social Security and Women and Child Development (Social Security Branch) Notification, dated The dated 10th December, 2002 No. G.S.R. 2/C.A.1/96/Section 73/2003. - In exercise of the powers conferred by sub-sections (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act No. 1 and 1996) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely  
:-Chapter-I Preliminary

### **1. Short title and commencement.**

(1) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Punjab Rules, 2003. (2) They shall come into force on and with effect from the date of their publication in the official Gazette.

### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a)'Act' means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act No. 1 of 1996) ;(b)'Legislative Assembly' means the Punjab State Legislative Assembly;(c)'Non Official

Member' means a member not in employment under the State Government or Government Undertaking establishment ;(d)'Section' means section of the Act ;(e)'State Government' means the Government of the State of Punjab in the Department of Social Security and Women and Child Development ; and(f)'Year' means the financial year commencing on the first day of April.

### **3. Guidelines for evaluation and assessment of various disabilities.**

[Sections 2, 10 and 73(2)(3h)]. - The general guidelines for evaluation and assessment of various disabilities issued by the Government of India in the Ministry of Welfare vide their letter No. 4-2/83/HW-III, dated 6th August, 1986, as amended from time to time shall be followed for evaluation of various disabilities specified in Section 2(b), (e), (i), (n), (o), (q), (r), (t) and (u) of the Act.

### **4. Authorities to give Disability Certificates.**

[Sections 2(b) and (t) and 73] - (1) A Disability Certificate shall be issued by a Medical Board consisting of not less than three and more five years members.(2)Out of three members, at least one shall be a specialist in the particular field for assessing the disabilities referred to in rule 3.(3)The Chief Medical Officer of the each district of the State of Punjab shall be the Chairperson of the Medical Board.

### **5. Certificate of Multiple Disability.**

[Sections 2 and 73] - In the case of a Certificate of Multiple Disability, such Certificate shall be granted only, if it is signed by the specialists in each field of disability, the applicant is suffering from.

### **6. Grant of Permanent Disability Certificate.**

[Sections 2 and 73] - (1) The Medical Board shall, after due examination, grant a Permanent Disability Certificate in cases of such permanent disabilities, where there are no chances of variation in the degree of disability.(2)The Medical Board shall indicate the period of validity in the Certificate, in cases where there is any chance of variation in the degree of disability.(3)No refusal of disability Certificate shall be made unless an opportunity is given to the applicant of being heard.(4)On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter, as it thinks fit.

### **7. Benefits, of Disability Certificate.**

[Sections 2 and 73] - The Disability Certificate issued by the Medical Board, shall make a person eligible to apply for the facilities, concessions and benefits admissible under the schemes of the Central Government or the State Government or Non-Governmental Organisations, subject to such

conditions, as the Central or State Government may impose. Chapter-III The State Co-ordination Committee

## **8. Membership Roll.**

[Sections 13 and 73] - The Member-Secretary shall keep a record of names of the members and their addresses.

## **9. Change of Address.**

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

## **10. Fee and Allowances.**

[Sections 14(7) and 73] - (1) The Non-Official members of the State Co-ordination Committee, resident at the State Headquarters shall be paid a sitting fee of rupees two hundred per day for the actual meetings of the State Co-ordination Committee. (2) The Non-official members of the State Co-ordination Committee, not resident at the State Headquarters, shall be paid a sitting fee of rupees two hundred per day and a travelling allowance as admissible to a Group-A Officer of the State Government for the actual meetings of the State Co-ordination Committee : Provided that in cases of a Member Legislative Assembly, who is also a member of the State Co-ordination Committee, the aforesaid sitting fee and travelling allowance shall be paid at the rates, admissible to him as a Member of the Legislative Assembly, when the Legislature is not in Session and on the 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 State Co-ordination Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the Punjab Government under whom he is serving on the 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.**

[Sections 13, 17 and 73] - (1) The meetings of the State Co-ordination Committee shall ordinarily be held at the State Headquarters on such dates, as may be fixed by the Chairperson : Provided that it shall not at least once in every six months. (2) The Chairperson shall, upon the written request of not less than ten members of the State 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 the Member-Secretary to the Members. (4) Notice of 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 Chairperson, in his discretion, permits him to do so.(6)(a)The State Co-ordination Committee may, adjourn its meetings from day-to-day or to any particular day.(b)Where a meeting of the State 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, is held by a messenger and it shall not necessary to give notice of the adjourned meeting to other members.(c)Where a meeting of the State 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).

