



Assam State Rules under Rights of Persons with Disabilities Act, 2016

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CHAPTER-I

Preliminary

1. **Short title and commencement.-** (1). These rules may be called The Rights of the Persons with Disabilities (Assam) Rules, 2018.
(2) They shall come into force on the date of their final 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 (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) “Commissioner” means the State Commissioner for Persons with Disabilities of the State Government.
 - (e) “Competent Authority” means the authority appointed as such by the State Government under section 49 of the Act.
 - (f) “Form” means a form appended to these rules.
 - (g) “Rules” means The Rights of Persons with Disabilities (Assam) Rules, 2018.
 - (h) “State” means the Government of the State of Assam.
 - (i) “dependent” means anyone, including a person over the age of eighteen years, who is unable to care for or support himself or herself, physically, financially, in decision making and / or in terms of looking over their general well being and looks for such care and/or support from another. A person qualifying as a dependent generally may include a person’s child, stepchild, adopted child, grandchild, great-grand child, son or daughter-in-law, father or mother-in-law, brother or sister-in-law, parent, brother, sister, grand parent, step-parent, stepbrother or sister, half brother or sister, spouse and, if related by blood, uncle, aunt, niece, or nephew, whose day-to-day support and care the person is entrusted with.
 - (j) Registered organisation means organisations, associations registered under section 50 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.

CHAPTER - II

Rights & Entitlements

3. Establishment not to discriminate on the ground of disability.- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall –

(a) initiate action in accordance with the provisions of the Act; or

(b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.

(3) If the aggrieved person submits a complaint to the State Commissioner for Persons with Disabilities, the complaint shall be disposed of within a period of sixty days: Provided that in exceptional cases, the State Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

4. 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) An eminent person having vast experience related with disability affairs or an eminent person having vast experience in the field of science and research to be nominated by the State Government, ex officio-Chairperson;

(ii) The Director of Health Services of the State Government or his nominee -ex officio Member;

(iii) Officer –in- Charge of the Composite Regional Centre under the Ministry of Social Justice & Empowerment, Govt. Of India – ex-officio Member;

(iv) One expert in the field of medical and health nominated by the State Government - Member;

(v) 6 (six) members from registered State level organizations or individuals belonging to different groups of disabilities as nominated by the State Government – Member;

Provided that least one representative of the registered organizations is a woman.

(vi) Member Secretary or his representative from Assam State Legal Services Authority;

- (vii) Any other expert(s) special invitee(s) which the Chairperson may invite.
- (viii) Chairperson or his representative from the Assam State Women Commission, Guwahati, Assam;
- (ix) Chairperson or his representative from the Assam State Commission for Protection of Child Rights, Guwahati, Assam;
- (x) Chairperson or his representative from Assam Human Rights Commission;
- (xi) The Director, Social Welfare, Assam – ex-officio Member Secretary;

(2) The terms of office of the nominated members shall be for a period of three years from the date on which they enter upon office but the nominated member shall be eligible for re-nomination for upto two consecutive terms.

(3) One half of the members shall constitute the quorum for the meeting.

(4) The non-official members and special invitees belonging to non-official category shall be entitled to travel allowance and dearness allowance as admissible to Class I officers of the State Government.

(5) The State Government may provide the Committee with such clerical and other staff as the State Government may consider necessary.

(6) The Committee shall consider any application for research in the field of disability as per provision under section 6(1) and 6(2) of the Act and recommend to the Government for approval or rejection of such an application.

4A. The State Committee constituted as above shall, with the approval of the State Advisory Board, draft and forward schemes and policies for implementation of the provisions of the Act. Such schemes and policies shall be presented through the State Advisory Board for its consideration and adoption by the State Government.

The first report of the Committee shall be presented within one year from the date of its constitution. The State Committee shall also periodically suggest further recommendations for updating such schemes and policies so as to effectively cater the needs of persons with disabilities.

5. Person with disability not to be a subject of research.- (1) No person with disability shall be considered to be a subject of research except when

- (i) the relevance of the proposed research is established and the consent of the person concerned has been obtained;
- (ii) the manner and method of obtaining consent from the concerned person is as prescribed in clause (i) of sub-section (2) of section 6 of the Act;
- (iii) ethical practices are adopted for the proposed research;
- (iv) any other aspect bearing on the person or persons concerned.

(2) The Committee may call for further information from the applicant as it deems fit.

6. Procedure to be followed by Executive Magistrate.- For the purpose of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

7. Procedure to be followed by Police Officer:- On receipt of the complaint, the Police Officer assigned to enquire into the act of abuse, violence and exploitation against the person with disabilities shall follow the procedure laid down in the section 7(4) of the

Act and also proceed in accordance with law for the time being in force upon receipt of information to the commission of a cognisable offence.

CHAPTER - III

Limited Guardianship

8. Limited Guardianship (1) Application for limited guardianship: Under section 14(1) of the Act, an application for appointment of limited guardian for a person with disability shall be made by a person with disability, parent, relative or an organization registered under the Act to the District Level Committee in prescribed format, **Form - IX**.

Note: For those persons who do not have support from parent, relative or organization as care giver, applications for limited guardianship may be made by any prominent person of the locality on his or her behalf or a person of choice of the person with disability provided that the name of the prominent person is approved by the District Level Committee on Disability as a care-giver to such person with disability who does not have support from any other.

