

# **The Telangana State Rights of Persons with Disabilities Rules, 2018**

TELANGANA

India

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### **Rule**

### **THE-TELANGANA-STATE-RIGHTS-OF-PERSONS-WITH-DISABILITIES of 2018**

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The Telangana State Rights of Persons with Disabilities Rules, 2018 Published vide Notification No. G.O.Ms. No.3, Department for Woman, Children, Disabled & Senior Citizens (Schemes), dated 1.5.2018 G.O.Ms. No.3, Department for Woman, Children, Disabled & Senior Citizens (Schemes), dated 1.5.2018. - In exercise of the powers conferred by section 101(1) and (2) of the Right of Persons with Disabilities Act, 2016 [Central Act No. 49 of 2016] the Government of Telangana State hereby makes the following rules, namely:-

### **1. Short title, Extent and Commencement.**

(1) These rules may be called the Telangana State Rights of Persons with Disabilities Rules, 2018. (2) These rules shall extend to the whole State of Telangana. (3) They shall come into force on the date of their publication in the official Gazette.

### **2. Definitions.**

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016); (b) "certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of section 57 of the Act; (c) "certificate of registration" means a certificate of registration issued by the competent authority under section 50 of the Act; (d) "State Advisory Board" means the board constituted under section 66 of the Act; (e) "District-level Committee" means the District-level Committee constituted by the State Government under section 72 of the Act; (f) "Form" means a form appended to these rules. (g) "State"

means the State of Telangana;(h)"State Commissioner" means the State Commissioner appointed by the State Government under section 79 of the Act and in terms of these rules;(i)"State Fund" means the Fund constituted under section 88(1) of the Act.(2)Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. State Committee for Research on Disability.**

(1)The Committee for Research on Disability at the State level shall consist of the following members, namely:-

- |  |                   |
|--|-------------------|
| i. Commissioner, Health & Family Welfare   | - Chairman        |
| ii. Director, Welfare of Disabled & SeniorCitizens, Hyderabad  | - Member/Convenor |
| iii. Director, Telangana Vydy Vidhana Parishad   | - Member          |
| iv. Director, National Institute for theEmpowerment of Persons with Intellectual Disabilities(Divyangjan) or his nominee   | - Member          |
| v. Director, National Institute for VisuallyHandicapped, Secunderabad or his nominee   | - Member          |
| vi. Director, National Institute for HearingHandicapped, Secunderabad or his nominee   | - Member          |
| vii. Superintendent, Institute of Mental Health,Erragadda, Hyderabad   | - Member          |
| viii. Representatives from each of Non-Governmental Organizations, working for cause of VisuallyHandicapped, Hearing Handicapped, Mentally Retarded and forOrthopedically Handicapped to be nominated by Director, DisabledWelfare | - Member          |

(2)The Chairperson may invite any expert as a special invitee.(3)Tenure of the nominated members shall be for a period of three years from the date of appointment but the nominated members shall be eligible for re-nomination for one more term.

### **4. Limited Guardianship.**

(1)A District Court or any designated authority as designated by the State Government on its own or otherwise shall grant the support of limited guardianship to a person with disability to take a legally binding decision on his behalf.(2)The District Court or the designated authority before granting limited guardianship for the person with disability shall satisfy itself that such person is not in a position to take legally binding decision of his own.(3)The District Court or the designated authority shall take a decision preferably within a period of two months from the date of receipt of the application regarding grant of limited guardianship or from the date of coming to his notice of the need of such limited guardianship:Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship.(4)The validity of the limited guardianship as appointed under sub-rule (1) shall be initially for a period of five years which can be further extended by the District Court or the designated authority as the case may

