

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003

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The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003

Rule

THE-PERSONS-WITH-DISABILITIES-EQUAL-OPPORTUNITIES-PROTE of 2003

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The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003Published vide Notification No. 17963-HW-2-A-40/03-WCD, dated 28th August, 2003, Orissa Gazette Extraordinary No. 1370 dated 5.9.2003No. 17963-HW-II-A-40/03-WCD. - In exercise of the powers conferred by Sub-section (1) and Sub-section (2) of Section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (of 1996), the State Government do hereby make the following rules, namely :

Chapter I Preliminary

1. Short title and commencement.

(1)These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003.(2)They shall come into force on the date of their publication in the Orissa 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;(b)"Chairperson"

means a Chairperson appointed under the Act;(c)"Form" means a form appended to these rules;(d)"Government" means the State Government of Orissa;(e)"Member" means a Member of the State Co-ordination Committee appointed under the Act;(f)"Member-Secretary" means a Member-Secretary appointed under the Act;(g)"Notification" means notification published in the official gazette;(h)"Rules" means rules made under the Act;(i)"Section" means a section of the Act;(j)"Special Employment Exchange" means Special Employment Exchange, Special Cell in normal employment exchange and such employment exchange which are notified as special employment exchanges;(k)"Vice-Chairperson" means a Vice-Chairperson appointed under the Act; and(l)"Year" means the financial year commencing on the first day of April.(2)Words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Act.

Chapter II

Guidelines for evaluation of various disabilities

3. Evaluation of disability.

- General guidelines for evaluation and assessment of various disabilities issued vide Notification No. 4-2/83-HW-III, dated the 6th August, 1986 of the Government of India in the Ministry of Welfare, as annexed to the rules as Annexure A shall be followed for evaluation of various disabilities provided under Clauses (b), (e), (i), (l), (n), (o), (q), (r), (t) and (u) of Section 2 of the Act.

4. Authority to give disability certificate.

- A Disability Certificate in the form as annexed to the rules as Annexure N shall be issued by a Medical Board duly constituted or authorised by the State Government consisting of at least three members with the Chief District Medical Officer of the district and two other specialists, one of whom must be a specialist in the particular field for assessing blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation and mental illness, as the case may be.

5. Disability certificate.

(1)The Medical Board constituted under Rule 4 after due examination, shall give a permanent disability certificate in cases of those permanently disabled where there are no chances of variation in the degree of disability.(2)Wherever there is any chance of variation in the degree of disability, the Medical Board will indicate the period of validity in the certificate.(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 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 deem fit.

6.

(1)The State Government may appoint an Appellate Medical Board to resolve any dispute arises with regard to issue of Disability Certificate.(2)The Appellate Medical Board shall consist of atleast three members not below the rank of Assistant Professor of the Medical Colleges of the State, out of which one shall be a Assistant Professor 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.(3)The decision of the Appellate Medical Board in the matter shall be final.

7. Validity of Certificate.

- The certificate issued under Rule 5 will be valid for the whole of the country except; the State of Jammu and Kashmir and will make a person eligible to apply for facilities, concessions and benefits admissible under any scheme of Government or Non-Government Organisations, subject to such conditions as the Central or the State Government may impose from time to time.

Chapter III

The State Co-ordination Committee

8. Co-ordination Committee.

- The State Government shall, by notification constitute the State Co-ordination Committee as provided under Section 13 of the Act.

9. Address of Members.

(1)The Member-Secretary shall keep a record of names of members and their addresses.(2)If a member changes his/her address, he/she shall notify his/her new address to the Member-Secretary who shall thereupon enter his/her new address, in the official records but if he/she fails to notify his/her new address, the address in the official records shall for all purposes be deemed to be member's correct address.

10. Daily and Travelling Allowance.

(1)Non-Official members of the State Co-ordination Committee, resident at Bhubaneswar shall be paid an allowance of Rs. 75/- (Seventy five only) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Coordination Committee.(2)Non-Official members of the State Co-ordination Committee, not resident at Bhubaneswar, shall be paid daily and travelling allowances for each day of the actual meetings admissible to a grade 'A' officer of the State Government :Provided that in case of a Member of State Legislature who is also a member of the State Co-ordination Committee, the daily and travelling allowances shall be paid at the rate admissible to him/her as member of State Legislature, when the Legislature is not in session and on

production of a certificate by the member that he/she not drawn any such allowance for the same journey and halts from any other source.(3)If such person is a Government servant, or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him/her on production of a certification by him/her that he/she not drawn any such allowance for the same journey and halts from any other Government source.

11. Notice of the meetings.

(1)The meetings of the State Co-ordination Committee shall ordinarily be held in Bhubaneswar on such dates as may be fixed by the Chairperson :Provided that it shall meet atleast once in every six months.(2)The Chairperson shall, upon the written request of not less than 10 members of the State Co-ordination Committee, call a special meeting.(3)15 clear days' notice of an ordinary meeting and 5 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 there at, 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/her 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/she has not given 10 clear days' notice to the Member-Secretary, unless the Chairperson, in his/her discretion, permits him/her 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 in the city, town, or other place where the meeting which is adjourned was scheduled to be 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 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.

- The Chairperson shall preside at every meeting of the State Co-ordination Committee, in which he/she is present, and in his/her absence, the Vice-Chairperson shall preside, but when both the Chairperson and/Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at that meeting.

13.

(1)One-third of the total members shall form the quorum for any meeting of the State Co-ordination Committee.(2)If at any time of the meeting or during the course of the meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or to some other future date as he may fix.(3)No quorum shall be necessary for the adjourned meeting.(4)No matter which was not on the agenda of the original meeting shall be discussed at such adjourned meeting.(5)(a)Where a meeting of the State Co-ordination Committee

is adjourned under Sub-rule (2) above for want of quorum, to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting, which is adjourned, is to be 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) above for want of quorum not to the following date with sufficient gap notice of such adjourned meeting shall be given to all the members as provided in Sub-rule (4) of Rule 11.

14. Minutes.

- Record shall be kept regarding the names of members who attend the meeting and of the proceedings of the meeting in a book to be maintained for the purpose by the Member-Secretary.(2)The minutes of the previous meeting shall be circulated in advance and at the beginning of 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 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. 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.

18. No proceeding to be invalid due to vacancy or any defect.

- No Proceedings of the State Co-ordination Committee shall be invalid merely by reason of existence of any vacancy or any defect in the constitution of the Committee.

Chapter IV

The State Executive Committee

19. The State Executive Committee.

- The State Government shall, by notification, constitute the State Executive Committee as provided under Section 19 of the Act.

20. Address of the Member.

(1)The Member-Secretary shall keep a record of names of members and their addresses.(2)If a member changes his/her address, he/she shall notify his/her address to the Member-Secretary who shall thereupon enter his/her new address, in the official records. In case he/she fails to notify his/her new address, the address in the official records shall for all purposes be deemed to be member's correct address.

21. Daily and Travelling Allowances.

(1)Non-official members of the State Executive Committee, resident at Bhubaneswar shall be paid an allowance of Rs. 75 (Seventy five only) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Executive Committee.(2)Non-official members of the State Executive Committee, not resident at Bhubaneswar shall be paid daily and travelling allowances for each day of the actual meetings admissible to a Grade 'A' Officer of the State Government :Provided that in case of a member of the State Executive Committee who is a Government servant or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him/her on production of a certificate by him/her that he/she has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of the meeting.

(1)The meetings of the State Executive Committee shall ordinarily be held in Bhubaneswar on such date as may be fixed by the Chairperson.(2)It shall meet atleast once in every three months.(3)The Chairperson shall, upon the written request of not less than 10 members of the State Executive Committee, call a special meeting of the State Executive Committee.(4)15 clear day's notice of an ordinary meeting and 5 clear day's 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.(5)Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his/her last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case, thinks fit.(6)No member shall be entitled to bring forward for the consideration of the meeting any matter of which he/she has not given 10 clear days' notice to the Member-Secretary, unless the

Chairperson, in his/her discretion, permits him/her to do so.(7)(a)The State Executive Committee may adjourn its meeting 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 in the city, town or other place where the meeting which is adjourned is scheduled to be 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 (5).

23. Presiding Officer.

- The Chairperson shall preside at every meeting of the State Executive Committee at which he/she is present, and in his/her absence, the members present shall elect one of them to preside at that meeting.

24. Quorum.

(1)One-third of the total members shall form the quorum for any meeting of the State Executive Committee.(2)If at 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 other matter which was not on the agenda of the original meeting shall be discussed at such adjourned meeting.(5)(a)Where a meeting of the State Executive Committee is adjourned under Sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the adjourned meeting is scheduled to be 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 Committee is adjourned under Sub-rule (2) above for want of quorum not to the following date but to another date, notice of such adjourned meeting shall be given to all the members as provided in Sub-rule (5) of Rule 22.

25. Minutes.

(1)Record shall be kept regarding the names of the members who attend the meetings and of the proceeding at the meeting in a book to be maintained for the purpose by the Member-Secretary.(2)The minutes of the previous meeting shall be circulated in advance and at the beginning of 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 (6) of Rule 22 shall be transacted at any meeting.

28. Decision by majority.

- All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in absence of 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.

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

30. Manner and purpose of Association of persons with State Executive Committee.

(1)The State Executive Committee may invite any person, whose assistance or advice, if considered useful in performing any of its functions, to participate in the deliberation of any of its meetings.(2)If the person associated with the State Executive Committee under Sub-rule (1) happens to be a non-official, resident at the State headquarters, he/she shall be entitled to get an allowance of Rs. 75 (Seventy five) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Executive Committee in which he/she is so associated.(3)If such person is not resident at the State Headquarters, he/she shall be paid daily and travelling allowances for each day of the actual meeting admissible to a Grade 'A' Officer of the State Government.(4)If such person is a Government Servant, or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him/her on production of a certificate by him/her that he/she has not drawn any such allowance for the same journey and halts from any other source.

31. Fee for the Associated person.

- Notwithstanding anything contained in Rule 30, the State Executive Committee may pay the person associated with the Committee, with the prior approval of the State Government, such fees as considered appropriate depending on the nature of work assigned and the qualifications and experience of the associated person.

32. Tours by Associated Persons.

- 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 State Executive Committee and the associated person in respect of such tours shall be entitled to get travelling and daily allowances at the rates admissible to Grade 'A' Officer of the State Government.

33. Associated person not to disclose any information.

- 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/her either from the State Executive Committee or otherwise, to any person other than the Executive Committee without the written permission of the Chairperson of the Committee.