(2) While granting the support of limited guardianship, the District Level Committee shall consider a suitable person to be appointed as a limited guardian in the following order of preference:

- (i) The spouse or parents or adult children of the person with disability; or
- (ii) Immediate adult brother or sister; or
- (iii) Other relatives; or
- (iv) Registered organizations under the Act.
- (v) Prominent Person of the locality already approved as care-giver by the DLC

(3) The District Level Committee, constituted under Rule 49, shall refer the application for detailed assessment to the Assessment Board formed by the District Level Committee as the case may be. The Assessment shall be formed with the following:

- a. The Joint Director Health Services of the District or his representative not below the rank of Medical and Health Officer I... Chairman
- b. One Social Worker or representative of a registered organization under the Act.....Member
- c. District Social Welfare Officer or his or her representative... Member Secretary

The Assessment Board shall conduct the assessment as per the following guidelines:

- (i) A current analysis and evaluation of the person's mental and physical condition;
- (ii) A description of the nature, type and extent of specific cognitive and functional limitations;
- (iii) An explanation of how the disability affects the person's decision making;
- (iv) The date of assessment or examination on which the report is based.

(4) The Assessment Board shall apprise the District Level Committee that the limited guardianship may include the authority to support the decisions of the persons with

disability in medical decisions or financial decisions or a combination of the said two areas and that in all other matters the limited guardian has no authority at all.

(5) The Assessment Board shall apprise the District Level Committee if there is a need for grant of limited guardianship repeatedly including the nature and manner of support to be provided.

(6) The District Level Committee shall on review of the recommendation of the assessment board grant the support of limited guardianship to a person with disability to take a legally binding decision on his or her behalf or its own considered decision.

(7) While taking a decision on the appointment of a limited guardian, the District Level Committee shall ensure that the person whose name has been suggested for appointment as a limited guardian is

- (a) devoid of vested interest;
- (b) a citizen of India;
- (c) is not of unsound mind or is currently undergoing treatment for mental illness;
- (d) doesn't have a history of criminal conviction;
- (e) is not a destitute and dependent on others for his or her own living; and
- (f) has not been declared insolvent or bankrupt.

(8) In case the District Level Committee considers awarding the limited guardianship to a registered organization under this Act under sub-rule (2), the following guidelines shall be followed:

- (i) The institution shall be recognised by the State or the Central Government;
- (ii) The institution shall have a minimum of 5 years of experience in offering disability rehabilitation services including running residential facilities or hostels for person with disabilities of the concerned category;
- (iii) The residential facility or hostel for person with disabilities shall maintain minimum standards in terms of space, staff, furniture, rehabilitation and medical facilities as specified by the Government.
- (iv) The confirmation of appointment of guardian on such application shall be made in **Form - X**;
- (v) The guardian shall submit a return covering property and assets of the ward within 6 months of his appointment in **Form - XI**;
- (vi) The guardian shall submit a return covering property and assets of the ward within a period of 3 months of the close of every financial year in **Form - XII**;
- (vii) A quarterly report shall be submitted by the District Level Committee to the Government or to the state level agency authorised by the Government giving particulars of the applications for guardianship received and orders passed thereon in **Form - XIII**;

(9) The District Level Committee shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to its notice of the need of such limited guardianship or from the date of receipt of report from the Assessment Board as applicable.

Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship.

(10) The validity of the limited guardianship as appointed under sub-rule (6) shall be initially for a period of five years which can be further extended by the District Level Committee as the case may be.

Provided that while extending the validity of the limited guardianship, the District Level Committee shall abide by the same procedure as was followed while granting the initial guardianship.

(11) Only those individuals who are over the age of 18 years and who have not been previously convicted of any cognizable offence under the Indian Penal Code or any other law for the time being in force shall be appointed.

(12) Any decision shall be made jointly and on mutual understanding and trust between the guardian and the person with disability.

(13) 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.

(14) Complaint against a limited guardian under section 14 of the Act:

(a) shall be made by the person with disability, parent, relative, or a registered organization under the RPwD Act or anyone, in good faith on the ground of abuse or neglect of a person with disability or inefficiency of the limited guardian to meet the best interest of the person with disability, to the District Level Committee;

(b) the District Level Committee shall upon receipt of the Complaint, shall appoint a team of investigators consisting of not less than 3(three) persons. The team shall consist of one person with technical expertise on the category of disability nominated by the chairperson of District Level Committee, one person with disability and one government official associated with disability not below the rank of district level officer, the latter 2(two) being members of the District Level Committee;

(c) The team of investigators while investigating a complaint for assessing the abuse or neglect of a person with disability or inefficiency of the limited guardian to meet the best interest of the person with disability, shall follow the guidelines specified by the government;

(d) The team of investigators shall submit their report within a period of 15 days of being assigned the task;

(e)The following acts of commission or omission shall constitute abuse or neglect or inefficiency on the part of the guardian/limited guardian, namely:

(i) solitary confinement of a person with disability in a room or confined space for long periods of time;

(ii) chaining of the person with disability;

(iii) beating or treating a person with disability resulting in bruises, skin or tissue damage (not due to self-injurious behaviour indulged by the person with disability);

(iv) sexual abuse of the person with disability;

(v) deprivation of physical needs such as food, water and clothing;

- (vi) no provisions or non-compliance of available rehabilitation or training programs as specified by experts in the field of disability rehabilitation in the district;
 - (vii) misappropriation or misutilization of the property of person with disability;
 - (viii) lack of facility or no provision of trained or adequate staff for meeting the training and management needs of the person with disability as determined by the specific term of reference during assuming of limited guardianship;
- (f) Upon receiving the report of the investigation team, the District Level Committee shall take final decision on the complaint within a period of two weeks after giving the guardian an opportunity of being heard. If the District Level Committee is not satisfied with the explanation of the said guardian, they may take appropriate decisions to safeguard the interest of the persons with disability including removal of the guardian.
- (g) The District Level Committee shall record in writing the reason of removal of the guardian or rejection of the application.
- (h) The District Level Committee in the event of removal of limited guardianship shall take steps for immediate restoration of care to the person with disability till such date he/she is provided with limited guardianship as per rules.
- (i) In the event of demise of the appointed limited guardianship, the District Level Committee, shall on intimation of such information or suo moto, take steps for immediate restoration of care to the person with disability till such date he/she is provided with limited guardianship as per rules.