be: Provided that the District Court or the designated authority shall follow the same procedure while extending the validity of the limited guardianship as followed while granting' the initial guardianship. (5) While granting the support of such limited guardianship 'the Court or the designated authority shall consider a suitable person to be appointed as a limited guardianship in the following preference of merit:-(a) The parents or adult children of the person with Disability; (b) Immediate brother or sister; (c) Other Blood relatives or care givers or prominent personality of the locality. (6) Only those individuals who are over the age of 18 years and who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (Central Act No.1 of 1974) shall be appointed. (7) The limited guardian appointed under sub-rule (1) shall consult the person with disability in all matters before taking any legally binding decisions on his behalf. (8) The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability are in the interest of the person with disability. (9) The Village Revenue Officer or Mandal Revenue Officer on the close proximity to the Persons with Disabilities shall conduct periodical verification on; (a) The wellbeing of Persons with Disabilities under Legal Guardianship; (b) The conduct of legal guardian appointed under sub-rule (1) in relation to fulfillment of his/her obligation: Provided that the concerned officer who is specified in sub-rule (9) is not satisfying at any point of verification he shall bring the same to the notice of the guardianship issuing Authority. The Village Revenue Officer or Mandal Revenue Officer required to submit the report to the District Welfare Officer/Assistant Director of the Department. (10) In so far as cases relating to Mentally Retorted, Autism, Cerebral Palsy and Multiple Disabilities, the guardians appointed by Local Level committee constituted under National Trust Act shall also be in force.

## **5. Application for, and grant of certificate of registration.**

(1) A person desirous of establishing or maintaining an institution for Persons with Disabilities may make an application in Form 'A' to the competent authority of the district referred to in section 51 of the Act. (2) Every application made under sub-rule (1) shall be accompanied with: (a) documentary evidence of work in the area of disability; (b) the Constitution or bye laws or regulations governing the institution. (c) audited statements and details of grants received in the last three years, preceding the date of application; (d) a statement regarding total number of persons employed in the Institution along with their respective duties; (e) the number of professionals employed in the Institution; (f) a statement regarding qualifications of the professionals employed by the Institution; and (g) the proof of residence of the applicant. (3) Every application made under sub rule (1) shall comply with the following requirements in respect of the concerned institution, namely: (a) that the institution had been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which the application is made; (b) that the institution is registered under the Indian Societies Registration Act, 1860 (Central Act XXI of 1860) or under any other law for the time being in force in the State of Telangana and a copy of such registration certificate along with the bye-laws and memorandum of association of the society shall accompany the application; (c) that the institution has not been running to profit any individual or a body of individuals; an affidavit shall be submitted. (d) that the institution has employed professionals registered with the Rehabilitation Council of India or Medical Council of India to cater to the special needs of children with disabilities or any other professional body competent to certify

such profession;(e)that the institution has adequate teaching and learning material for the persons with disabilities;(f)that the institution has submitted its audited accounts and annual reports of last three years with the competent authority; and(g)that the institution shall submit Aadhar card, photo, PAN card of the office bearers.(4)The certificate of registration under this rule, unless revoked under section 52 of the Act, shall remain in force for a period of five years on and from the date on which it is granted or renewed.(5)The District Welfare Officer, Department for Women, Children, Disabled & Senior Citizens of the concerned District shall issue registration certificate to the institutions applied for registration in Form-B appended to these Rules within a period of 90 days.(6)All the Institutions those have already registered, need to obtain afresh registration certificate under these Rules.(7)An application for the renewal of certificate of registration shall, be made in the same manner as the application for grant of certificate: under subrule (1) accompanied with the previous certificate of registration:Provided that such application shall be made before sixty days of the expiry of the validity of such certificate;Provided further that the District Welfare Officer, Dept., for Women, Children, Disabled & Senior Citizens may consider application for renewal of the certificate of registration after 60 days but not later than 120 days, if he/she is satisfied that sufficient reasons has 'been provided for such delay.(8)If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (7), the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired if application for its renewal is not made within sixty days as specified in the said proviso.(9)Every application made under sub-rule (1) or sub rule (5), in which the competent authority referred to in sub-section (1) of section 51 of the Act, is satisfied that the requirements for grant of certificate of registration under the Act and these rules have been complied with, shall be disposed of within a period of ninety (90) days thereafter.

## **6. Appeal against the order of District Welfare Officer.**

- Any person aggrieved by the order of the District Welfare Officer referred to in subsection (1) of section 51 of the Act, refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order to the appellate authority, Director of Welfare of Disabled & Senior Citizens Department and the appellate authority may after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearing, make such order as it thinks fit. Order of the Appellate Authority shall be final.

## **7. Appeal against the decision of the authority issuing certificate of disability.**

(1)Any person aggrieved with the decision of the authority issuing the certificate of disability may within ninety (90) days from the date of the decision, prefer an appeal to the appellate authority designated by the State Government for the purpose under sub-section (1) of section 59 of the Act in the following manner:-(a)The appeal shall contain brief background and the grounds for making the appeal.(b)The appeal shall be accompanied by a copy of the certificate of disability or letter of rejection issued by the certifying authority.Provided that where a person with disability is a minor or suffering from any disability which renders him unfit to make such an appeal himself, the appeal on his behalf may be made by his legal or limited guardian as the case may be.(2)On receipt of such

appeal, the appellate authority shall provide the Appellant an opportunity to present his case and thereafter pass such reasoned and detailed order as it may deem appropriate.

