

[Extract from the Chd. Admn. Gaz., dated the 1st October, 2002]

**CHANDIGARH ADMINISTRATION**  
**SOCIAL WELFARE DEPARTMENT**

**NOTIFICATION**

The 11th September, 2002

No. SW2/PWD/RULES/2001/2418.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 73 of “The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (No. 1 of 1996) the Administrator, Union Territory of Chandigarh hereby makes the following rules, namely: -

**CHAPTER-I**

**PRELIMINARY**

**1. Short Title & Commencement**

- (i) These rules may be called the “Chandigarh Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2002”.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

**2. Definition : In these rules, unless the context otherwise requires:-**

- a) “The Act” means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- b) “Chairman/Chairperson” means a Chairman/Chairperson appointed under the Act.
- c) “Member” means a Member appointed under the Act.
- d) “Member Secretary” means a Member Secretary appointed under the Act.
- e) “Section” means a Section of the Act”.

- f) "Year" means the financial year commencing on the first day of April, and ending on the 31<sup>st</sup> March.
- g) The words & expressions issued in these rules but not defined shall have the same meaning as assigned to them in the Act.

## **CHAPTER-II**

### **3. EVALUATION AND ASSESSMENT OF VARIOUS DISABILITIES:**

For evaluation and assessment of various disabilities specified in specified in Section 2(b), (e), (1)(n), (o) (q),(r), (t) and(u) of the Act, general guidelines issued in this behalf by the Government of India in the Ministry of Welfare, New Delhi and as amended from time to time shall be followed.

### **4. CONSTITUTION OF MEDICAL BOARD:**

The State Government will constitute a Medical Board consisting of at least three members headed by Principal Medical Officer, General Hospital, Sector-16, Chandigarh, Medical Supdt. and an expert in the specified field vis. Ophthalmic Surgeon in the case of visual handicaps , either an ENT Surgeon or an audiologist in the case of speech and hearing handicaps; an orthopedic Surgeon or a specialist in physical medicine and rehabilitation in case of locomotor handicaps, a psychiatrist or a clinical psychologist , as its members.

### **5. ISSUE OF DISABILITY CERTIFICATE:**

- 1) The Medical Board shall, after due examination give a permanent disability certificate in the prescribed pro forma (Annexure –‘A’) in cases of such permanent disabilities where there are no chances of variation in the degree of disability.
- 2) The Medical Board shall indicate the period of validity in the certificate, in case there is any chance of variation in the degree of disability.



- 3) The Medical Board shall refuse to give disability certificate after affording an opportunity of being heard to the applicant.
- 4) On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.
- 5) The certificate issued by the Medical Board under Sub-rule (1) above, Rule 5 shall make a person eligible to apply for facilities/concessions and benefits admissible under the schemes of the Government or non-government organisations, subject to such conditions as the State Government may impose.

### CHAPTER-III

#### THE STATE EXECUTIVE COMMITTEE

##### 6. NOTICE OF MEETING:

- 1) The meetings of the State Executive Committee shall constituted under Section 19 of the Act shall ordinarily be held at Chandigarh on such dates as may be fixed by the Chairman/Chairperson.
- 2) The Chairman/ Chairperson shall, upon the written request of not less than ten members of the State Executive Committee, call a special meeting of the Committee.
- 3) Ten clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted 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 a messenger or sending it by registered post to his last known place of residence or business or in such other manner

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as the Chairman/Chairperson, may, in the circumstances of the case, think fit.

- 5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairman/Chairperson, in his discretion permits him to do so.
- 6)
  - (a) The State Executive Committee may adjourn its meetings from day-to-day or to any particular day.
  - (b) Where a meeting of the State Executive Committee is adjourned from day-to-day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held, by a messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
  - (c) Where a meeting of the State Executive Committee is adjourned not from day-to-day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) above.

7. **Presiding Officer:**

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

8. **Quorum :**

- (1) One-third of the total members shall form the quorum for any meeting.
- (2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairman/Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
- (3) No quorum shall be necessary for the adjourned meeting.



- (4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at such adjourned meeting.
- (5) (a) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) above, for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held, by messenger and it shall not be necessary to give notice of the adjourned 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 with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of Rule 10.

9. **Minutes:**

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

10. **Absence from meeting of State Executive Committee:**

Any member of the State Executive Committee absenting himself from three consecutive meetings without leave of the Chairman/Chairperson shall cease to be a member of the State Executive Committee.

11. **Maintaining order at meeting**

The Presiding Officer shall maintain order at the meeting.

**12. Business to be transacted at meeting:**

- (1) Except with the permission of the Presiding Officer, no business which is not entered in the agenda or of which notice has been given by a member under sub-rule (5) of Rule 10, shall be transacted at any meeting.
- (2) At any meeting business shall be transacted in the order in which it is entered in the agenda.
- (3) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Presiding Officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairman/Chairperson agrees, such a change shall take place.

**13. 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 Chairman/Chairperson, or in the absence of Chairman/Chairperson member presiding at the meeting, as the case may be, shall have a second or casting votes.

**14. No proceeding to be invalid due to vacancy or any defect:**

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

**15. Manner and purpose of Association of Persons with State Executive Committee:**

The State Executive Committee may invite any person to participate in the deliberations of any of its meetings, whose assistance or advice is considered useful in performing any of its functions, under the Act.

**16. Tours by associated Person:**

The associated person may, with the prior approval of the Chairman/Chairperson, undertakes tours within the country for the performance of the duties entrusted to him by the State Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowance at the rates admissible to a Grade I Officer of the Union Territory, Chandigarh.