9. Appellate Authority: State Government shall notify the Commissioner of Division as Appellate Authority under section 14(3) of the Act for appeal by any person with disabilities, parent, relative or a registered organisation under the Act or any person aggrieved by the order of the District Level Committee within a period of 30 (thirty) days of receipt of the report of the order of District Level Committee. The Appellate Authority may co-opt expert(s) in the respected field of disability for the service of the Appellate Authority and pass necessary order within sixty days of receipt of the appeal after giving the appellants the opportunity of being heard.

CHAPTER- IV

Nodal Officer in the District Education Office

- 10. Terms and conditions before recognition of the educational institution:** The terms and conditions of grant of recognition to the educational institutions by the competent authority in the State shall include the requirements to comply with the provisions of Section 16 and section 31 of the Act.
- 11. Nodal Education Officer.** In every office of the District Elementary Education Officer, Inspector of Schools in the State, there shall be a Nodal Officer, preferably possessing special qualification in the field of disability to deal with Children with Special Needs under him, assigned to deal with matters relating to admission of children

with disabilities and the facilities to be provided to them in schools in accordance with provisions of section 16 and section 31 of the Act.

Provided that where there is no such separately assigned officer, the District Elementary Education Officer, Inspector of Schools shall function as the Nodal Officer for the purpose of these rules.

12. Functions of the Nodal Officer. The Nodal Officer shall —

- (a) conduct survey of school children and identify those with disabilities and ascertain their special needs;
- (b) review the facilities in the schools for such children and identify areas that may need attention or improvement;
- (c) advise on means that will afford such children opportunities equally with others in the programmes and activities of the schools; and
- (d) attend to issues generally relevant to the school children with disabilities.
- (e) submit quarterly reports in the prescribed format **Form - XIV** to the Education department, Social Welfare Department and Commissioner for Persons with Disabilities for necessary action.

13. Report by the Head of a School. Every Head of a school shall send to the Nodal Officer reports for each academic year indicating the number of such children at the beginning and at the end of the year, their performance and other information pertaining to them with relevant statistical data as may be applicable.

CHAPTER - V

Skill Development and Employment

14. (1) The concerned departments of the State Government shall formulate schemes and programmes for vocational training, skill development and self employment for persons with disabilities as provided in the section 19 of the Act.

(2) The departments shall submit quarterly reports highlighting policy interventions, schematic interventions and action taken at the departmental level to the State Commissioner for Persons with Disabilities who shall compile the same and place it before the State Advisory Board for consideration.

15. Manner of publication of Equal Opportunity Policy: (1) Every establishment shall publish equal opportunity policy for persons with disabilities.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall inter alia, contain the following, namely:-

- (a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
- (b) list of posts identified suitable for persons with disabilities in the establishment;

- (c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
 - (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
 - (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees.
- (4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

16. Form and manner of maintaining records by the establishments: (1) Every establishment covered under sub-rule (3) of rule 15 shall maintain records containing the following particulars, namely:-

- (a) the number of persons with disabilities who are employed and the date from when they are employed;
 - (b) the name, gender and address of persons with disabilities;
 - (c) the nature of disability of such persons;
 - (d) the nature of work being rendered by such employed person with disability; and
 - (e) the kind of facilities, reasonable accommodation being provided to such persons with disabilities.
 - (f) details of employees who have dependents with benchmarks disabilities.
- (2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

17. Manner of maintenance of register of complaints by the Government establishments: (1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer and shall inform the State Commissioner about the appointment of such officer.

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most employee as a Grievance Redressal Officer.

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

- (a) date of complaint;
- (b) name of complainant;
- (c) name of the person who is enquiring the complaint;
- (d) place of incident;
- (e) the name of establishment or person against whom the complaint is made;
- (f) gist of the complaint;
- (g) documentary evidence, if any;
- (h) date of disposal by the Grievance Redressal Officer;

- (i) details of disposal of the appeal by the district level committee; and
- (j) any other information.

18. Personnel Department of Govt. of Assam shall frame a policy for posting and transfer of employees with disabilities and employees having lawful dependents with benchmark disabilities within 6 (six) months from the notification of the Rules as provided under section 20 (5) of the Act.

CHAPTER – VI

Special Provision for Persons with Benchmark Disabilities

18. (2) (a) All Government, private and other higher educational institutions receiving aid from the Government shall reserve not less than five percent seats for persons with benchmark disabilities as provided in section 32(1) of the Act.

(b) The persons with benchmark disabilities shall be given an upper age relaxation for five years for admission in all institutions of higher education as provided in section 32(2) of the Act.

19. Computation of vacancies: (1) For the purposes of computation of vacancies, four percent of the total number of vacancies including vacancies arising in the identified posts through an expert committee as laid down under section 33 of the Act and non-identified posts in the cadre strength in each group of posts shall be taken into account by the State Government for the persons with benchmark disabilities:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the State Government from time to time.

(2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the State Government from time to time. The roster so maintained shall be uploaded and periodically updated in the websites of the department.

(3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.

(4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.

(5) The State Government by notification shall provide for such relaxation of upper age limit for employment in Government service for persons with benchmark disabilities.

20. Interchange of vacancies: The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act, only if due process of recruitment to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

21. Submission of Returns on Vacancies: (1) Every Government establishment shall furnish to the local special employment exchange returns in Form - I once in every six months for the period from 1st April to 30th September and from 1st October to 31st March, and in Form -II once in every two years.