34. Duties and functions of the Associated person.

- The associated person shall discharge such duties and perform such functions as are assigned to him/her, by the State Executive Committee.

Chapter V Employment

35. Computation of vacancies for persons with disabilities.

- For the purpose of computation of vacancies for persons with disabilities in class III and Class IV posts (redesignated as) Group-C and D posts and Group B Gazetted posts and specially declared Gazetted posts/services under State Government and Public Sector Undertakings, the principle laid down in General Administration Department Resolution No. 15338/GA, dated 4.5.81, Resolution No. 16189-Gen, dated 16.7.82 and Resolution No. 748, dated 10.1.97 and Corrigendum No. 27375-Gen., dated 13.10.97 (Annexure-B, C, D & E to these rules) shall be followed. Note. - Principle followed for computation of vacancies in Group 'C' and 'D' posts shall be applicable mutatis and mutandis for computation of vacancies in Class II Gazetted posts and specially declared Gazetted posts.

36. Notification of vacancies to the Special Employment Exchange/Cell.

(1) Vacancies in posts of a technical and scientific nature occurring in any establishment (both in State and District Cadre) in respect of which the State Government is the appropriate authority shall be notified to the Special Employment Exchanges/Cells as may be specified by the State Government by notification in Orissa Gazette in this behalf : Provided that a candidate belonging to the person with disability category may compete for unreserved posts. But no double benefit can be given to him/her. (2) Vacancies other than those specified in Sub-rule (1) shall be notified to the local

Special Employment Exchange concerned.

37. Form and manner of Notification of vacancies.

- The vacancies shall be notified in writing to the Vocational Rehabilitation Centre for Handicapped, Orissa, Bhubaneswar and the Special Employment Exchange/Cell and the following particulars shall be 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)Qualification requires;(i)Essential;(ii)Desirable;(d)Age limits, if any;(e)Whether women are eligible ?

4. Number of vacancies : Reserved for physically handicapped persons/ Orthopaedically Visually handicapped/Hearing handicapped;-

(a)Regular;(b)Temporary;

5. Pay and allowances;

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

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

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 renotified in writing to the Vocational Rehabilitation Centre for Handicapped, Orissa, Bhubaneswar and the Special Employment Exchange/Cell, if there is any change in particulars already furnished to the Special Employment Exchange/Cell and Vocational Rehabilitation Centre for Handicapped under this rule.

38. Time limit for notification of vacancies.

(1) Vacancies, required to be notified the local Special Employment Exchange/Cell shall be notified atleast 30 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 up if no interviews or tests are held. (2) Vacancies required to be notified to the Special Employment Exchange/Cell notified under Sub-rule (1) of Rule 36 shall be notified atleast four 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/Cell, the results of selection within 15 days from the date of selection.

39. Submission of Returns.

- An employer shall furnish to the local Special Employment Exchange/Cell quarterly returns in Form DPER-I and biennial returns in Form DPER-II. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December, Biennial return shall be furnished within thirty days of the due date as notified in the Orissa Gazette.

40. Form in which record to be kept by an employer.

- An employer shall maintain the record of employees with disabilities in Form DPER-III.

Chapter VI

Recognition of Institutions for Persons with Disabilities

41. Appointment of competent authority.

- The State Government shall, by notification, appoint the Competent Authority as per Section 50 of the Act.

42. Application Form for Registration of Institution.

- For the purpose of Registration under the Act, every application for a Certificate of Registration under the Act shall be made to the Competent Authority in Form AR-I.

43. Registration and refusal of certification.

- On receipt of an application in Form AR-I, the competent authority shall make such enquiry as deem fit and if satisfied that the applicant has complied with the requirements of the Act and the rules, shall grant a certificate of Registration to the applicant in Form AR-II and if not satisfied, shall by order, refuse to grant such certificate applied for after giving the applicant a reasonable

opportunity of being heard. Such order will contain specified reasons for refusal to grant such Certificate and shall be communicated to the applicant through registered post.

44. Validity of Certificate and De-recognition of the Institution.

- The organisation so recognized shall provide required facilities and maintain such standard as specified under Annexure O for the purpose. The Certificate of Registration so issued shall remain valid for a period of 3 years from the date of issue unless revoked under Section 53 of the Act. The competent authority, if necessary, may order for an enquiry about the activities of the organization within the valid period to assess the functioning of the institution concerned. If the activities of the Institution are found to be unsatisfactory, the competent authority may consider the case for derecognition of the organisation and cancellation of the Certificate after observing the procedure laid down under Rule 46 of these rules.

45. Renewal of Certificate.

- For renewal of registration, the organization shall apply to the Competent Authority in Form AR-III, before sixty days of expiry of the period of validity. The Certificate of Registration shall be displayed by the Institution in a conspicuous place.

46. Revocation of the Certificate.

- The certificate of Registration can be revoked on the-following grounds, if -(i)The Organisation had furnished misleading and incorrect information/ statement while applying for the same;(ii)The organization has violated any provision of these rules;(iii)The activities of the Organization are not satisfactory.Such revocation shall be made after making such enquiry as deemed fit by the Competent Authority. No such order shall be made until an opportunity is given to the institution/person to show cause as to why the Certificate shall not be revoked.

47. Appeal.

- Any person/institution aggrieved by the order of the Competent Authority for refusing to grant of a Certificate or revoking the Certificate may, within a period of thirty days, prefer an appeal before the Commissioner-cum-Secretary to Government in Women and Child Development Department against such refusal or revocation. The order of the Appellate Authority on such appeal shall be final.

48. Restoration of inmates.

- On the cancellation of revocation of the certificate or recognition by the competent authority, the Organisation shall forthwith cease to be an institution for the disabled. The inmates so maintained by the Organisation will be restored with their parents, legal guardian or shifted to a similar institution as the competent authority deem fit and proper.

Chapter VII

Commissioner for Persons with Disabilities

49. Appointment of State Commissioner for Persons with Disabilities.

- The State Government shall, by notification, appoint a Commissioner for Persons with Disabilities as per Section 60 of the Act.

49A. [[Inserted vide O.G.E. No. 1282 dated 19.8.2005.]

(1)The State Government shall appoint Collectors as Deputy Commissioners for Persons with Disabilities to assist the Commissioner for Persons with Disabilities in the discharge of his functions. They shall discharge their functions under the general superintendence of the Commissioner for Persons with Disabilities.(2)The Additional District Social Welfare Officers and Sub-divisional Social Welfare Officers, in the concerned district headquarters shall assist the Deputy Commissioners in dealing with the case matter].

50. Procedure to be followed by Commissioner.

(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 complaint and when and where it arose;(d)Document 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/parties mentioned in the complaint directing him/her to give his/her version of the case within a period of 30 (thirty) days or such extended reasonable period as may be granted by the Commissioner.(3)On the date of hearing or any other date to which hearing is adjourned, it shall be obligatory on the parties or their agents to appear before the Commissioner. Where the complainant or his/her agent fails to appear before the Commissioner on such days, the Commissioner may in his/her discretion either dismiss the complaint on default or decide on merits. Where the opposite party or his/her 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. He may dispose of the complaint ex parte.(4)The Commissioner may, on such terms as he/she deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But 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.

51. Salary and Allowance of the Commissioner.

- The Commissioner for Persons with Disabilities shall be entitled to salary, allowances and other

pre-requisites as are available to an officer of his/her rank under the State Government.

52. Submission of the Report to the State Government.

- The Commissioner shall submit report to the State Government on the implementation of the Act as required under Clause (d) of Section 61 at the interval of six months in such a manner that atleast two reports are sent in one financial year.

53. Submission of Annual Report.

(1)The 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 ensuring prepare and submit to the State Government an annual report giving a true account of his/her 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 or staff of the Commissioner and a chart showing the organizational 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)Progress made in the implementation of the Act - Districtwise; and(e)Any other matter deemed appropriate for inclusion by the Commissioner. Annexure A (To be published in the Gazette of India, Part-1, Section I) No. 4-2/83-HW.-III Government of India Ministry of Welfare [See Rule 3] Dated : 6th August, 1986 Subject : Uniform Definitions of the Physically Handicapped At present, different definitions for various categories of handicapped are adopted in various schemes/programmes of the Central and State Governments. In order to have a standard set of definitions, authorized certification authorities and standard tests for purpose of objective certification, Government of India in Ministry of Welfare set up three committees under the Chairmanship of Director General of Health Services - one each in the area of visual handicaps, speech and hearing disorders and locomotor disabilities and a separate Committee for mental handicaps :

2. After having considered the reports of these committees and with the concurrence of the State Governments/UTs. and the concerned Ministries/Departments the undersigned is directed to convey the approval of the President to notify the definitions of the following categories of physically handicapped :

1. Visually handicaps

2. Locomotor handicaps

3. Speech & hearing handicaps -

4. Mental handicaps

Report of the Committee as indicated in the Annexure G.

3. Each category of handicapped persons has been divided into four groups viz. mild, moderate, severe and profound/total. It has been decided that various concessions/benefits would in future be available only to the moderate, severe and profound/total groups, and not to the mild groups. The minimum degree of disability should be 40% in order to be eligible for any concession/benefits.

4. It has been decided that the authorized certifying authority will be a medical board at the district level. The board will consist of the Chief Medical Officer/Sub-divisional Medical Officer in the district and another expert in the specified field viz. ophthalmic surgeon, in case of visual handicaps, either an ENT surgeon or an audiologist in case of speech and hearing handicaps; an orthopaedic surgeon, or a specialist in physical medicine & rehabilitation in case of locomotor handicaps, a psychiatrist or a clinical psychologist or a teacher in special education in case-of mental handicaps.

5. Specified tests as indicated in Annexure should be conducted by the medical board and recorded before a certificate is given.

6. (i) The certificate would be valid for a period of three years,

(ii) The State Governments/UT Admn. may constitute the medical boards indicated in para 4 above immediately. Annexure B [See Rule 35] Government of Orissa General Administration Department Resolution No. 15338/GA., dated Bhubaneswar, the 4th May, 1981 Sub : Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/services under the State Government and in Public Sector Undertakings. Read : Resolution No. 16443 Gen, dated 24.7.78 Consequent upon the decision of the Government of India in the year 1978, the State Government made reservation of 1% of vacancies, for rehabilitation of physically handicapped persons in public service.

2. Government of India have now, on consideration of the matter, have decided that for the purpose of employment of the blind, the deaf and the orthopaedically handicapped persons, the reservation in Group C & D posts and services for physically handicapped persons should be made to the

following extent under the Central Government.