## **12. Presiding Officer.**

Sections 13, 17 and 73 - The Chairperson shall preside at every meeting of the Board at which he is present, and in his absence, 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)If at any time fixed for any meeting or during the course of any meeting, less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date, as he may fix.(3)No quorum shall be necessary for the adjourned meeting.(4)No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at the adjourned meeting.(5)(a)Where a meeting of the State Co-ordination Committee is adjourned under sub-rule (2), for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where meeting, which is adjourned, is held either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.(b)Where a meeting of the State Co-ordination Committee is adjourned under sub-rule (2) for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11.

## **14. Minutes.**

Sections 13, 17 and 73 - (1) Records shall be kept of the names of members who attend the meeting and 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. Maintain order at meeting.**

Sections 13, 17 and 73 - The Presiding Officer shall maintain in order at the meeting.

## **16. Business to be transacted at meeting.**

Sections 13, 17 and 73 - 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. Order of Business.**

Sections 13, 17 and 73 - (1) At every 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, as the case may be, the Presiding Officer or a member, may suggest a change in the order of the business as entered in the agenda and if, the Chairperson agrees, such a change shall take place.

## **18. Decision by majority.**

Sections 17 and 73 - All questions considered at a meeting of the State Co-ordination Committee, shall be decided by 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 member presiding at the meeting, as the case may be, shall have a second or casting vote.

## **19. No proceedings to be invalid due to vacancy or any defect.**

Sections 17 and 73 - No proceeding of the State-Co-ordination Committee shall be invalid by reasons of existence of any vacancy or any defect in the constitution of the Committee. Chapter-IV The State Executive Committee

## **20. Fee and Allowances.**

Sections 19(3) and 73 - (1) The non-official members of the State Executive Committee, resident at the State Headquarters shall be paid a sitting fee of rupees two hundred per day for the actual meeting of the State Executive Committee. (2) The non-official members of the State Executive Committee, not resident at the State Headquarters, shall be paid a sitting fee of rupees two hundred per day and a travelling allowance as admissible to a Group 'A' Officer of the State Government for the actual meeting of the State Executive Committee. (3) The official members of the State Executive Committee shall be paid daily and travelling allowances, at the rates of admissible under the relevant rules of the State Government on the production of a certificate by him that he has not drawn any such allowance for the same journey and half from any other Government source.

## **21. Notice of Meetings.**

Sections 19, 21 and 73 - (1) The meetings of the State Executive Committee shall ordinarily be held at the State Headquarters, 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 State Executive Committee, call a special meeting of State Executive Committee.(3)Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and 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 a 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 State Executive Committee may adjourn its meetings from day-to-day or to any particular day.(b)Where a meeting of the State Executive committee is adjourned from day-to-day, notice of such adjourned-meeting shall be given to the members available at the place where the meeting which is adjourned, is held either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.(c)Where a meeting of the State 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).

## **22. Presiding Officer.**

- [Sections 19, 21 and 73] - The Chairperson shall preside at every meeting of the Board at which he is present, and in his absence, the members present shall elect one of the members to preside at the meeting.

## **23. Quorum.**

- [Sections 19, 21 and 73] - (1) One-third of the total members shall form the quorum for any meeting.(2)If at any time fixed for any meeting or during the course of any meeting, less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date, as he may fix.(3)No quorum shall be necessary for the adjourned meeting.(4)No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at such adjourned meeting.(5)(a)Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting, which is adjourned, is held either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.(b)Where a meeting of the State Executive is adjourned under sub-rule (2) 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).

## **24. Minutes.**

- [Sections 19, 21 and 73] - (1) Records shall be kept of the names of the 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.

## **25. Maintain order at the meeting.**

- [Sections 19, 21 and 73] - The Presiding officer shall maintain order at the meeting.

## **26. Business to be transacted at the meeting.**

- [Sections 19, 21 and 73] - 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 21, shall be transacted at any meeting.