(2) The six monthly return shall be furnished within thirty days of the respective dates which is, 31st March and, 30th September of every financial year.

(3) The two yearly return shall be furnished within thirty days of the closing of every alternate financial year: Provided that the first two yearly returns shall be furnished for the financial year closing on 31st March, 2019.

22. Form in which record to be kept by an employer: Every Government establishment shall maintain the record of employees with disabilities in FORM - III.

CHAPTER - VII

Accessibility

23. Rules for Accessibility: (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

(a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016 or any other guideline issued specifically in this regard by government from time to time;

(b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, vide number G.S.R. 895(E), dated the 20th September, 2016;

(c) Information and Communication Technology-

(i) website standard as specified in the Guidelines for Indian Government Websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;

(ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format or other accessible formats.

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the State Government within a period of six months from the date of notification of these rules.

(2) The respective Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

(3) The concerned department shall take suitable measures to provide—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(4) (a) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the State Government under section 40 of the Act.

(b) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the State Government.

(5) All existing public buildings shall be made accessible in accordance with the rules formulated by the State Government within a period not exceeding five years from the date of notification of such rules.

24. Review of Accessibility Standards: The State Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

CHAPTER - VIII

Special Schemes and Development Programmes

25. The concerned department (s) shall, by notification, within six months from the date of notification of the Rules, make schemes in favour of persons with benchmark disabilities in consultation with Assam State Commissioner for Persons with Disabilities, to provide,—

(a) five per cent reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER IX

Certificate of Registration of Institutions

26. Application for and grant of certificate of registration- (1) Every person who establishes or maintains an institution for reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities shall be required to obtain a certificate of registration to be issued by the Director of Social Welfare as competent authority notified by the State Government under section 49 of the Act.

(2) Application for the certificate shall be made to the Director, Social Welfare in **Form-XV**, accompanied by documents required therein, referred to in section 51 of the Act.

(3) On receipt of the application the competent authority shall verify the information furnished and may make enquiries from the District Officer dealing with disability of the district concerned or ask for additional information from the applicant and, if satisfied, shall issue the certificate and, if otherwise, refuse to grant it after giving the applicant a reasonable opportunity of being heard.

(4) Every application shall be disposed of within ninety days from the date of receipt.

(5) 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 statement 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 qualification of the professionals employed by the Institution, and
 - (g) the proof of residence of the applicant.
- (6) 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 care, protection, education, training, rehabilitation, rights and any other activities for 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 (XXI of 1860) or under any other law for the time being in force in the State and a copy of such registration certificate along with the byelaws 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;
 - (d) that the institution has employed professionals registered with the Rehabilitation Council of India or other trained professionals to cater to the special needs of persons with disabilities
 - (e) that the institution has adequate facilities to cater to the needs of persons with disabilities in areas where the institution works in; and
 - (f) that the institution has submitted its audited accounts and annual reports of last three years with the Directorate of Social Welfare, Assam.
- (7) **Validity of certificate:** 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 and from the date on which it is granted or renewed.
- (8) **Renewal of certificate:** An application for the renewal of certificate of registration shall, be made in the same manner as per the application for grant of certificate under sub-rule (1) accompanied with the previous certificate of registration and a statement that the application is applying for renewal of the certificate so accompanied.
- Provided that such application shall be made before sixty days of the expiry of the validity of such certificate;
- Provided further that the Directorate of Social Welfare, Assam may consider application for renewal of the certificate of registration after 60 days but not later than 120 days, if he is satisfied that sufficient reasons has been provided for such delay.

(9) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (8), 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.

(10) Every application made under clause 1 of sub rule (8), 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 Rules made there under have been complied with, shall be disposed of by it within a period of ninety days thereafter.

27. Appeal against the order of competent authority.- Any person aggrieved by the order of the Director of Social Welfare, Assam referred to in sub-rule (1) of Rule 26, refusing to grant a certificate of registration or revoking a certificate of registration may, within Ninety days from the date of the order, prefer an appeal against that order to the appellate authority notified by Social Welfare Department under sub-section (1) of the section 53 of the Act, and the appellate authority may after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of being heard, make such order as it thinks fit.

28. Revocation of Registration: Every institution registered by the Director, Social Welfare, Assam under the Act shall be subject to revocation of registration as per section 52 of the Act.

CHAPTER X

Certificate of Disability

29. Application for certificate of disability: (1) Any person with specified disability notified by the Central Government along with guidelines for assessment of specified disability referred to in Section 56 of the Act may apply in **FORM - IV** for a certificate of disability and submit the application to the certifying authorities notified by the State Government under the Act.

(a) the District Medical and Health Officer of the district in which the applicant resides; or

(b) the Medical Officers of hospitals in the districts or sub-divisions, community health centres, primary health centres or areas as the State Government may designate from time to time;

Note 1: Specified disability is a disability specified in the Schedule to the Act.

(c) provided that where a person with disability is a minor or has intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application, on his behalf, may be made by his legal/limited guardian or by any organisation registered under the Act having the minor under its due care.

(d) provided also that issue of certificates to those diagnosed and / or under treatment in public or private hospitals for any of the disabilities mentioned in the Act shall be governed by Rule 30 (6).

(2) The application shall be accompanied by –

(a) proof of residence (*including but not restricted to Passport, Ration Card with Photograph, Pass Book from bank or Post Office with Photograph, Aadhar Card or Aadhar Enrolment Number, EPIC card, Government I Card with Photograph, Pension Certificate with photograph, Driving Licence, Utility Bills, Certificate of address issued by MP/MLA/ Gazetted Officer on their letterhead, Certificate of a Gaon Burah countersigned by a Revenue Officer*)

(b) two recent passport size photographs;

30. Issue of certificate of disability: (1) On receipt of an application under rule 29, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination –

(i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or

(ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the State Government.