## **8. State Advisory Board.**

(1)The State Advisory Board shall consist of, -(a)The Minister in charge of the Department in the State Government dealing with disability matters, as Chairperson-Ex-officio;(b)Secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance & Planning, Personnel & Training, Medical, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labor and Employment, Municipal and Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Roads & Transport and any other Department, which the State Government considers necessary as Members, ex-officio;(c)Three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one from legislative Council, as Members;(d)Members to be nominated by the State Government:-(i)five Members who are experts in the field of disability and rehabilitation;(ii)five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed;Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;(iii)ten persons as far as practicable, being persons with disabilities, to represent Non-Governmental Organizations or associations which are concerned with disabilities;Provided that out of the ten persons nominated under this clause, at least five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;(iv)not more than three representatives of the State Chamber of Commerce and Industry;(e)Officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, as Member- Secretary, ex-officio.

## **9. Allowances for the Members of the State Advisory Board.**

(1)The non-official Members of the State Advisory Board on disability, shall be paid an allowance of rupees two thousand per day for each day of the actual meetings of the said Board.Provided that it shall meet at least once in every six months(2)The State Advisory Board shall perform the functions under provisions stipulated in the section 71 of the Act.

## **10. District-level Committee.**

(1)The District-Level Committee on disability referred to in Section 72 of the Act shall consist of: -

- |  |                              |
|--|------------------------------|
| i. District Collector                        | - Ex officio<br>Chairperson; |
| ii. Superintendent of Police                 | - Vice-Chairman              |
| iii. Chief Executive Officer, Zilla Parishad | - Member;                    |
| iv. Project Director, DRDA                   | - Member;                    |

- |  |                     |
|--|---------------------|
| v. District Social Welfare Officer   | - Member;           |
| vi. District Education Officer   | - Member;           |
| vii. Public Prosecutor   | - Member;           |
| viii. Civil Surgeon or District Coordinator Hospital Services  | - Member;           |
| ix. a Psychiatrist of the District Hospital  | - Member;           |
| x. District Lead Bank Manager  | - Member;           |
| xi. Project Director, Mission for Elimination of Poverty in Municipal Areas  | - Member;           |
| xii. Superintendent Engineer, Roads and Building   | - Member;           |
| xiii. District Public Relations Officer  | - Member;           |
| xiv. Project Director, Urban Community Development Program (Municipal Corporation)   | - Member;           |
| xv. Superintendent Engineer, Panchayath Raj  | - Member;           |
| xvi. Five persons as representatives of the registered organizations, from each of the five groups of specified disabilities in the schedule to the Act, to be nominated by the District Collector for a term of two years.  |                     |
| xvii. Five eminent, knowledgeable and experienced persons with bench mark disabilities, out of whom at least one shall be a woman and one shall be a member belonging to Schedule Castes or Schedule Tribes, to be nominated by the District Collector - as Members for a term of two years. |                     |
| xviii. District Employment Officer   | - Member;           |
| xix. District Manager, District Industries Department  | - Member;           |
| xx. Any other member as invited by the Chairperson   | - Chairperson;      |
| xxi. District Welfare Officer, Women, Children, Disabled & Senior Citizens.  | - Member secretary; |

(2) The Non-Official Members of the District Level Committee may be nominated for a period of two years. (3) The District Level Committee on Disability shall conduct meetings twice in a year.

## 11. Functions of the Committee.

- The District-Level Committee on disability shall perform the following functions, namely:-(a) Advise the District Authorities on matters relating to rehabilitation and empowerment of persons with disabilities. (b) Monitor the implementation of the provisions of the Act and the rules made there under by the District authorities. (c) Assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities. (d) Look into the complaints relating to non-implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authority to redress such complaints. (e) Look into the appeal made by the employees of Government establishments aggrieved with the action taken by the District level establishments under sub-section (4) of section 23 of the Act and recommend appropriate measures. (f) Any other functions as may be assigned by the State Government from time to time;

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

- No proceedings of the State Advisory Board on Disability or a District-Level Committee on disability shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

## **13. Qualification for appointment of State Commissioner.**

- A person shall not be qualified to be appointed as a State Commissioner, for Persons with Disabilities under sub-section (1) of Section 79 of the Act unless, - (i) has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities; (ii) has not attained the age of 65 years as on the date of appointment; (iii) has at least 20 years administrative experience in either as Group A or above cadre of Central Government or Group I or above cadre officer of State Government.