17. Associated person not to disclose any information

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

18. Duties and functions of the associated person

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

**CHAPTER -IV**  
**EMPLOYMENT**

19. Computation of vacancies

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

20. Notification of vacancies to the Special Employment Exchange.

- 1) The following vacancies shall be notified to the Special Employment Exchange, namely:—
  - (a) vacancies for posts of a technical and scientific nature occurring in establishment in respect of which the State Government is the appropriate Government under the Act shall be notified to Special Employment Exchange as may be specified by the State Government by notification in the Official Gazette, in this behalf.
  - (b) vacancies which an employer may desire to be circulated to the Special Employment Exchange outside the Union Territory, Chandigarh in which the establishment is situated, shall be notified to Special Employment Exchange as may be specified by the State Government by notification in the Official Gazette, in this behalf.

- 2) Vacancies other than those specified in sub-rule(1) above, shall be notified the Regional Employment Exchange, Union Territory, Chandigarh.

21. **Form and manner of notification of vacancies:**

The vacancies for disabled persons shall be notified in writing to the concerned Special Employment Exchange, 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 or walking, continuous long hours sitting etc.)
  - c) Qualification required:
    - (i) Essential;
    - (ii) Desirable;
  - d) Age limits, if any;
  - e) Whether women are eligible?
4. Number of vacancies:
 

Reserved for physically handicapped persons		
Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped
a) Regular		
b) Temporary		
5. Pay and allowances
6. Place of work
7. Probable date by which the vacancy will be filled
8. Particulars regarding interview/test of applicants :
  - a) Date of interview/Test
  - b) Time of Interview/Test
  - c) Place of interview/Test
  - d) Designation and address of the person to whom applicants should report.



9. Any other relevant information—

The vacancies shall be re-notified in writing to the concerned Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange.

22. Time limit for the notification of vacancies:

- (1) Vacancies required to be notified to the Regional Employment Exchange, Union Territory, Chandigarh shall notified at least 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 filed, if no interviews or tests are held.
- (2) vacancies, required to be notified to the Special Employment Exchange notified under sub-rule (1) of Rule 24 shall be notified at least three weeks' before the date on which applicants will be interviewed or tested, where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.
- (3) An employer shall furnish to the concerned Special Employment Exchange, the results of Selection with fifteen days from the date of selection.

23. Submission of returns:

- (1) An employer shall furnish to the Regional Employment Exchange, Union Territory, Chandigarh quarterly returns in Form DPER-I (Annexure-'B') and biennial returns in Form DPER-II (Annexure -'C') as may be amended from time to time.
- (2) Quarterly returns shall be furnished within thirty days of the due dates namely, 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December.
- (3) Biennials returns shall be furnished within 30 days of the due dates, as notified in the Official Gazette.

24. Form in which record to be kept by an employer:

An employer shall maintain the record of employees with disabilities in Form DPER-III (Annexure- 'D') as may be amended from time to time.

## CHAPTER-V

### Recognition of Non-Government Institutions for persons with disabilities

**25. The Form of application:**

Every application for a certificate of registration shall be submitted in form given at (Annexure-'E').

**26. Order refusing to give Certificate of registration:**

The competent authority may, after giving the applicant reasonable opportunity of being heard, make an order refusing to grant a certificate. Such order will contain specific reasons for refusal to grant such a certificate and shall be communicated to the applicant through registered post.

**27. Validity of Certificate of Registration:**

A certificate of registration granted under Section 52, in the form given in (Annexure 'F') shall unless revoked under Section 53, remain in force.

**28. Appeal:**

A person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within a period of 30 days, prefer an appeal to the State Government against such a refusal or revocation:

Provided that the said Government may entertain an appeal after the expiry of the said period of 30 days, if it is satisfied that there was sufficient cause for not filing it within that period.

## CHAPTER-CHAPTER-VI

### Commissioner for Persons with Disabilities.

**29. Procedure to be followed by the Commissioner:**

- (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the



Commissioner 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) Documents in support of the allegations contained in the complaint;
  - (e) The relief which the complaint claims;
- (2) The Commissioner on receipt of a complaint shall send a copy of the complaint to the opposite party/parties mentioned in the complaint directing him to give his version of the case within a period of 30 days' or such extended period not exceeding 15 days' 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.
- (4) Where the complainant or his agent fails to appear before the Commissioner on such days, the Commissioner may in his discretion either dismiss the complaint in default or decide the same on merits.
- (5) Where the opposite party or his agent fails to appear on the date of hearing, the Commissioner may take such necessary action under Section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.
- (6) The Commissioner may on such terms as he 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.

30. **Salary & allowances of the Commissioner:**

The Commissioner shall be entitled to the consolidated salary of Rs.20,000/- p.m. which can be enhanced by the State Government from time to time.

**31. Submission of report to the State Government:**

The Commissioner, shall submit report to the State Government the implementation of the Act under Section 61 (d) at the interval of six months in such a manner that at least two reports are sent in a year.

**32. Submission of Annual Report:**

- (1) The Commissioner shall, as soon as possible, after the close of the year but not later than the 30<sup>th</sup> day of September in the next year ensuring, pre-para and submit to the State Government an annual report giving, a true, and faithful account of his activities during the said year.
- (2) In particular, the annual report referred to in sub-rule (1) above, shall contain information in respect of each of the following matters, namely:-
  - (a) Names of officers of staff of the office and a chart showing the organizational set up;
  - (b) The functions which the Commissioner has been empowered under Section 61 and 62 and the highlights of the performance in this regard;
  - (c) The main recommendations made by the Commissioner;
  - (c) Progress made in the implementation of the Act, district-wise and
  - (d) Any other matter deemed appropriate for inclusion by the Commissioner or prescribed by the State Government from time to time.

**33. Interpretation:**

If any question arises as to the interpretation of these rules the State Government shall decide the same.

G.K. MARWAH,  
Secretary, Social Welfare,  
Chandigarh Administration.