(6) A person who is under treatment for any of the 21 specified disabilities under the Act, if found being above the benchmark of 40 percent, the medical authority in charge of said treatment, whether government or private, shall be mandated to issue Disability Certificate on the spot without charging any further dues in appropriate specified forms, irrespective of the fact whether the certificate is demanded by the person with disability who comes / is brought in for diagnosis / treatment or not. Such certificate should be countersigned by the Joint Director Health Services based on the findings of the doctor.

31. Certificate issued under rule 30 to be generally valid for all purposes: A person to whom the certificate issued under rule 30 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

32. Validity of certificate of disability issued under the repealed Act: The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

33. Appeal against the decision of the authority issuing certificate of disability- (1) Any person aggrieved with the decision of the certifying authority designated by the

Health and Family Welfare Department can prefer an appeal before the appellate authority to be duly notified by the State Government under sub-section (1) of section 59 of the Act..

(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.

(3) Every appeal preferred under sub-rule (1) shall be decided as expeditiously as possible and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER - XI

State Advisory Board

34. Constitution of the Board: The State Advisory Board constituted by the State Government with members as envisaged in section 66 of the Act, shall function in accordance with the provisions of the Act and the rules.

35. The Member Secretary and his functions: (1) The State Government may designate the Senior most Secretary to the Social Welfare Department to be the Member Secretary of the State Advisory Board.

(2) The functions of the Member Secretary shall be to-

- (a) issue all notices and deal with correspondences pertaining to the Board;
- (b) keep or cause to be kept the records and accounts of the Board;
- (c) record and maintain the proceedings of Board meetings and take follow up action; and
- (d) perform such other functions and duties as are normally incumbent on such officer.

36. Notice of the Meeting- (1) The meeting of the State Advisory Board on disability constituted under sub-section (1) of Section 66 of the Act (hereinafter in this Chapter referred to as 'the Board) shall ordinary be held in Guwahati on such dates as may be fixed by its Chairperson.

Provided that the Board shall meet at least once in every four months.

(2) The chairperson of the Board shall, upon the written request of not less than ten members of the Board, call for a special meeting of the Board.

(3) Fifteen clear days notice of an ordinary meeting and five clear days notice of a special meeting specifying the time and the place at which such meeting to be held and the business to be transacted thereat, shall be given by Member-Secretary to the members of the Board.

(4) Notice of a meeting may be given to the members of the Board by delivering the same to them by messenger or sending it by registered post to their respective last known places of residence or business or by email or in such other manner as the Chairperson of the Board may, in the circumstances of the case, think fit.

(5) No member of the Board 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 of the Board, unless the Chairperson of the Board, in his discretion, permits him to do so.

(6) The Board may adjourn its meeting from day to day or to any particular day as under:

(a) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given, to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members.

(b) Where a meeting of the Board 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 of the Board in the manner as specified in sub-rule (4).

37. Terms and Conditions of service of members: The terms and conditions of service of members of the State Advisory Board shall be as per section 67 of the Act.

Provided that members nominated under clause (e) of sub-section 2 of section 66 of the Act shall be eligible for re-nomination for a minimum period of two consecutive terms.

38. Allowances for the Members of the State Advisory Board: (1) The non-official Members of the State Advisory Board on disability, not residing in the State capital region, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting of the said Board. They will also be entitled to draw TA / DA as admissible to a Class I officer of the State Government to attend the meeting.

(2) A fixed honorarium of rupees one thousand five hundred per day of the actual meeting to all the members on due attendance and participation in the State Advisory Board.

39. Disqualification of members- the members of State Advisory Board shall be disqualified as provided in section 68 of the Act.

40. Presiding officer- The Chairperson of the Board shall preside at every meeting of the Board and in his absence, the Vice-Chairperson thereof shall preside, but when both the Chairperson and the Vice-Chairperson of the Board are absent from any meeting, the authorised representative of the Chairperson or in his absence the representatives of the Vice chair person shall preside over meeting.

41. Quorum- (1) One-third of the total members of the Board shall form the quorum for any meeting.

(2) If any time fixed for any meeting or during the course of any meeting, less than one-third of the total members of the Board are present, the Chairperson thereof 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 of the Board.

(4) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum to the following day or to another date with sufficient gap, notice of such an adjourned meeting shall be given to the members who were supposed to be present in the adjourned

meeting and it shall not be necessary to give notice of the adjourned meeting to other members in the matter as specified in Sub rule (4) of the Rule 36;

(5) No matter which had not been on the agenda of the ordinary or the special meeting of the Board, as the case may be, shall be discussed at its adjourned meeting except as referred to in Rule 36(5) of the PwD Rules.

42. Minutes- (1) Record shall be kept of names of all members of the Board who attended the meeting of the Board and of the proceedings at the meetings in a book to be maintained for that purpose by the Member Secretary of the Board.

(2) The minutes of the previous meeting of the Board shall be read 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 of the Board at the office of the Member-Secretary of the Board during office hours.

43. Agenda for the meeting of the State Advisory Board- (1) At any meeting of the Board business shall be transacted which is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer under rule 36(5) of the rules.

Provided that either at the beginning of the meeting of the Board or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member of the Board may suggest a change in the order of business as entered in the agenda and if the Chairperson of the Board agrees, such a change shall take place.

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

45. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Board shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

46. Place for holding meeting: (1) Meetings of the Board may be held at Guwahati or at any place in the State and the notices shall specify the venue, time and place of the meeting to be held.