## **14. Mode of appointment of the State Commissioner.**

(1) At least six months before the post of State Commissioner is due to fall vacant, an advertisement shall be published in at least two National or State level daily newspapers, one in English and the other in the vernacular language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in Rule 13. (2) A Screening Committee shall be constituted by the State Government under section 79 of the Act to recommend to it, a panel of three suitable candidates for the post of the State Commissioner. (3) Composition of the Screening Committee as follows:

I. Minister dealing with disability affairs	- Chairman
II. Director, Women Development & Child Welfare	- Member
III. Director, Health & Family Welfare	- Member
IV. Director, Welfare of Disabled & Senior Citizens	- Convener

(4) The State Government shall appoint one of the candidates out of the panel recommended by the Screening Committee under sub-rule (2) as the State Commissioner. (5) Till the appointment of the State Commissioner, the State Government may designate or depute any senior state cadre officer, dealing with the subject of disability, to discharge the functions of the Commission

## **15. Term of the State Commissioner.**

(1) The State Commissioner shall be appointed on full-time basis for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier. (2) A person may serve as State Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years.

## 16. Salary and allowances of the State Commissioner.

(1)The salary and allowances of the State Commissioner shall be the salary and allowances are as follows:

Sl.No	Particular of Allowances	Amount of Rs.
1	Lump-sum salary per month	1,00,000/-
2	Rent free accommodation if Government Quarter is allotted or Rs.50,000 as HRA if living in rented/own house	
3	i. Conveyance Allowance (if they are using their own car).ii. Fuel Charges	30,000/-15,000/-
4	Medical reimbursement as per G.O.Ms.No.413, Dt:09-12-2004 and G.O.Ms.No.447, Dated: 11-07-2008.	On par with AIS Officers/Ministers
5	One BSNL phone at residence and one cell phone connection will be provided as per scale the guidelines issued in G.O.Rt.No.39, ITE & C Deptt., dated:15-03-2018.	

## 17. Resignation and removal.

(1)The State Commissioner may, by notice in writing, under his hand, addressed to the State Government, resign from his post.(2)The State Government shall remove the State Commissioner from his office, if he :-(a)becomes an un-discharged insolvent; or(b)engages himself during his term of office in any paid employment or activity outside the duties of his office; or(c)is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or(d)is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act; or(e)without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of 30 days or more; or(f)has, in the opinion of the State Government, so abused the position of the State Commissioner as to render his continuance in the office detrimental to the interest of persons with disability: Provided that no State Commissioner shall be removed from office under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group -I officer of the State Government.(g)The State Government may suspend a State Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

## 18. Office of the State Commissioner.

(1)The State Government shall ensure that the office of the State Commissioner is located in a place easily accessible to persons with disabilities and an adequately staffed with appropriate personnel necessary for the State Commissioner to discharge his duties effectively and efficiently.(2)The following personnel's shall assist the State Commissioner to discharge duties in effective way:(a)Secretary to State Commissioner: Deputation from any Government Department not below the cadre of Assistant Director.(b)Three Consultants



1. Legal }
  2. Administrative on contractual basis @ 50,000/- per month
  3. Disability Rehabilitation
- (c) Three Assistants/ Data Entry Operators - On outsourcing basis.

## **19. Constitution of the Advisory Committee to assist the State Commissioner.**

- The State Government shall, for the purposes of subsection (7) of section 79 of the Act, appoint an Advisory Committee comprising five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act, of whom one shall be woman. (a) The tenure of the members of the Advisory Committee shall be for a period of two years and the members shall not be eligible for renomination; (b) The State Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report; (c) The non-official members of the Advisory Committee, shall be paid an allowance of Rupees 2,000/- per day for each day of the actual meeting; (d) The Committee shall meet at least once in a year or as and when necessary; (e) The Committee shall deliberate on the issues brought before it by the State Commissioner and give its opinion; (f) The Committee shall perform any other function assigned by the State Commissioner.