Category of handicapped	Percentage of reservation
1. The Blind	1%
2. The Deaf	1%
3. The Orthopaedically handicapped	1%

3. Accordingly it has been decided by the State Government that the reservations for filling the Class-III and Class-IV posts and services under the State Government and Public Sector Undertakings which correspond to Group C & D posts/services under the Central Government should made for rehabilitation of physically handicapped persons of the above categories. The categorization of physically handicapped persons for employment will be on the basis of definition as per Annexure F.

4. The reservation of posts and services should made separately for each of the aforesaid three categories of the physically handicapped person with provision for inter-exchange of vacancies if candidates belonging to a particular category of persons are not available of the nature of vacancies in an office is such that a given category of persons cannot be employed. If in any year, the vacancies reserved for these categories are not filled up, the reservations should be carried over for a period up to three recruitment years. In order to implement these reservation orders, the jobs which can be performed by various categories of physically handicapped persons, without losses of productivity, should be identified by the Government/Departments concerned.

5. Where a Department consider that it is not possible to provide employment for the physically handicapped persons to the extent of reservations in view of the nature of duties expected to be performed by the employees in that particular Department, that Department could be partly or fully exempted from implementing the reservation orders. The grant of such exemption shall be decided by an inter Departmental Committee of C.D. & R.R./G.A. (O. & M) Department, Department of Health and the Administrative Departments concerned would be represented.

- 6. In the categories of job which are identified by the Government/ Departments as being particularly suitable for handicapped persons, other things being the same preference should be given to handicapped persons for such job even in excess of the quota reserved for them in accordance with the instructions contained in paragraph 2 above.**
- 7. With a view to ensuring reservation of vacancies for the physically handicapped persons in Class III and Class IV posts/services under the State Government and Public Sector Undertakings, it has been decided that a continuous account of the vacancies arising in Class III and Class IV posts/services from year to year may be kept. Thus the 31st vacancy occurring in a particular recruitment year SL. would be earmarked for the blind. Similarly the 33rd vacancy and 100th vacancy would be reserved for the deaf and the orthopaedically handicapped respectively in an cycle of hundred vacancies. In case any of these vacancies are reserved for S.C. and S.T. candidates or Ex-Servicemen, the next clearly available vacancy should be reserved for the physically handicapped persons.**
- 8. The physically handicapped persons are entitled to relaxation of upper age limit up to 10 years for purpose of appointment to Class III and Class IV posts/Services. Nothing in this Resolution shall affect reservations, relaxations of age limit and other concessions required to be provided for all special categories of persons in accordance with the orders issued by the State Government.**
- 9. Regarding medical examination of physically handicapped persons, they are to be viewed with utmost sympathy for medical examination. On nomination by the C.D. & R.R. Department, physically handicapped persons should not be subjected to the usual medical examination on first appointment and the question should be decided on the basis of the reports of the Medical Board attached to the C.D. & R.R. Department for the physically handicapped. In case a physically handicapped person appointed to Class III/Class IV post and service is found medically unfit for such post or service he is holding and from which he is proposed to be discharged or has been discharged may, wherever practicable, be considered for another identical/equivalent post for which he may be found suitable against direct recruitment quota without insisting on the condition of appointment through**

the Community Development and Rural Reconstruction Department, for this purpose, his previous service under State Government or Public Sector Undertakings should be deducted from his actual age and if the resultant age does not exceed the prescribed maximum age limit by more than three years, he should be deemed to satisfy the, condition of upper age limit for appointment to the posts or services in question under the State Government. Further, in case of a Government servant or a servant in Public Sector Undertakings retired on medical grounds, his son/daughter/near relative can be considered for appointment on compassionate grounds if the family of the orthopaedically handicapped Government servant is in great distress after his premature retirement.

10. A consolidated list of jobs in Class III and Class IV posts/services suitable for each of the categories i.e. the blind, the deaf and orthopaedically handicapped which would help the appointment authorities in appointing physically handicapped persons against 3% of the quota as fixed against such posts/ services as are available in the various departments under the State Government and Public Sector Undertakings, is enclosed as Annexure F.

Annexure C[See Rule 35]Government of OrissaGeneral Administration DepartmentResolutionBhubaneswar, dated the 16th July 1982Subject: Extension of reservation of vacancies for rehabilitation of physically handicapped persons in Class II Gazetted posts and Specially Gazetted posts under the State Government.No. 16189/Gen. - On the basis of the decision of Government of India, the State Government have decided in G.A.Department Resolution No. 15338/Gen dated 4.5.81 that 1% of the vacancies in Class III and Class IV services/posts under the State Government to which direct recruitment is made shall be reserved for the physically handicapped persons.After careful consideration, Government have further decided to extend the aforesaid reservation to 3% of vacancies for physically handicapped persons to gazetted posts in Class II and specially gazetted services and posts under the State Government to which the direct recruitment is made. In any case where it is felt that it will not be possible to appoint the physically handicapped persons in any particular service or group of posts, the Department concern may take Government orders exempting the particular posts and services in consultation with the G.A. Department. This will take effect retrospectively from 4.5.1981.

Annexure D[See Rule 35]Registered No. 0.14The Orissa Gazette Extraordinary Published by Authority No. 155 Cuttack, Wednesday, February 12, 1997/MAGHA 23, 1918No. 748 SC-2R/1-31/96-Gen.,Government of Orissa General Administration DepartmentResolutionThe 10th January, 1997Subject: Reservation for Ex-Servicemen/Physically Handicapped persons and Sports Persons in 80-Point Model Roster in services and posts of the State Government.The extent of reservation of initial recruitment in the Civil Services and posts of Government of Orissa for the Ex-Servicemen/Physically Handicapped Persons and the sports Persons has been-respectively fixed at 3% (Vide G.A. Department

Notification No. 22586-Gen. dated the 16th October 1985), 3% (Vide G.A. Department Resolution No. 15338-Gen dated the 4th May, 1981) and 1% (Vide GA Department Resolution No. 24808/Gen, dated the 18th November 1985). The reservation for the Physically Handicapped Persons and the sports Persons have been further qualified by Rule 4 of the Orissa Civil Services (Reservation of Vacancies for Women in Public Services) Rules, 1994. These rules provide for the reservation of 33% for women in the reservation. This means that in case of Physically Handicapped Persons and Sports Persons for every two men appointed on the basis of the reservation meant for them, there shall be one women belonging to that category.

2. The reservation for the above said categories of persons has not been reflected in the 80-Point Model Roster of the State Government prescribed by the erstwhile Tribal Welfare Department in their Notification S.R.O. No. 339/94, dated the 21st April, 1994 and modified later by the Welfare Department Resolution No. 15599-W, dated the 27th June 1996 for reflecting 27% reservation for the members of the Socially and Educationally Backward Classes (SEBC).

3. The Government has been pleased to decide that the reservation for the Ex-Servicemen/Physically Handicapped Persons and Sports Persons need not be reflected in the Model Roster. Such persons, when selected as per the reservation provided for them, shall claim the vacancies, reserved for the categories; to which they may belong to, which means that the Ex-Servicemen/Physically Handicapped Persons/Sports Persons, if belonging to Scheduled Castes will claim the vacancy reserved for Scheduled Castes; belonging to Scheduled Tribe; will claim the vacancy reserved for the Scheduled Tribes and so on. Thus the Ex-Servicemen/Physically Handicapped Persons/ Sports Persons, who do not belong to either of the reserved categories (i.e. S.C./S.T./S.E.B.C.) would claim the unreserved vacancies.

4. The Ex-Servicemen/Physically Handicapped Persons/Sports Persons together constitute 7% of the reservation. All the appointing authorities may, therefore, take care to ensure that one person belonging to these categories is selected for roughly every 14 vacancies, filled up so as to ensure that they are recruited proportionately.

5. All Departments of Government are requested to intimate the above instructions to Heads of Department/Public Sector Undertakings and other appointing authorities under their control for taking necessary action while filling up the vacancies.

Annexure E[See Rule 35]Government of OrissaGeneral Administrative DepartmentCorrigendumBhubaneswar, dated the 13th October, 1997No. 2R/1-28/97-27375/Gen., para 3 of the General Administration Department Resolution No. 15338/Gen dated the 4th May, 1981 relating to reservation of vacancies for rehabilitation of Physically Handicapped Persons in Class III (Group C) and Class IV (Group D) posts/Services under the State Government and in Public Sector Undertaking shall be read as follows : "Accordingly it has been decided by the State Government that the reservations for filling the Group 'C' and Group 'D' posts and services under the State Government and Public Sector Undertakings should be made for rehabilitation of Physically Handicapped Persons of the above categories, at the initial stage of recruitment. The categorization of the Physically Handicapped Persons for employment will be on the basis of definition as per Annexure." Annexure F[See Annexure B]Definitions of the categories of the handicapped for purposes of reservation in employmentThe BlindThe Blind are those who suffer from either of the following conditions : (a) Total absence of sight (b) Visual acuity not exceeding 6/60 or 20/200 (Snellan) in the better eye with correcting lenses (c) Limitation of the field of vision subtending an angle of 20 degrees or worse. The DeafThe Deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sounds at all events with amplified speech. The cases included in this category will be those having hearing loss more than 90 decibels in the better ear (Profound impairment) or total loss of hearing in both ears. The Orthopaedically HandicappedThe Orthopaedically Handicapped are those who have a physical defect or deformity, which causes an interference with the normal functioning of the bones muscles and joints. Jobs in the Group Class III and Class IV Posts and Services Suitable for the Physically Handicapped

Sl. No. Category of Handicapped Occupations Groups

I. Orthopaedically Handicapped (a) Upper Extremities (i) Major Defects : Accounts Clerks (U) Copyholders (U) Office Clerk (U-A) Office Superintendents (U) Peon (U) Proof readers (U), Receptionists (II), Stamp Vendors (Postal) Water men (U). (ii) Minor Defects: Caretaker (A), Choukidars (A), Copyholder Messengers, Daftaries Documentation Assistants (A), Editorial Asst. (A) Gardeners Farasis Gestener Operators Junior Engineers (Civil), Key Punch Operators (A), Laboratory Asst. (Chemical), Laboratory (Clinical), Library Clerk (A), Liftmen (A), Metreaders Office Clerk, Office Superintendents Peons, Photographic Retouches Peons, Proof Readers, Receptionists, Research Investigators Retiring Room Attendants Salesmen (Shop) (A) Scientific Assistants Security Guards (A), Store Keepers (A) Statistical Assistants, Sub-post Master, Sweepers Teachers (Primary), Telegraph Messengers Technical Assistants Telephone Operators (A), Time Keepers (A), Translators (A), Typists (A), Waiting Room Attendants Water Men Ward Boy/Ayachs (A), Wireless Operators (A). (b) Lower Extremities (i) Major Defects : Accounts Clerks, Computers. Copy-holders, Editorial Assts., Head Compositors (A) Junior Engineers (Civil) (Only designations) Key Punch Operators, Lift Men Office Clerks, Office Superintendent Plain cars Projectionists