## **27. Order of the Business.**

- [Sections 19, 21 and 73] - (1) At every 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 the business as entered in the agenda and if, the Chairperson agrees, such a change shall take place.

## **28. Decision by majority.**

- [Sections 19, 21 and 73] - All questions considered at a meeting of the State Executive 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 member presiding at the meeting, as the case may be, shall have a second or casting vote.

## **29. No proceeding to be invalid due to vacancy or any defect.**

- [Sections 19, 24 and 73] - No proceeding of the Executive Committee shall be invalid merely by reasons of existence of any vacancy or any defect in constitution of the committee.

## **30. Manner and purpose of Association of Person with State Executive committee.**

- [Sections 19, 22 and 73] - The State Executive Committee may associate 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 :Provided that the State Executive Committee shall not associate any person without the prior approval of the State Government, if the period of association exceeds four months.

### **31. Fee and travelling allowance for the associated persons.**

- [Sections 19, 22 and 73] - (1) If the person associated with the Executive Committee under the rule 30 happens to be a non-official member either resident or not resident at the State Headquarters, he shall be entitled to get sitting fee and travelling allowance at the same rate and in the same manner as in the case of a non- official member of the State Executive committee in which he so associated.(2)If such person is a Government servant, or an employee in a Government Undertaking, he shall be entitled to travelling and sitting fee at the rates admissible under the relevant rules applicable to him on the 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. Tours by associated person.**

- [Sections 19, 22 and 73] - The associated persons may, with the prior approval of the Chairperson, undertake tours within the country for the performance of the duties entrusted to him by the State Executive Committee and in respect of such tours, he shall be entitled to travelling and daily allowances at the rates admissible to an officer of the State Government drawing pay of rupees five thousand and one hundred and above :Provided that the associated person shall not be allowed to perform journey by air.

### **33. Associated person not to disclose any information.**

- [Sections 19, 22 and 73] - The associated person shall not disclose any information either given by the State Executive Committee or obtained during the performance of the duties, assigned to him either from the State Executive Committee or otherwise to any person other than the State Executive Committee without the written permission of the Chairperson of the committee.

### **34. Duties and functions of the associated person.**

- [Sections 19, 22 and 73] - The associated person shall discharge such duties and perform such functions as are assigned to him, by the State Executive Committee.Chapter-VRecognition of Institutions for persons with Disabilities

### **35. The form of application.**

- [Sections 52(2) and 73] - Every application for certificate of registration shall be made in Form-I appended to these rules.



### **36. Order refusing to grant certificate.**

- [Sections 52(2) and 73] - The competent authority may, after giving the applicant a reasonable opportunity of being heard, make an order refusing to grant a certificate of registration under the Act. Such order will contain specific reasons for refusal to grant such a certificate and shall be communicated to the applicant through registered post.

### **37. Validity of Certificate of registration.**

- [Sections 52(4) and 73] - A certificate of registration granted under Section 52 shall, unless revoked under Section 53, remain in force for a period of three years.

### **38. Appeal.**

- [Section 54] - Any person aggrieved by the order of the Competent Authority refusing to grant certificate of registration or revoking a certificate or registration may, within a period of thirty days of the refusal or revocation, as the case may be, prefer an appeal to the State Government against such refusal or revocation: Provided that the State Government may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there were sufficient reasons for not filling it within that period. Chapter-VI Commissioner for Persons with Disabilities

### **39. Procedure to be followed by the Commissioner.**

- [Sections 62 and 73] - (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Commissioner for persons with disabilities or be sent by registered post addressed to the 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 complainant and when and where it arose; (d) documents in support of the allegations contained in the complaint; and (e) the relief which the complainant claims. (2) The commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties, as the case may be, mentioned in the complainant directing him to give his version about the case within a period of thirty days or such extended period not exceeding fifteen days, as may be granted by the Commissioner. (3) On the date of hearing or any other date to which the hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Commissioner. (4) Where the complainant or this agent fails to appear before the Commissioner on such days, the Commissioner may, in his discretion, either dismiss the complaint in default or decide on merits. (5) Where the opposite party or his agent fails to appear on the date of hearing, the 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 Commissioner may dispose of the complaint ex parte, if necessary. (7) The Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. (8) The complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

#### **40. Salary and allowances of the Commissioner.**

- [Sections 60(3) and 73] - The Commissioner for Persons with Disabilities, Punjab, shall be entitled to such salary, allowances and other perquisites, as are available to a Secretary of the State Government.