## **20. Procedure to be followed by State Commissioner.**

- The State Commissioner appointed under section 79 of the Act, shall perform the functions stipulated in the section 80 of the Act.

## **21. Submission of annual reports.**

(1) The State Commissioner shall as soon as may be possible after the end of the financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government an annual report giving a complete account of his activities during the said financial year. (2) In particular, the annual report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing therein information in respect of each of the following matters, namely:-(a) names of officers and employees in the office of the State commissioner and a chart showing the organizational set up; (b) the functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard; (c) the main recommendations made by the State Commissioner; (d) progress made in the implementation of the Act in the State; and (e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

## 22. Appointment of Special Public Prosecutor.

(1)The Special Public Prosecutor may be appointed by the State Government in Home Department and fee shall be paid as prescribed by Government.

## 23. State Fund for Persons with Disabilities and its management.

(1)There shall be credited to the State Fund for persons with disabilities hereinafter referred to as "the State Fund":-  
(a)all sums received by way of grant, gifts, donations, benefactions bequests or transfers;  
(b)all sums received from the State Government including grants-in-aid; and  
(c)all sums from such other sources as may be decided by the State Government.  
(2)There shall be executive committee consisting of following members to manage the State Fund:-

- (a) Principal Secretary or Secretary to Government, Dept. for Women, Children, Disabled & Senior Citizens - Chairperson;
- (b) The Director, Women Development & Child Welfare Department, Hyderabad - Member
- (c) The Director, Welfare of Disabled & Senior Citizens, Department - Member Secretary

(3)The Member Secretary shall open a Bank account in any Nationalized Bank for the purpose of State Fund;  
(4)A set of Books of Accounts shall be maintained for the purpose of State Fund. Annual income and expenditure statement and other accounts as may be required by CAG shall be checked and authorized by Chartered Accountant appointed by Executive Committee.

## 24. Utilisation of the State Fund.

(1)The State Fund shall be utilized for the following purposes, namely:-  
(a)financial assistance in the areas which are not specifically covered under any scheme and programme of the State Government;  
(b)administrative and other expenses of the Fund, as may be required to be incurred by or under the Act;  
(c)such other purposes as may be decided by the Executive Committee;  
and  
(d)review should be made in interval of every three months to assess status on mobilization and utilization of state fund  
Provided, the Executive Committee may also review the quantum of corpus fund on interval of every five years and make recommendations to Government.  
Form-A Application for a Certificate of Registration [See rule 59(1)]

(1)Name of applicant and his address : \_\_\_\_\_  
(2)Institution in respect of which application is made: a. Name

: b. Address (Office/ Project) : c. Phone / Fax/ Telex/ (Office) : \_\_\_\_\_

(Project) (3)(i)Name of the Act under which the institution is already registered : (ii)Registration No. and date of registration: \_\_\_\_\_ (Please attach a photocopy) (4)Memorandum of

Association and Bye-laws of the institution: (Please attach a photocopy) (5)Name, address, occupation and other particulars of the members of the Board of Management / Governing Body of the institution: (6)Present Activities of the institution: (7)Present membership strength and categorization of the institution. List of documents to be attached: (a)A copy of the annual report for the previous year, (b)Audited Statement of account duly certified by Chartered Accountant for the last two years. (i)Receipt and Payment. Account (by Chartered Accountant for the last two

years)(ii)Income and Expenditure Account (by Chartered Accountant for the last two years)(iii)Balance sheet for the last two years (by Chartered Accountant for the last two years)(c)Details of staff employed by the institution.(d)Details of beneficiaries to be covered by the institution(e)If hostel is maintained, then number of hostellers.(f)Other terms, if any of the(g)Whether the institution is located on its own/Rented building (Necessary evidence to be attached).Signature of the Applicant:Name :Designation :Address :Date :Office Stamp :Form-BGovernment of Telangana Department for the Welfare of Women, Children Disabled & Senior Citizens, \_\_\_\_\_ DistrictCertificate of RegistrationNo.\_\_\_\_\_.This is to certify that \_\_\_\_\_ a Non-Governmental Organization working for the cause of Persons with Disabilities is registered as per section 51 of The Rights of Persons With Disabilities Act, 2016 (Central Act No.49 of 2016) for providing services in the district.The Certificate is issued on Dated : \_\_\_\_\_ and valid for the year from ..... to .....District Welfare officer,Department for Women, Children, Disabledand Senior Citizens,\_\_\_\_\_ District