(A-MNR) Proof Readers, Radio Technicians Receptionist Stenographers Stamp Vendors (Postal) Sub-post Masters, Telephone Operators, Telex Operators, Translators Typists.(ii) Minor Defects Architectural Assistants (A-MNR) Book Binders Caretakers (A-MNR), Documentation Assistants (A-MNR), Carpenter (A), Cashier (A) Compounder, Choukidars (A-MNR), Commercial Artists, Daftaries (A-MNR) Dressers Draftsmen, Ferro Printers, Farashs, Gestener Operators, Instrumentationist Staff Artists (MNR), Laboratory Assistants (Chemical), Laboratory Assistants (Clinical) Librarians (Junior) (A-MNR), Library Clerks (A-MNR), musicians (Staff artists) (MNR), Packers, Peons (MR), Photographers (MNR), Photographic Retouches. Retiring Room Attendant (MNR), Salesman (Shop) (MR), Statistical Assistants (MNR), Sweepers (MNR), Teachers (Deaf), Teachers (Primary) Technical Assistants (MNR), Time-keepers, (A) Tracers, Vehicle Cleaner (MNR), Waiting Room Attendants (MNR), Waterman, Wireless Operators. II. Deaf And Dumb : Accounts Clerks, Book Binders, Canteen Boys, Carpenters, Computers Commercial Artists, Daftaries, Feera-Printers, Hatfrmrts, hrdyrnor Operators, Hand Compositors, Key-punch Operators, Motor Readers, Office Clerks, Packers, Painters Photographers, Photographic Retouchers, Statistical Assistants, Store Keepers, Sweepers Telex Operators, Translators, Tracers, Typists, Vehicle Typists, Vehicle Cleaners, Waterman. III. Deaf : Postmen, Telegraph Messengers IV. Partially Deaf : Architectural Assistant (A), Caretakers (A) Cashiers Compounders, Choukidars (A) Dak Messenger Draftsmen (A) Dressers, Editorial Assistants; Electricians, Junior Engineers (Civil) (A) Laboratory Assistant (Chemical) Laboratory Asst. (Clinical) Laboratory Attendants, Librarians Juniors (A) Library Clerks (A) Peons, Postman Projectionists (A) Research Investigators, Retiring Room Attendants, Scientific Assistants Salesmen Shop (A) Stenographers (A) Security Guards (A) Stamp Vendors (A) Sub-post Masters (A) Technical Asst. Teachers (Deaf) (A) Teachers (Primary)-A Time Keepers (A) Waiting Roll Attendants Ward Boys/Ayachs. V. Blind : Announcers at Railway Stations, Bus Stops and Airports (T) Cane Weavers (T) Instrumentalists (Staff Artists) (T) Messengers (T) Musicians (T) Music Teachers (T) Officers Superintendents (H) Packers (T) Stenographers (With Dictaphone and Digital Type Writers) Teachers (Primary T & A) Telephone Operators (Small Board Lathe Operators Press Operators, Styampers Weavers Packers Driller, Filers Chippers Teachers in Social Science with Electronic Boop and Embossed Digits). Partially Blind : Dak Messengers Despatch Clerk (T) Gardeners (T) Gestener operators (T & A) Liftmen (T & Digit Controls) Peons Receptionists (T & A) Retiring Room Attendants Sweepers, Watermen (T) Waiting Room Attendants, Lottery Ticker sellers. Explanations : U = Unilateral=with aids, T=With training, H=With a helper MNR-Mobility not restricted. Note 1 : Jobs which can also be performed by those having deformities can be performed by these having minor deformities, job which can be performed by Deaf can be performed by partially Deaf also, Jobs which can be performed by Blind can be performed by partially blind also. Note 2 : There would be upper of jobs in each occupational group - These have not been given separately. For example, Office Clerks includes Lower Division Clerks includes and Upper Division Clerks, Stenographers include Junior and Senior Stenographers. Annexure G[See Annexure A] Combined Report of the three Commodities recommending Uniform set of definitions, authorities for certification and standard tests for Visual, Hearing and Speech & Locomotor disabilities List of the Members of the Committees at Annexure H Introduction India is a vast country with variable/social, cultural, geographical and economic background. Despite breakthrough in health services, a number of disabilities continue to appear due to polio communicable and congenital diseases, increased industrialization and mechanization, vehicular traffic leading to locomotor disabilities; vitamin-A deficiency, cataract and infectious

injuries, nutritional deficiency leading to visual loss, ear infection, external injuries, noise pollution contributing to hearing loss. These are the three major disabilities which manifest themselves as a result of one or more of such factors.

2. Government of India are providing a large number of facilities and concessions to disabled person. In order to provide these facilities and concessions it is imperative that standard definition of these disabilities is decided upon. Consequent to recommendations of the National Council for Handicapped Welfare the Committees under the Chairmanship of Director General of Health Services met for the adoption of standard set of definition, which should be uniformly applicable throughout the country.

The exercise of evolving a uniform set of definition should not be however, to constructed to mean that no definition have been set forth at present, definitions of these three major disabilities which are prevalent at present for extending various concessions and facilities to handicapped are given in Annexure I Recommended Definitions Physical impairment leads to functional limitation and functional limitation leads to disability. Physical impairment functional limitation and disability have been defined by W H O and this Committee would recommend adopting this classification, which is as follows : (i) Impairment - An impairment is a permanent or transitory or psychological, or anatomical loss and/or abnormality. For example a missing or effective part, tissue organ or "Mechanicism" of the body, such as an amputated limb, Paralysis after polio, myocardial infraction, cerebrovascular thrombosis, restricted pulmonary capacity, diabetes myopia, disfigurement, mental retardation, hypertension, perceptual disturbance. (ii) Functional limitation - Impairment may cause functional limitations which are to partial or total inability to perform those activities necessary for motor sensory, or mental functions within the range and manner of which a human being is normally capable such as walking, lifting loads, acing, speaking, hearing, reading, writing, counting taking interest in and making contact with surrounding. A functional limitation may last for a short time a long time be permanent or reversible. It should be quantifiable whenever possible, limitations may be described, as "progressive" or regressive". (iii) Disability - Disability is defined as an existing difficulty in performing one or more activities which in accordance with the subjects sex and mortuaries social role, are generally accepted as essential, basis components of daily living such as self-care social relations and economic activity. Depending in part on the duration of the functional limitation disability may be short-term, long-term or permanent. Medically disability is physical impairment and inability to perform physical functions normally. Legally, disability is a permanent injury to body for which the person should or should not be compensated. The disability can be divided into 3 periods : (i) Temporary total disability is that period in which the affected person is totally unable to work. During this time he may receive orthopaedic, opthamologic auditory or speech or any other medical treatment. (ii) Temporary partial disability is that period when recovery has reached the stage of improvement so that person may begin some kind of gainful occupation. (iii) Permanent disability applies to permanent damage or loss of use of some part/parts of the body after the stage of maximum improvement from any medical treatment has been reached and the condition is stationery. The classifications and various concessions being recommended are for the permanent disability only. *Evaluation and Assessment of visual Disabilities - Annexure J The

group recommended the classification of visual impairment/disability may be categories in four groups for considering various concessions to visually handicapped. The question regarding one-eyed person was considered at length. The Committee is of the view that the guidelines recommended for evaluation of visual loss of persons who have lost one eye but have the other eye normal should be totally unambiguous. The Committee feels that such persons may not be clubbed with other visually handicapped so that facilities concessions available to severely/profoundly visually handicapped and totally blind are not eroded. If one-eyed persons are clubbed with severely/profoundly visually handicapped and totally blind persons, the Committee feels that most of the concessions especially jobs reserved for the blind persons shall go to one-eyed persons as their visual loss is minimal compared to other 2 categories and in this manner most of the Government offices/public sector undertakings will be fulfilling the quota but in actual practice will not be giving jobs to totally blind and persons with severe visual loss. The Committee, however, feels that it should be made clear that loss of one eye will not be considered as a disqualification on medical grounds unless a particular post is of such a technical nature that it requires of a person the use of both the eyes of three-dimensional vision. The Committee also recommends that if a person has been declared unfit due to some temporary visual loss/defect, it should not be constructed to mean as disabled if such a temporary impairment in the opinion of a Medical Board can be overcome with treatment or visual aids. Guidelines for evaluation & Categorization of visual disabilities are given in Annexure J* Evaluation and Assessment of Hearing & Speech Disability. The Committee recommended that the definitions which are internationally accepted and have been adopted by WHO may be adopted in this country also for evaluation and categorization of hearing & speech loss. The recommended classification and guidelines for evaluation of hearing loss are given in Annexure-K. The Committee also considered various facilities/ concession which may be given to hearing handicapped persons and suggestion of the facilities which may be offered to the hearing handicapped for rehabilitation are also given in Annexure K.* Evaluation & Assessment of Orthopaedic Disabilities - Annexure L. The Committee recommends that Kessler's method may be taken as a general guideline for evaluating orthopaedic disability. Since issues have been raised regarding the quantification of degree of disability, the authorised Medical Board may also consult any other suitable method and use Kessler's methods as a basic guideline. The Committee is aware that there are other methods of quantification, which are at variance with the Kessler's guidelines. However, Kessler's guidelines for evaluation of various degrees of disability, it is expected, would hold good for most of the time. The individual Medical Board could take into consideration other methods, which may help the Board in evaluating disability in an individual case.* The Authorities to give certification. A permanent disability certificate will be issued by a Board duly constituted by the Central and the State Governments. It is recommended that a Medical Board for evaluation of disability should be available minimum at the district level. It is also recommended to have at least 3 members in the Board, out of which at least one should be a specialist in the particular field for assessing locomotor visual/hearing & speech disability as the case may be. It is also recommended that the competent authority may also appoint an appellate Medical Board to resolve any disputes.* Concessions/Facilities which may be offered to Disabled Persons. Keeping in view the set of definitions and the categorization being recommended, various Ministries/Departments and the State Governments shall have to also specify the facilities and concessions which would be available to different categories of the handicapped. The Committee recommends that if a person has the degree of disability below 40% in a particular category no such benefits/concessions may be given to

such a person. All other categories may be extended concessions/facilities like scholarships, jobs reservations, aids and applicants either free of cost or at concessional rates, conveyance allowance, etc, for hearing handicapped the Committee recommends that language formula may be revised so that the hearing handicapped have to study one language only. Ministry of Social & Women's Welfare may make out proposals based on these recommendations with Misappropriate Ministry for necessary modifications in the policy of 3 languages formula. The Committee also recommended that Ministry of Health & Family Welfare may also take up amending medical standards for necessary relaxations in respect of mild handicapped in alt the categories so that on account of their mild disability, they are not put in a position that neither they are able to get the facility of job reservations nor are eligible otherwise for entering into services in the general category. The medical rules may also indicates in clear terms that loss of one eye will not be considered a disqualification unless the particular post is of such a technical nature that it requires of a person the use of both the eyes or three-dimensional vision. The same Medical Board at the district level may examine suitability or otherwise of one-eyed person for a particular post. The degree and extent of disability of the 3 types, namely visual hearing and orthopaedic will be indicated as follows :