#### **41. Appointment of Officers and other employees of Commissioner's Office.**

- [Sections 60(4) and 73] - The officers and other employees of the office of the Commissioner for Disabilities, Punjab shall be appointed as per relevant rules to be framed by the State Government separately for this purpose.

#### **42. Submission of report on the implementation of the Act.**

- [Sections 65(1) and 73] - The commissioner shall submit report to the State Government on the implementation of the Act under Clause (d) of section 61 of the Act of at the interval of six months in such a manner that at least two reports are sent in one financial year.

#### **43. Submission of annual report.**

- [Sections 65(2) and 73] - (1) The Commissioner shall, as soon as possible, after the end of the each financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government, an annual report giving true and faithful account of his activities during the previous 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 the officers or staff of his office and chart showing the organisational set up;(b)the functions which the Commissioner has been empowered under sections 61 and 62 and the highlights of the performance in this regard;(c)the main recommendations made by the Commissioner;(d)District-wise progress made in implementation of the Act; and(e)any other matter deemed appropriate for inclusion by the Commissioner or prescribed by the State Government from time to time.Form-I(See rule 35)

#### **1. Name of the Applicant Organisation:**

#### **2. Address and Phone Number:**

#### **3. Applicant is :**

(a)An organisation registered under the Societies Registration Act, 1860 (Act XXI of 1860);(b)A Public trust registered under any Law for the time being in force;(c)Indian Red Cross Society or its branches;(d)Company registered under section 25 of the Companies Act, 1956;(e)Any other organisation (details of registration with the name of the Act) which may be recognised by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act);

**4. Date of establishment of the Organisation :**

**5. Nature of the Organisation. (Please indicate precisely whether it is educational or training institution or a workshop for the blind, the deaf and dumb, the orthopaedically handicapped or mentally retarded persons etc.):**

**6. Brief history of the organisation and of its objects and activities:**

**7. Whether recognised by the State Government:**

**8. Whether the organisation is of an All India Character. If so, give the nature of its All India activities:**

**9. Whether located in its own/rented building:**

**10. Present number of disabled beneficiaries:**

**11. Likely dates of commencement and completion of project:**

**12. Whether the project is likely to be assisted by some other official or non-official source:**

**13. Whether necessary land for the proposed building is available. If so, give details, (Please indicate the location of the plot and enclose permission certificate for construction from the competent authority, etc.).**

**14. (a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details.**

(b)In case new staff is to be appointed, give details of the qualifications, academic, professional and experience prescribed for the purpose;(c)Number of the employees working in the Organisation.

**15. List of papers/statements to be attached :**

(a)Prospectus or a brief descriptive note giving aims and objects/activities of the Organisation;(b)Constitution of the Organisation;(c)Constitution of the Board of Management with particulars of each Member;(d)Latest available annual report;(e)Income and Expenditure accounts, Receipt and Payment account duly audited by a Chartered Accountant or a Government auditor for the last two years for the Organisation as a whole (alongwith a copy of the certified balance sheet from the previous financial year for the Organisation as whole);(f)A statement giving details (year,

purpose, amounts, etc.) of assistance received during the last five years from the Central/State Government, Central Social Welfare Board, Local Bodies or any other quasi- Government institution including requests made thereof to any one of those or any other Organisation for the projects under consideration or for any other project;(g)A statement giving item-wise and year-wise details to estimated recurring and non-recurring expenditure on the project;(h)A copy each of the plan of the proposal building (rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction;(i)A statement indicating the equipments, apparatus, furniture, library books etc. (by number of details whichever is possible) already available; and separately a statement indicating the above items purchased year-wise with financial assistance from the Ministry of Welfare; and(j)Detailed budget estimate of the organisation as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for.

**16. List of additional papers, if any.**

**17. List of additional information, if any.**