47. Co-option of experts: If any case arises where an opinion or special advice is required, the Board may invite to a meeting, a person possessing adequate knowledge in the field to be present or refer the case to a consultant and seek his opinion or advice. Such person(s) shall not be part of the quorum and shall not carry voting rights.

48. Nodal Department: The Social Welfare Department of Government of Assam shall be Nodal Department on all matters relating to policies for persons with disabilities and co-ordination.

49. District Level Committee: (1) The District Level Committee on disability referred to in Section 72 of the Act shall be constituted in every district in the State and shall be known as "The (name of the district) District Level Committee on Disability" consisting of the following members to be notified by the State Government, namely:

- (i) Deputy Commissioner of the district ex-officio Chairperson
- (ii) District Development Commissioner / Additional Deputy Commissioner (Social Welfare) Vice chairperson
- (iii) Superintendent of Police of the DistrictMember,
- (iv) Secretary, District Legal Services AuthorityMember,
- (v) Joint Director of Health Services of the DistrictMember,
- (vi) A clinical Psychologist/Psychiatrist of the District.....Member,
- (vii) District Inspector of School/ District Elementary Education OfficerMember,
- (viii) District Employment OfficerMember,
- (ix) Public Prosecutor of the DistrictMember,
- (x) District Child Protection OfficerMember,
- (xi) Two Representatives of Registered Organizations dealing with disabilityMember,
- (xii) Two Persons with disabilities as defined in Clause (s) of Section 2 of the Act out of which one shall be a womanMember;
- (xiii) District Social Welfare OfficerMember Secretary;

Any other person (s) invited as expert (s) by the Chairperson.

(2) **Quorum:** One-half of total members present shall form the quorum.

(3) **Terms and Conditions of service of members:** (a) the nominated members shall hold office for a term of three years provided that such a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(b) the State Government/Chairperson of the District Level Committee may, if he thinks fit, remove any member nominated under clause (xi) and (xii) of sub-rule 1 before expiry of his term, after giving him a reasonable opportunity of showing cause against the same.

(c) A casual vacancy in the District Level Committee shall be filled by fresh nomination to the Chairperson of the District Level Committee and the persons nominated to fill vacancy shall hold office only for the remainder of the term for which the member in whose place he was so nominated.

(d) A member nominated under clause (xi) and (xii) of sub-rule 1 shall be eligible only for one consecutive re-nomination.

(e) Non-Official Members residing outside District Head Quarter shall be paid an allowance of Rupees One thousand per day for each day of the actual meeting of the committee.

(f) Expert member(s) invited for a meeting shall not be part of the quorum requirement.

50. Functions of the Committee:- (1) 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) Perform as district level authority for appointment of limited guardianship for persons with disabilities as provided in Rule 8 of the Assam State RPwD Rules.
- (e) 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.
- (f) 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.
- (g) Hold minimum of one meeting in a month.
- (h) Submit progress reports to the Social Welfare Department for action taken during the month.
- (i) Any other functions as may be assigned by the State Government.

51. Disqualification:

- (a) Member(s) of the District Level Committee shall be disqualified as per section 68 of the Act applicable to members of the State Advisory Board.

Provided that the Chairperson of the District Level Committee shall be the competent authority to disqualify members, with intimation to the State Government.

- (b) In case of an appeal against the disqualification, the order of State Government in Social Welfare Department shall be final.

52. Procedure for filing complaints and making recommendations:

- (a) The chairman as any member of the District Level Committee shall be eligible to receive any complaint(s) information(s) appeal of any nature relating to persons with disabilities from any source and through any medium viz. Print, electronic, verbal etc.
- (b) The members concerned shall immediately inform about the complaint(s)/ information(s) and appeal to the Chairman, Vice Chairperson, Member Secretary for immediate response and placement before the District Level Committee at its next meeting.
- (c) The complaint(s)/information(s)/appeal(s) shall be disposed of by the District level Committee with specific order/recommendation within a period of Ninety days of receipt.

CHAPTER - XII

State Commissioner for Persons with Disabilities

53. Qualification for appointment of State Commissioner: A person shall not be qualified to be appointed as a State Commissioner for Persons with Disability under sub-section (1) of Section 79 of the unless,-

- (i) he has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities;
- (ii) he has attained the age of fifty five years on the 1st January of the year in which the last date for receipt of applications, as specified in the advertisement inviting applications for appointment of the State Commissioner, occurs;
- (iii) he possesses the following educational qualifications and experience:-

(A) Educational Qualifications:

- (i) Graduate from a recognized University;

(B) Experience:

- (i) At least twenty years experience in a Class I level or equivalent post:-
 - (a) In Central or State Government; or
 - (b) Public Sector undertakings or Semi Government or Autonomous Bodies dealing with disability related matters or social sector; or
 - (c) Worked in the capacity of a senior level functionary in a registered State or national or international level voluntary organization in the field of disability or social development;

Provided that out of the total twenty years experience mentioned in this sub-clause, at least two years of experience had been in the field of social development or empowerment of persons with disabilities.

54. 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 53.

(2) A Committee shall be constituted by the Government of Assam to select a suitable candidate for appointment to the post of the State Commissioner. The Committee will recommend to the Government the name of one candidate for appointment as State Commissioner and the government will appoint the State Commissioner based on the recommendation of this Committee.

(3) The Committee referred to in sub-rule (2) shall be constituted as follows

- (i) Chief Secretary. Chairperson
- (ii) One Additional Chief SecretaryMember
- (iii) Senior –most Secretary in-charge of Social Welfare Department
.....Member Secretary

55. 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.

56. Salary and allowance of the State Commissioner: (1) The salary and allowances of the State Commissioner shall be the salary and allowances as admissible to an Additional Chief Secretary of the State Government.

(2) Where a State Commissioner, being a retired government servant or a retired employee of any institution or autonomous body funded by the Central or State Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.