- (a) Mild less than 40%
- (b) Moderate 40% & above
- (c) Severe 75% & above

Profound/total 100%

For persons suffering from cardio pulmonary diseases there may be no reservations in jobs. These persons may however, be considered for extending other concessions such as exemption in typing, etc. The Director General of Health Services, Ministry of Health & Family Welfare will be the final authority, should there arise any controversy/doubt regarding the interpretation of the definitions/classifications/evaluation tests, etc. Only those persons who have disability more than 40% and above shall be eligible for registration in Employment Exchanges in the category of handicapped and considered against jobs in public sector reserved for the physical handicapped. Annexure H[See Annexure G]Composition of Committees to recommend standard definitions of Disabilities

Dr. D.B.Bisht, Director-General of Health Services (of all the three committees) Ministry of Health & Family Welfare, Nirman Bhavan, New Delhi	Chairman
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On Visually
Handicapped

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| 1. | Dr. Madan Mohan, Head Department of Ophthalmology, All India Institute of Medical Sciences, New Delhi | Member |
| 2. | Dr. G.H. Gidwani, Assistant Director General of Health Services, Ministry of Health & Family Welfare, Nirman Bhavan, New Delhi | Member |
| 3. | Shri R.S. Srivastava, Joint Director General of Employment & Training Ministry of Labour Shram Shakti Bhavan, New Delhi | Member |

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| 4. | Director, National Institute for the Visually Handicapped, Rajpur Road, Dehradun (Represented by Shri S.R. Shukla, Asst. Director) | Member |
| 5. | Dr. G. Venkataswami, Arvind Eye Hospital Madurai, Tamilnadu | Member |
| 6. | Dr. J.M. Pahawa, Chief Medical Officer Gandhi Eye Hospital Aligarh | Member |
| 7. | Shri Harcharanjit Singh, Under-Secretary, Ministry of Social & Women's Welfare | Member-Secretary |

On Hearing Handicapped

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| 1. | Dr. G.H. Gidwani, Assistant Director General, Health Services, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi | Member |
| 2. | Shri R.S. Srivastava, Joint Director, Director General of Employment & Training Ministry of Labour Shram Shakti Bhavan, New Delhi | Member |
| 3. | Dr. S.K. Kacker, All India Institute of Medical Science, New Delhi | Member |
| 4. | Dr. M. Nithya Seejan, Director, All India Institute of Speech & Hearing, Mysore | Member |
| 5. | Dr. N. Rathna, Director, Ali Yavar Jung Institute of Hearing Handicapped, Haji Ali Park, Mahalaxmi Bombay - 400034 (Represented by Dr. M.N. Nagaraja Dy. Director in the meeting on 25.6.84) | Member |
| 6. | Shri Harcharanjit Singh, Secretary Under-Secretary Ministry of Social & Women's Welfare New Delhi | Member |

On Orthopaedically Handicapped

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| 1. | Dr. G.H. Gidwani, Assistant Director General of Health Services, Ministry of Health & Family Welfare Nirman Bhavan, New Delhi | Member |
| 2. | Shri R.S. Srivastava, Joint Director, Director General of Employment & Training, Ministry of Labour, Shram Shakti Bhavan, New Delhi | Member |
| 3. | Dr. Narendra Kumar, Indian Council of Medical Research, Ansari Nagar, New Delhi | Member |
| 4. | Director, National Institute of Orthopaedically Handicapped, B.T. Road, Bon Hoogly, Calcutta | Member |

5. Dr. A.K.Mukherjee, Director All India Institute of Physical Medicine and Rehabilitation, Haji Ali Park, Bombay Member
6. Dr. S.K.Verma, Head of Department of Physical Medicine and Rehabilitation, All India Institute of Medical Sciences, New Delhi Member
7. Dr. B.P.Yadav, Head of Rehabilitation Department, Safdarjung Hospital, New Delhi Special Invitee
8. Dr. J.S.Guleria, Prof. & Head of Department of Medicine, Dean, All India Institute of Medical Sciences, New Delhi Special Invitee
9. Shri Harcharanjit Singh, Under-Secretary, Ministry of Social & Women's Welfare. Member-Secretary

Annexure I [See Annexure G] (1) Visually Handicapped The definition adopted for visual handicapped for extending the concession, scholarships, admission to integrated education system, reservation in jobs, assistance for purchase/fitting of aids and appliances. The blind are those who suffer from either of the following conditions : (a) Total absence of sight, (b) Visual acuity not exceeding 6/60 of 20/200 (Snellen) in the better eye with correcting lenses, (c) Limitation of the field of vision subtending and angle of degree or worse. Definition of Hearing Handicapped under various schemes Scholarships The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sound at all even with amplified speech. The cases included in this category will be those having hearing loss more than 70 decibels in the better ear (Profound impairment) or total loss of hearing in both ears. Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances The partially hearing are those falling under anyone of the categories indicated below :

Category	Hearing acquit
Mild impairment	More than 30 but not more than 45 decibels in better ear
Serious impairment	More than 45 but not more than 60 decibels in better ear
Severe impairment	More than 60 but not more than 90 decibels in better ear

Reservation orders issued by Department of Personnel and Administrative Reforms The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sounds at all events with amplified speech. The cases included in this category will be those having loss more than 90 decibels in the better ear (Profound impairment) or total loss of hearing in both ears. Locomotor Handicapped Similarly the definition adopted for orthopaedically handicapped is not uniform as all orthopaedically handicapped are eligible for getting a scholarship but only those orthopaedically handicapped person can get the facility of reservation in jobs have a minimum of 40% disability. Situation in State Government Various State Government have also adopted different sets of definition. For example, Government of Tamil Nadu declared one-eyed persons in the same category as blind persons and have extended various concessions including the reservation in jobs under the State Government of one-eyed person also. The Central Government on the other hand has declared that a one-eyed person with one-eye good vision is not medically

unfit and can be considered for jobs which do not require a three dimensional vision to the specific requirement of the jobs. Annexure J [See Annexure G] Visual Impairment disability Categories basis on its severity and proposed disability percentages

Category	All with corrections	Percentage impairment	
Better eye	Worse eye		
Category-o	6/9-6/18	6/24 to 6/36	20%
Category-I	6/18-6/36	6/60 to Nil	40%
Category-II	6/60-4/60 or Field of vision	110-20 3/60 to Nil	75%
Category-III	3/60 to 1/60 or Field of vision F.C. qt. 1ft. to Nil	100 to Nil	100%
Category-IV	F.C. at 1 ft. to Nil or field of vision 100	F.C. at 1 ft. to Nil or Field of vision 100	100%
One-eyed person	6/66	F.C. at 1 ft. to Nil	30%

The method of evaluation shall be the same as recommended in handbook of Medical examination. Impairment of 20%-40% or less may only be entitled to aids and appliances. Annexure KA. Recommendation about the categories and the Tests Required I. Recommended Classifications

Sl. No.	Category	Type of impairment	DB level and/or	Speech discrimination	Percentage of impairment
1.	I	Mild Hearing Impairment	DB 26 to 40 dB better ear	80 to 100% better ear	Less than 40%
2.	I	Moderate Hearing Impairment	41 to 55 dB in better ear	80% better ear	40% - 50%
3.	III	Severe Hearing Impairment	56 to 70 Hearing Impairment in better ear	40 to 50	50 - 75%
4.	IV	(a) Total deafness	No hearing	No discrimination	100%
		(b) Near total deafness	91 dB & above	No discrimination	100%
		(c) Profound hearing impairment	In better ear 71 to 91 dB	Less than 40% in better ear	75% - 100%

(Pure tone average of hearing in 500, 1000 and 2000 Hz by air conduction should be taken as basis for consideration as per the test recommendations) Further it should be noted that : (a) When there is only an island of hearing present in one or two frequencies in better ear, it should be considered as total loss of hearing. (b) Wherever there is no response (NR) at any of the 3 frequencies (500, 1000, 2000 Hz) it should be considered as equivalent to 130 dB loss for the purposes of classification of disability and in arriving at the average. This is based on the fact that maximum intensity limits in most of the Audiometers is 110 dB's and some audiometers has additional facilities for 20 dB for testing. II. Recommendation about the categories of disability (Hearing impairment-physical aspect only - Test recommend) (a) Pure tone audiometry (ISO R 382 -1970 at present is being used as Audiometric Standard in most of the audiometers. Hence the audiometers

used in testing should be accordingly celebrated). There frequency average at 500, 1000 and 2000 Hz by Air (A.C.) will be used for categorization.(b)Wherever possible the pure tone audiometric results should be supplemented by the Speech discrimination score-tested at Sensation Level (S.L.) i.e. the speech discriminations test is conducted at-dB above the patient's hearing threshold. The stimuli used be either phonetically balance words (ph) of the particular language or its equivalent material. At present only a few Indian languages have standard speech material for testing. Hence wherever the standardized test material is not available, either standardized Indian English Test could be made use of with English knowing population or equivalent material to be used.(c)Wherever children are tested and pure tone audiometry becomes not possible free field-testing should be made employed.B. Suggestions of the Facilities to be offered to the Disabled for Rehabilitation

Category
I No special benefits

Category
II Considered for Hearing Aids at free or concessional costs only

Category
III Hearing Aids free of cost or at concessional rates. Jobreservation-benefit of special Employment Exchange.

Category
IV Hearing Aids-facilities of reservation-special employmentexchange, Special facilities in schools like scholarships.Hearing aids-exemption from 3 languages formula (to Study inrecommended single language).

It is felt that for consideration of admission under special category for courses conducted by institutions like Indian Institute of Technology (IIT), Industrial Training Institute (ITI) and others, categories 1 & 2 only should be considered for reservation of seats, provided they fulfil the other educational stipulations for the course.We have considered the different type of hearing affection i.e. conductive VS Sensory neural and agree that the disability will be judged by the conditions prevalent in the patient at the patient at the time of referral and examination. In case of failure of surgery or other therapeutic interventions, the patient will be considered and categorized on the basis of the recommended tests.Annexure L[See Annexure G](1)Guidelines for Evaluation of Various Disabilities(2)Locomotor Disability1.1Upper Limb

1. The estimation of permanent impairment depends upon the measurement of functional impairment, and is not expression of a personal opinion.

2. The estimation and measurement must be made when the clinical condition is fixed and unchangeable.

3. The upper extremity is divided into two component parts, the arm component and the hand component.

4. Measurement of the loss of function of arm component consists in measuring the loss of motion, muscle strength and co-ordinated activities.

5. Measurement of the loss of function of hand component consists in determining the Prehension, Sensation and Strengths. For estimation of Prehension Opposition, lateral pinch, cylindrical grasp spherical grasp and hook grasp have to be assessed as shown in the column of 'prehension component's in the proforma.

6. The impairment of the entire extremity depends on the combination of the functional impairment of both components.

Arm Component Total value of arm component is 90% Principles of Evaluation of range of motion of joints.

1. The value of maximum R.O.M. in the arm component is 90%

2. Each of the three joints of the arm is weighed equally (30%)

Example A fracture of the right shoulder joint may affect range of motion so that active abduction is 90%. The left shoulder exhibits a range of active abduction of 180%. Hence there is loss of 50% of abduction movement of the right shoulder. The percentage loss of arm component in the shoulder is 50×0.30 or 15% loss of motion for the arm component. If more than one joint is involved, same method is applied, and the losses in each of the affected joints are added say :

Loss of abduction of the shoulder 60%

Loss of extension of the wrist 40%

Then, Loss of range of motion for the arm = $(60 \times 0.30) + (40 \times 0.30)$ 30%

Principles of Evaluation of Strength of Muscles

1. Strength of muscles can be tested by manual testing like 0-5 grading

2. Manual muscle grading can be given percentage like :

0 ... 100%

1 ... 80%

2 ... 60%

3 ... 40%

4 ... 20%

5 ... 0%

3. The mean percentage of muscle strength loss is multiplied by 0.30

4. If there has been a loss of muscle strength of more than one joint, the values are added as has been described for loss of range of motion.

Principles of Evaluation of co-ordinated activities

1. The total value for co-ordinated activities is 90%

2. The different co-ordinated activities are to be tested as given in the proforma

3. Each activity has a value of 9%

Combining values for the Arm Component
The value of loss of function of arm component is obtained by combining the values of range of movement, muscle strength and co-ordinated activities, using the combining formula

$$a = \frac{a \times b}{90 - a + b}$$

where, a = higher value & b = lower value
Example
Let us assume that an individual with a fracture of the right shoulder joint has in addition to 16.5% of motion his arm, 8.3% loss of strength of muscles, and 5% loss of co-ordination. We combine these values as :
Range of motion : 16.5%
Strength of Muscles : 8.3%

$$16.5 + \frac{8.3 \times (90 - 16.5)}{90} = 23.3\%$$

Co-ordination : 5%

$$23.3 + \frac{5 \times (90 - 23.3)}{90} = 27.0\%$$

So total value of arm component = 27.0%

Hand component
Total value of hand component is 90%
The functional impairment of hand is expressed as a loss of prehension, loss of sensation, loss of strength
Principles of Evaluation of Prehension
Total value of prehension is 30%. It includes :
(A) Opposition (8%) Tested against Index finger (2%), Middle finger (2%), Ring finger (2%) & Little finger (2%)
(B) Lateral Pinch (5%). Tested by asking the patient to hold a key
(C) Cylindrical Grasp (6%). Tested for (a) Large object of 4-inch size (3%) (b) Small object 1-inch size (3%)
(D) Spherical Grasp (6%). Tested for (a) Large object 4 inch size (3%) (b) Small object 1-inch size (3%)
(E) Hook Grasp (5%). Tested by asking the patient to lift a bag
Principles of Evaluation of sensations
Total value of Sensation is 0%. It includes :

1. Radial side of thumb (4.8%)

2. Ulnar side of thumb (1.2%)

3. Radial side of each finger (4.8%)

4. Ulnar side of each finger (1.2%)

Principles of Evaluation of StrengthTotal value of Strength is 30%. It includes :

1. Grip Strength (20%)

2. Pinch Strength (10%)

Strength will be tested with hand dynamometer or by clinical method (Grip Method) 10% additional weightage to be given to the following factor :

1. Infection

2. Deformity

3. Misalignment

4. Contractures

5. Abnormal Mobility

6. Dominant Extremity (4%)

Combining values of the Hand componentThe final value of loss of function of hand component is obtained by summing up values of loss of prehension, sensation and strength.Combining values for the ExtremityValues of impairment of arm component and impairment of hand component are combined by using the combining formula.ExampleImpairment of the arm = 27.0%

$$64 \mid 27 (90 - 64) 90 \mid = 71.8\%$$

Impairment of the hand = 64%Guidelines for Evaluation of Permanent Physical Impairment in Lower LimbsThe lower extremity is divided into two component and Stability component.Mobility ComponentTotal value of mobility component is 90%. It includes range of movement and muscle strengthPrinciples of Evaluation of Range of Movement

1. The value of maximum range of movement in the mobility component is 90%

2. Each of three joints, i.e. hip, knee and foot-ankle component is weighed equally 0.30

Example A fracture of the right hip joint may affect range of motion so that active abduction is 27°. The left hip exhibits a range of active abduction of 54°. Hence, there is loss of 50% of abduction movement of the right hip. The percentage loss of mobility component in the hip is 50×0.30 or 15% loss of motion for the mobility component. If more than one joint is involved, same method is applied and the losses in each of the affected joints are added.

For example :

Loss of abduction of the hip = 60%

loss of extension of the knee = 40%

Loss of range of motion for Mobility component = $(60 \times 0.30) + (40 \times 0.30) = 30\%$

Principles of Evaluation of Muscle Strength

1. The value of maximum muscle strength in the leg is 90%

2. Strength of muscles can be tested by manual testing like 0-5 grading

3. Manual muscle grading can be given percentages like

Grade-0 = 100%

Grade-1 = 80%

Grade-2 = 60%

Grade-3 = 40%

Grade-4 = 20%

Grade-5 = 0%

4. Mean percentage of muscle strength loss is multiplied by 0.30

5. If there has been a loss of muscle strength of more than one joint, the values are added as has been described for loss of range of motion.

Combining values for the Mobility Component Let us assume that the individual with a fracture of the right hip joint has in addition to 16% loss of motion 8% loss if strength of muscles. Combining Values Motion 16%

$$16 \mid 8 (90 - 16) 90 \mid = 22.6\%$$

Strength 8% Where a=higher value b=lower value Stability Component

1. Total value of stability component is 90%

2. It is tested by 2 methods -

(i)Based on scale method(ii)Based on clinical method
There different readings (in kilograms) are taken measuring the total body weight (w)
Scale 'A' reading and scale B' read
Guidelines for Evaluation of Permanent Physical Impairment of Trunk (Spine)
The local effects of lesions of spine can be divided into traumatic and non-traumatic lesions
Traumatic Lesions
Cervical Spine Fracture
Per cent whole body permanent physical impairment and loss of physical function to whole body.
A. Vertebral compressions 25% one or two vertebral adjacent bodies, no fragmentation, no involvement of posterior elements, no nerve root involvement, moderate neck rigidity and persistent soreness 20.
B. Posterior elements with X-ray evidence of moderate partial dislocation

- | | |
|--|-----|
| (a) No nerve root involvement, healed | 15 |
| (b) With persistent pain, with mild motor and sensory manifestations | 25 |
| (c) With fusion, healed, no permanent motor or sensory changes | 20 |
| C. Severe dislocation, fair to good reduction with surgical fusion - | |
| (a) No residual motor or sensory changes | |
| (b) Poor reduction with fusion, persistent radicular pain, motor involvement only slight weakness and numbness | |
| (c) Same as (b) with partial paralysis, determine additional rating for loss of use of extremities and sphincters. | |
| Cervical Intervertebral Disc | |
| 1. Operative successful removal of disc, with relief of acute pain, no fusion, no neurologic residual | 10 |
| 2. Same as (1) with neurological manifestations, persistent pain, numbness weakness in fingers | 20 |
| Thoracic and dorsolumbar Spine Fracture | |
| Percent whole body permanent physical impairment and loss of physical function to whole body | |
| A. Compression 25%, involving one or two vertebral bodies, mild, no fragmentation, healed, no neurological manifestations | 10 |
| B. Compression 50%, with involvement posterior elements, healed, no neurologic manifestation, persistent pain, fusion, indicated | 20 |
| C. Same as (B) with fusion, pain only on heavy use of back | 20 |
| D. Total paraplegia | 100 |
| E. Posterior elements partial paralysis with or without fusion, should be rated for loss of use of extremities and sphincters. | |

Low Lumber

1. Fracture

- | | |
|---|----|
| A. Vertebral compression 25% one or two adjacent vertebral bodies, little or fragmentation, no definite pattern or neurologic changes | 15 |
| B. Compression with fragmentation posterior elements, persistent pain, weakness and stiffness, healed, no fusion, no lifting over 25 pounds | 0 |

- C. Same as (B), lead with fusion, mild pain, 25
- D. Same as (B), nerve root involvement to lower extremities, determine additional rating for loss of industrial function to extremities
- E. Same as (C), with fragmentation of posterior elements, with persistent pain after fusion, no neurologic findings 35
- F. Same as (C), with nerve root involvement to lower extremities rate with functional loss to extremities
- G. Total paraplegia 100
- H. Posterior elements, partial paralysis with or without fusion, should be rated for loss of use of extremities and sphincters

2. Neurogenic Low Back Pain-Disc injury.

- A. Periodic acute episodes with acute pain and persistent body list, test, tests for sciatic pain positive, temporary recovery 5 to 8 weeks 5
- B. Surgical excision of disc, no fusion, good results, no persistent sciatic pain 10
- C. Surgical excision of disc, no fusion, moderate persistent pain and stiffness aggravated by heavy lifting with necessary modification of activities 20
- D. Surgical excision of disc with fusion, activities of lifting moderately modified 15
- E. Surgical excision of disc with fusion, persistent pain and stiffness aggravated by heavy lifting, necessitating modification of all activities requiring heavy lifting 25