57. Other terms and conditions of service of the State Commissioner: The other terms and conditions of service of State Commissioner shall be such as specified below, namely:-

(a) Leave:

The State Commissioner shall be entitled to such leave as is admissible to an officer of the rank of Additional Chief Secretary.

(b) Leave Travel Concession:

The State Commissioner shall be entitled to such Leave Travel Concession as is admissible to an officer of the rank of Additional Chief Secretary.

(c) Medical:

The State Commissioner shall be entitled to such medical benefits as is admissible to an officer of the rank of Additional Chief Secretary

58. Resignation and removal: (1) The State Commissioner may, by notice in writing, under his hand, addressed to the Senior-most Secretary of Social Welfare Department of State Government, resign from his post.

Provided that the State Commissioner shall continue in the office until expiry of one month of notice period or until his resignation is accepted by the Government, whichever is earlier.

(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 is 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 sixty 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.

(3) The State Government may suspend a State Commissioner, in respect of whom proceedings for removal have been commenced, or is contemplated, in accordance with sub-rule (2), pending conclusion of such proceedings.

59. Residuary provision: The other conditions of service of the State Commissioner, in respect of which no express provision has been made in these rules, shall be determined by the rules and orders for the time being applicable to the Secretary to the State Government.

60. Procedure to be followed by State Commissioner: (1) A complainant may present a complaint containing the following particulars in person or by his agent to the State Commissioner or send it by registered post or by email addressed to the State Commissioner, namely:-

- (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 may be ascertained;
- (c) the facts relating to complaint and when and where it arose;
- (d) documents in support of the allegations contained in the complaint;
- (e) the relief which the complainant claims.

(2) The State Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or as may be granted by the State Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the State Commissioner.

(4) Where the opposite party or his agent fails to appear on the date of hearing, the State Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(5) Where the complainant or his agent or opposite party(s) or his/their agent fails to appear before the State Commissioner on such days, the State Commissioner may either dismiss the complaint on default or decide on merits, ex parte.

(6) The State Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(7) The State Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice being given to the opposite party.

61. Advisory Committee to assist the State Commissioner: (1) The State Government shall appoint an Advisory Committee comprising of the following members, namely:

- (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act, of whom two shall be women;

(b) One expert each in the field of barrier-free environment, i.e. (i) for built environment, (ii) for transportation, (iii) for information, communication technology and other services.

(c) One expert in the area of employment of persons with disabilities; and

(d) One legal expert.

(2) 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.

(3) The tenure of the members of the Advisory Committee shall be for a period of three years.

(4) The members of the Advisory Committee, shall be paid an honorarium of rupees one thousand per day for each day of the actual meeting.

(5) Non-official members of the Advisory Committee, not residing in the State capital shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Class I officer of the State Government.

62. Submission of annual report: (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 with under the Act and the highlights of the performance in this regard;

(c) the main recommendation 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.

CHAPTER - XIII

Public Prosecutor

63. Appointment of Public Prosecutor: (1) The Public Prosecutor to be appointed by the State Government in every Special Court preferably shall have:-

(a) Practical experience of handling cases of persons with disabilities.

Provided where such a person is not available, the appointee shall mandatorily be provided orientation training as may be notified by the State Government in this regard.

(b) Experience at the Bar of not less than five years.

- (c) Shall be well versed with local language and customs.
- (2) The fee and other remunerations of the Special Public Prosecutor specified or appointed under sub-section 85 of the Act shall be the same as that of Public Prosecutor appointed by the State Government under the code of criminal procedure, 1973 (1 of 1974) for conducting the cases before a court of session.

CHAPTER - XIV

State Fund for Persons with disabilities

64. State Fund for Persons with disabilities and its managements.- (1) There shall be constituted a fund to be called “ The Assam State Fund for Persons with Disabilities” (hereinafter referred to as the State Fund), into which shall be credited:

- (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) A corpus fund with an initial subscription of Rupees Five crores shall be created by the State Government.

65. Management of the State Fund (1) There shall be a governing body consisting of following members to manage the State Fund, namely;-

- (a) The Senior-most Secretary of the Department dealing with Empowerment of Persons with Disabilities, in the State Government – Chairperson;
 - (b) two representatives from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Skill, Employment and Entrepreneurship Development, Department of Finance, Department of Panchayat & Rural Development in the State Government, not below the rank of a Joint Secretary, by rotation in alphabetical orders – Members
 - (c) two persons representing different types of disabilities to be nominated by the State Government, by rotation - Members;
 - (d) Director in the Directorate dealing with Empowerment of Persons with Disabilities in the State Government – Convener and Chief Executive Officer.
- (2) The governing body shall meet as often as necessary, but at least twice in every financial year.
- (3) The nominated members shall hold office for not more than three years.
- (4) No member of the governing body shall be a beneficiary of the Fund during the period such Member holds office.
- (5) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group ‘A’ officer of the State Government for attending the meetings of the governing body.
- (6) No person shall be nominated under clause (b) and (c) of sub-rule 1 as a member of the governing body if he –

(a) is, or has been, convicted of an offence, which in the opinion of the State Government, involves moral turpitude; or

(b) is, or at any time has been, adjudicated as an insolvent.

66. 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 or are not adequately funded under any scheme or programme of the Central/State Government;

(b) for the purpose of implementation of the provisions of the Act;

(c) administrative expenses of the fund, as may be required to be incurred by or under the Act not exceeding total interest accrued every year.

(d) such other purposes as may be decided by the governing body.

(2) Every proposal of expenditure shall be placed before the governing body for its approval.

(3) The Chief Executive Officer may engage existing staff under his administrative control to administer the Fund.