Non-traumatic Lesions Scoliosis The whole Spine has been given rating 100% and region wise the following percentages are given

Dorsal spine ... 50%

Lumbar Spine ... 30%

Cervical Spine ... 20%

Kobb's method for measurement of angle of curve in standing position is to be used. The curves have been divided into three sub groups

	Cervical Spine	Thoracic Spine	Lumbar Spine
Less than 30° (Mild)	2%	5%	5%
31-60° (Moderate)	3%	15%	12%
Above 60° (Severe)	5%	25%	33%

In the curves ranging above 60°, cardio-pulmonary complications are to be graded separately. The junctional curves are to be given that rating depending upon level of apex of curve. For example, if apex of dorso-lumbar curve falls in the dorsal spine the curve can be taken as a dorsal curve. When the scoliosis is adequately compensated, 5% reduction is to be given from final rating (for all assessment primary curves are considered for rating). Kyphosis The same total rating (100%) as that suggested for scoliosis is to be given for kyphosis. Region wise Percentages of Physical impairment are

Dorsal ... 50%

Cervical Spine ... 30%

Lumbar Spine ... 20%

For dorsal spine the following further grading are -

Less than 20° 10%

21°-40° 15%

41°-60° 20%

Above 60° 25%

For kyphosis of lumbar and cervical spine 5% and 7% respectively have been allocated. Paralysis of Flexors and Extensors of Dorsal and Lumbar Spine The Motor Poser of these muscles to be grouped as follows :

Normal -

Weak 5%

Paralysed 10%

Paralysis of Muscles of Cervical Spine For cervical spine the rating of motor power is as follows :

	Normal	Weak	Paralyzed
Flexors	0	5%	10%
Extensors	0	5%	10%
Rotators	0	5%	10%
Side bending	0	5%	10%

Miscellaneous Those conditions of the spine which cause stiffness and pain etc. are rated as follows

: % Physical impairment A. Subjective symptoms of pain, No involuntary muscle spasm, Nonsubstantiated by demonstrable structural pathology - 0% B. Pain, persistent muscle spasm and stiffness of spine substantiated by demonstrable mild radiological changes - 10% C. Same as B, with moderate radiological changes - 15% D. Same as B, with severe radiological changes involving and one of the region of spine cervical, dorsal or lumbae - 20% E. Same as D, involving whole spine - 30% In kpho-scoliosis, both curves to be assessed separately and than percentage of disability to be summoned. Guidelines for Evaluation of Permanent Physical Impairment in Amputees Basic Guidelines :

1. In case of multiple amputees, if the total sum of percentage permanent physical impairment is above 100%, it should be taken as 100%.

2. Amputation at any level with uncorrectable inability to wear and use prosthesis should be given 100% permanent, physical impairment.

3. In case of amputation in more than one limb percentage of each limb is counted and another 10% will be added but when only toes or fingers are involved only another 5% will be added.

4. Any complication in form of stiffness, neuroma, infection etc. has to be given a total of 10% additional weightage.

5. Dominant upper limb has been given 4% extra percentage.

Upper Limb Amputations :

	Percentage permanent physical impairment and loss of physical function of each limb			
1. Fore-quarter amputation	100%			
2. Shoulder Disarticulation	90%			
3. Above Elbow to upper □ of arm	85%			
4. Above Elbow upto lower □ of arm	80%			
5. Elbow disarticulation	75%			
6. Below elbow upto upper □ of forearm	70%			
7. Below elbow up to lower □ of forearm	65%			
8. Wrist disarticulation	60%			
9. Hand through carpal bones	55%			
10. Thumb through C.M. or through 1st MC joint	30%			
Thumb disarticulation through				
11. metacarpophalangeal joint through proximal phalanx	25%			
12. Thumb disarticulation through inter phalangeal joint or through distal phalanx	15%			
	Index Finger (1.5%)	Middle Finger (5%)	Ring Finger (3%)	Little Finger (2%)
13. Amputation through proximal phalanx or disarticulation through PIP joint	15%	5%	3%	2%
14. Amputation through middle phalanx or disarticulation through PIP joint	10%	4%	2%	1%
15. Amputation through distal phalanx or disarticulation through DIP joint	5%	2%	1%	1%

Lower Limb Amputation

1. Hind quarter	100%
2. Hip Disarticulation	90%
3. Above knee upto upper □ of thigh	85%
4. Above knee upto lower □ of thigh	80%
5. Through knee	75%

6. B.K. upto 8 cm	70%
7. B.K. upto lower □ of thigh	60%
8. Through ankle	55%
9. Syme's	50%
10. Upto mid-foot	40%
11. Up to fore-foot	30%
12. All toes	20%
13. Loss of first toe	10%
14. Loss of second toe	5%
15. Loss of third toe	4%
16. Loss of fourth toe	3%
17. Loss of fifth toe	2%

Guidelines for Assessment of Physical Impairment in Neurological Conditions :

- 1. Assessment in neurological conditions is not the assessment of disease but it is the assessment of the effects i.e. clinical manifestation.**
- 2. Any neurological assessment has to be done after six months of on set.**
- 3. These guidelines will only be used for Central and upper motor neuron lesions.**
- 4. Proforma A & B will be utilized for assessment of lower motor neuron lesions, muscular disorders and other locomotor conditions.**
- 5. Total percentage of physical impairment in neurological conditions will not exceed 100%.**
- 6. In the mixed cases the highest score will be taken into consideration. The lower score will be added to it and calculations will be done by the formula.**
$$a + \frac{b(100 - a)}{100}$$
- 7. Additional rating of 4% will be given for dominant upper extremity,**
- 8. Additional 10% has been given for sensation in each extremity, but the maximum total physical impairment will not exceed 100%.**

Motor System Disability

	Disability Rate
Monoparesis monoplegia	25%
Hemi paresis	50%
Para paresis	75%
Paraplegia	100%
Hemiplegia Quadriparesis	75%
Quadriplegia	100%

Sensory System Disability

Anaesthesia Disability Rate

Rypoaesthesia Par aesthesia Each limb 10%

For Involvement

For involvement of hand/hands 25%

Foot/feet

Guidelines for Assessment of Physical Impairment in Neurological Conditions

- 1. Assessment in neurological conditions is not the assessment of disease but it is assessment of the effects, i.e. clinical manifestation.**
- 2. Any neurological assessment has to be done after six months of onset**
- 3. These guidelines will only be used for assessment of lower motor neuron lesions.**
- 4. Proforma A & B will be utilized for assessment of lower motor neuron lesions, muscular disorders and other locomotor conditions.**
- 5. Total percentage of physical impairment in neurological conditions will not exceed 100%.**
- 6. In the mixed causes the highest score will be taken into consideration. The lower score will be added to it and calculations will be done by the formula.**

$$A + \frac{B(100 - a)}{100}$$

7. Additional rating of 4% will be given for dominant upper extremity.

8. Additional 10% has been given for sensation in each extremity, but the maximum total physical impairment will not exceed 100%

Speech Disability

Disability Rate	
Mild	25%
Moderate	50%
Severe	75%
Very Severe	100%

Tested by a 100-work text. Ability to read (in educated), comprehend when read out, answer question on text clearly and ability to write a synopsis (in educated).Guidelines for Evaluation of Physical Impairment due to Cardio Pulmonary DiseasesBasic Guidelines.

1. Modified New York Hear Association subjective classification should be utilized to assess the functional disability.

2. The physician should be alert to the fact that patients who come for disability claims are likely to exaggerate the symptoms. In case of any doubt patients should be referred for detailed physiological evaluation.

3. Disability evaluation of cardio pulmonary patients should be done after full medical, surgical and rehabilitative treatment available, because most of these diseases are potentially treatable.

4. Assessment of a cardio pulmonary impairment should also be done in disease which might have associated Cardio Pulmonary problems e.g. amputees, myopathies etc.

The proposed modified classification is as follows :

Group 0 A patient with cardio pulmonary disease who is a symptomatic(i.e. has no symptoms of :... breath-lessness palpitation, palpitation,fatigue or chest pain).

Group 1 A patient with cardio pulmonary disease who becomesymptomatic during his ordinary :... physical activity but has mildrestriction (25%) of his ordinary physical activities.

Group 2 A patient with cardio pulmonary disease who becomesymptomatic during his ordinary :... physical activity and has 25.50%restriction of his ordinary physical activity.

Annexure M Mental DisordersSource : Glossary and guide to their classification. A publication by WHO "Mental Retardation": A condition of arrested or incomplete development of mind, which is especially characterized by subnormality of intelligence. The coding should be made on the individual's current level of functioning with regard to its nature of causation-such as psychoses, Cultural deprivation. Down's syndrome etc. where there is a spec cognitive handicap-such as in speech-the four digit coding should be based on assessments of cognition outside the arm of specific handicap. The assessment of intellectual level should be based on whatever information is available, including clinical evidence, adaptive behaviour and psychometric findings. The IQ levels given are

based on a test with a mean 100 and a standard deviation of 15-such as the wechsle scales. They are provided only as a guide and should not be applied rigidly. Mental retardation after involves psychiatric disturbances and may often develop as a result of some physical disease or injury. In these cases, an additional code or codes should be used to identify and associated conditions, physics or physical. The impairment and handicap codes should also be consulted.(b)Mild Mental Retardation

Feeble-minded	Moron
High Grade defect	IQ 50-70
Mild mental sub normality	

(c)Other Specified Mental Retardation

(i) Moderate mental retardation Imbecile IQ 35-49	Moderate mental sub normality
(ii) Severe mental retardation IQ 20-34	Severe mental sub normality
(iii) Profound mental retardation Idiocy IQ under 20	Profound mental sub normality

(d)Unspecified Mental RetardationMental deficiency NOS Mental subnormality NOSAnnexure N[See Rule 4]District Medical Board of(Name of the district)Disability Certificate[Issued under Rule 4(2) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 and as per the guidelines given by the Ministry of Welfare, Government of India, Gazette Notification No. 4-2/83-HW. III dated 6th August, 1986]Sri/Ku./Smt.....S/o. D/o. W/o.....Resident of.....is a physically handicapped. He/She suffers fromHis/Her disability is temporary/permanentHe/She comes under the category of.....His/Her percentage of disability is.....recommended for physical restoration
MemberMedical Boardwith seal & date MemberMedical Boardwith seal & date Specialist in **MemberMedical Board with seal &date

*. Write Visually 7/Hearing/Locomotor/Mental etc.**. Specify Orthopaedic/ENT/Eye/Psychiatry etc.Annexure O[See Rule 44]The Organization/institution recognized under Chapter VI of the rule, shall provide the facilities and maintain the standard as mentioned below :

1. It shall utilize the grants received from Central/State Government and other sources for which it was sanctioned.

2. It shall maintain accounts and records of the Institution/Organisation/ Centre properly and furnish report and returns as required by the Government to the Women & Child Development Department.

3. It shall maintain records of all assets acquired wholly or substantially out of the grants received from different sources and the copy of such records shall be sent to the Women & Child Development Department every year by 10th April showing position as on 31st March of the proceeding year. Such assets shall not be disposed of, encumbered or utilized for the purpose other than those for which grants were given without prior sanction of

Government.

- 4. The Scheme/Project shall be opened for audit by the auditors of the State Government/Central Government/A.G., Orissa.**
- 5. It shall provide immediate access to the Institution/Centre and facility of inspection including inspection of records and accounts by the competent authorities of the Central/State Government where necessary.**
- 6. It must obey the terms and conditions of the schemes under which the project is running with the financial assistance from Central/State Government.**
- 7. It shall possess infrastructure in the form of machinery/equipments required for the project.**
- 8. It shall preferably possess professionals/technical expertise required in the form of professionally qualified staff from recognized courses.**
- 9. It shall ensure safety of the beneficiaries/inmates/trainees and prevent them coming under the influence of anti-social persons.**
- 10. It shall take proper care of the boarders/inmates/beneficiaries in the event of sickness.**
- 11. It shall take responsibilities for construction of ramps in the Institution/ Centre and also for barrier free access for the persons with disabilities.**
- 12. It shall engage maximum number of disabled persons in the center. These people alongwith S.C./S.T./O.B.C. candidates be engaged in the center on the lines of instructions of the Central/ State Government.**
- 13. In special schools reasonable facilities for vocational education and training shall be provided.**
- 14. It shall not discriminate in treating the beneficiaries/trainees/inmates on the grounds of religion, language, caste or creed.**

15. It shall take reasonable care of the beneficiaries/trainees/inmates and maintain the premises of the Institution/Center/School/Organization in hygienic condition and in a state of good repair.

16. The beneficiaries/inmates/trainees shall be provided with facilities like accommodation, recreation, nutrition food, bedding and clothing and other facilities for their standard living.

17. The Organization/Institution shall adhere to the instruction of Govt. (Central or State) on the subject issued from time to time.

Form DPER I[See Rule 39]Quarterly return to be submitted to the Special Employment Exchange for the quarter ending.....Name & Address of the

Employer.....
 - (Head Office)(Branch
 Office).....Nature of Business/Principal
 activity.....

1. (a) Employment

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

	On the last working day of the previous quarter	On the last working day of the quarter underreport
Men with disabilityWomen with disability		
Total		

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

2. Vacancies : Vacancies carrying total emoluments of Rs. 60/- or over per month and of over three months duration.

(a)Number of vacancies occurred and notified during the quarter and the number filled during the quarter (Separate figures may be given with disability and women with disability)Number of vacancies, which come within purview of the Act

Occurred	Notified	Local Spl. Emp. G.E.E.	Filled	Sources(Describe the source from which
----------	----------	------------------------	--------	--

	Exchange		filled)	
1	2	3	4	5
(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above.				

3. Manpower Shortages

Vacancies/Posts unfilled because of shortage of suitable applicants

Name of the occupation or Designation of the post	Number of unfilled vacancies/posts	Experience Not necessary
Essential Qualification	Essential Experience	
(1)	(2)	(3)
Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants. Signature of employer To The Employment Exchange.....		
Note : This return shall relate to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Special Employment Exchange within 30 days after the end of the quarter concerned. Form DPER-II[See Rule 39] Occupational return to be submitted to the local Special Employment Exchange once in two years (On a date to be specified by Notification in the Official Gazette) Name and address of the employer.....		
Nature of business..... (Describe what the establishment makes or does as its principal activity)		

1. Total number of persons on the pay rolls of the establishment on (Specify date). (This figures should include every person whose wage or salary is paid by the establishment). (Separate figures for men with disability and women with disability may be given)

2. Occupational classification of all employees as given in item-1 above.

(Please give below the number of employees in each occupation separately)

Occupation	Number of employees
Use exact term such as engineer (Mechanical) : Teacher Men Women Total Please (Domestic science/Mechanical); Officer on duty give as far as (actuary); Assistant Director (Metallurgist); Scientific disability possible approximate Asst. (Chemist) Research Officer (Economist); Instructor number of vacancies (Carpenter); Supervisor (Tailor), Fitter (Internal combustion in each occupation, engine); Inspector	

(Sanitary); Superintendent (Office); You are likely to fill Apprentice (Electrician) up during the next calendar year due to retirement.

(1) (2) (3) (4) (5)
Total

Dated Signature of employer To The Employment Exchange..... (Please fill in here the address of your Local Special Employment Exchange) Note : Total of Col. 4 under item 2 should correspond to the figures given against item-1. Form DPER-III [See Rule 40]

1. Name and address of the employer.....

2. Whether Head office

Branch Office

3. Nature of business/principal activity.....

4. Total number of persons on the pay roll of the establishment (This figure should include every person whose wage or salary is paid by the establishment).

5. Total number of disabled persons (Disability wise) on the pay roll of the establishment. (This figure should include every person with disability whose wage or salary is paid by the establishment).

6. (a) Occupational qualification of all employees as given in item 5 above (Please give below the number of employees in each occupation separately).

Occupation	Number of employees				
Use exact term such as engineer (Mechanical); teacher Men Women					
Nature (Domestic/Science); Officer on duty (Actuary); extent of					
Assistant Director (Metallurgist); Scientific Assistant (Chemist)					
Disability Research Officer (Economist); Instructor (Carpenter);					
Supervisor (Tailor); Fitter (Internal Combustion engine); Inspector					
(Sanitary); Superintendent (Office); Apprentice (Electrician)					
(1)	(2)	(3)	(4)	(5)	
					Total

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

7. Vacancies : Carrying total emoluments of Rs. 60 or over per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter.

Number of vacancies, which come within the purview of the Act

Occurred	Notified Local Spl. Emp. G.E.E Exchange	Filled Sources (Describe the source from which filled)
TOTAL		
Reasons for not notifying all vacancies occurred during the quarter under report vide 2 (a) above.....		

8. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants

Name of the occupation or Designation of the post	Number of unfilled vacancies/posts	Experience Not necessary
Essential Qualification	Essential Experience	
(1)	(2)	(3) (4)

Please list any other occupation for which this establishment had recently any difficulty in obtaining suitable applicants. Signature of Employer Form AR-I [See Rule 42] Application for Registration of Institution Working in the Field of Disabilities (To be submitted in duplicate)

1. Name of the Applicant organisation :

2. Address : Office- Ph./FAX

Project : Ph/FAX

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 organization (Details of registration with the name of the Act) which may be recognized 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 Organization. (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 organization and of its objects and activities;

7. Whether recognized by the State Government :

8. Whether the organization 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 certification 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 Organization.

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 and Receipt and Payment accounts duly audited by a Chartered Accountant or a Government Auditor for the last two years for the Organisation as a whole (Along with a copy of the certified balance sheet from the previous financial year for the Organisation as a 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 Organization for the projects under consideration or for any other project;(g)A statement giving item-wise and year-wise details of estimated recurring and non-recurring expenditure on the project;(h)A copy of each of the plan of the proposed building (Rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction; and(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 Social Justice and Empowerment; and(j)Details budget estimated of the Organization 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 :

DeclarationI have read the provision of the P.W.D. Act, 1995 and Rules thereunder and undertake to abide by all the conditions of the Act/Rules. My Organization will be responsible to provide such facilities and maintain such standard as may be prescribed by the State Government from time to time. The Competent Authority declared by the State Government for the purpose may de-recognize and cancel certificate or registration of my institution in case of any deviation of provisions of the Act and Rules thereunder. Signature of the ApplicantNameAddressDate(Seal of the Organisation)Form AR-II[See Rule 43]Certificate of Registration(Act No. I of 1996 Assented by Government of India)Government of OrissaWomen and Child Development DepartmentNo...../WCD of 2003 Bhubaneswar,Dated.....I hereby certify that.....Has this day been registered under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Rules thereunder.Given under my hand at Bhubaneswar this.....day of Two thousand and.....This certificate will remain valid for a period from.....to.....Competent AuthoritySignature with SealForm AR-III[See Rule 45]Application for Renewal of Registration of Institution Working in the Field of Disabilities(To be submitted in duplicate)

1. Name of the Organisation :

2. Address : Office : Phone-

Fax-Project : Phone-Fax-

**3. Name of the Act under which the Organization is registered with
Registration No. and Date of Registration (Photo copy to be attached):**

4. If registered under Foreign Contribution Regulation Act with Registration No. and date (Photo copy to be attached) :

5. If registered under Rule 43 of P.W.D. Rules with Registration No. and Date (Photo copy is to be attached) :

6. If the Institution is running in its own building/rented building or Govt, building :

7. If the Organization has its own memorandum and bye-laws (Photo copy to be attached)

8. Name, address, occupation and other particulars of the members of the Board of Management and term of the office etc. :

9. Activities in brief undertaken by the Organization (Separate sheet may be attached) :

10. Grant-in-Aid received from State/Central Government or any other source (Details to be given in separate sheet) :

11. List of documents to be furnished :

(a)Annual report for previous year;(b)Audited statement of accounts duly certified by the C.A. for last 3 years (i.e. Receipt and Payment, Income and Expenditure and balance Sheet);(c)Utilisation certificate duly certified by departmental auditor in case of GIA from W & C.D. Department;(d)Utilisation certificate duly certified by C.A. in case other than grant received from W. & C.D. Department

12. Details of staff employed;

(Separate sheet to be attached)DeclarationI have read the provisions of the P.W.D. Act, 1995 and Rules thereunder and undertake to abide by all the conditions of the Act/Rules. My Organisation will be responsible to provide such facilities and maintain such standard as may be prescribed by the State Government from time to time. The competent authority declared by the State Government for the purpose may de-recognise and cancel certificate of registration of my institution in case of deviation for the provisions of the Act and Rules thereunder.Signature of the ApplicantNameAddressDate(Seal of the Organisation)