67. Budget: The Chief Executive Officer of the State Fund shall prepare the budget for incurring expenditure under the State Fund in each financial year showing the estimated receipt and expenditure of the Fund, in January and June every year and shall place the same for consideration of the governing body.

68. Annual Administrative Report: The Annual Administrative Report of the Department dealing with Empowerment of Persons with Disabilities in the State Government shall include a chapter on the State Fund.

69. Annual audit of the State fund: The annual audit of the State Fund and all expenses made under the Act and Rules by all functionaries should be carried out by a competent authority, determined by the Governing Body.

FORMS

- FORM – I: Persons with Disabilities Employer’s Return - Six monthly return to be submitted to the Special Employment Exchange**
- FORM - II: Persons with Disabilities Employer’s Return - Occupational return to be submitted to the local Special Employment Exchange once in two years**
- FORM - III: Persons with Disabilities Employer’s Return – To be filled by Employers giving details of employees, vacancies, manpower shortages**
- FORM - IV: Application for Obtaining Certificate of Disability by Persons with Disabilities**
- FORM - V: Certificate of Disability (In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)**
- FORM - VI: Certificate of Disability (In cases of multiple disabilities)**
- FORM - VII: Certificate of Disability (In cases other than those mentioned in Forms V and VI)**
- FORM - VIII: Intimation of rejection of Application for Certificate of Disability**
- FORM- IX: Application Form for Limited Guardianship Certificate**
- FORM- X: Certificate of Appointment of Limited Guardianship**
- FORM- XI: Form of return covering property of the ward (to be submitted within 6 months of appointment by the limited guardian)**
- FORM- XII: Form of account of the property and assets (to be furnished by the limited guardian within a period of 3 months of the close of every financial year)**
- FORM –XIII: Quarterly Report by District Level Committee to the State Government**
- FORM –XIV: Quarterly Report submitted by Inspector of Schools/ District Elementary Education Officer**
- FORM XV: Application for Certificate of Registration of Institutions/ NGOs**

FORM-I

(Persons with Disabilities Employer's Return)

[See rule 21(1) of RPwD (Assam) Rules, 2018]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended.....

Name and Address of the Employer.....

Whether - Head Office

Branch Office

Nature of business/principal activity:.....

1. Employment

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

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year under report				
Blindness and low vision	Deaf and hard hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women 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 half year.

2. Vacancies- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (Separate figures may be given for men with disability and women with disability).

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

Occurred	Notified	Filled	Source
(Describe the source from which filled)			
Local/Special Employment Exchange		General Employment Exchange	

(b) Reasons for not notifying all vacancies occurred during the half year under report vide 2(a)

3. Manpower Shortages-

Vacancies/posts unfilled because of shortage of suitable applications			
Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts		Disability wise experience Not necessary
	Essential qualification	Essential experience	
(1)	(2)	(3)	(4)

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated.....

To

The Employment Exchange

Note.- This return relates to half yearly ending 31st March / 30th September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

FORM -II

(Persons with Disabilities Employer's Return)

[See rule 21(1) of RPwD (Assam) Rules, 2018]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer

Nature of business _____

(describe what the Government establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the Government establishment on

(Specify date) (This figure should include every person whose wage or salary is paid by the Government 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			
	Men with disability	Women with disability	Total	
Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter); Supervisor(tailor); Fitter(internal Combustion engine); Inspector Sanitary); Superintendent Office; apprentice Electrician).				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
Total				

Dated.....

Signature of employer

To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 5 under item 2 should correspond to the figure given against item-1.

FORM - III

(Persons with Disabilities Employer's Return)

[See rule 22 of RPwD (Assam) Rules, 2018]

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:

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

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment (This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately).

Occupation	Number of employees			
	Men with disabilities	Women with disabilities	Total	
Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
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 half year.....

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

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

Number of vacancies which come within the purview of the Act				
Occurred	Notified Local Special Employment Exchange	General employment	Filled	Sources (Describe the source form which filled
(1)	(2)	(3)	(4)	(5)
Total				

(b) Reasons for not notifying all vacancies occurred during the half year under report *vide* (a) 2.....above.

3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applications			
Name of the occupation or Designation of the posts	Number of unfiled vacancies/posts		Experience
	Essential qualification	Essential experience	Not necessary
(1)	(2)	(3)	(4)

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated....

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 28(1) of RPwD (Assam) Rules, 2018]

(1) Name : _____

(Surname)

(First Name)

(Middle Name)

(2) Father's Name : _____ Mother's Name: _____

(3) Date of Birth : _____ / _____ / _____
(Date) (Month) (Year)

(4) Age at the time of application : _____ years

(5) Sex: Male/Female/Transgender _____

(6) Address:

(a) Permanent address

(b) Current Address (i.e. for communication)

(c) Period since when residing at current address _____

(7) Educational Status (please tick as applicable)

(i) Post Graduate

(ii) Graduate

(iii) Diploma

(iv) Higher Secondary

(v) High School

(vi) Middle

(vii) Primary

(viii) Non-literate

(8) Occupation _____

(9) Identification marks (i) _____ (ii) _____

(10) Nature of disability :

(11) Period since when disabled: From Birth//since year _____

(12) (i) Did you ever apply for issue of a certificate of disability in the past _____ yes/no

(ii) If yes, details:

(a) Authority to whom and district in which applied _____

(b) Result of application _____

(13) Have you ever been issued a certificate of disability in the past? If yes, please enclose a true copy.

Declaration: I hereby declare that all particulars stated above are true to the best of my knowledge and belief, and no material information has been concealed or misstated. I further state that if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

(signature or left thumb impression of person with disability, or of his/her legal guardian in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities, etc)

Date :

Place:

Enclosures:

1. Proof of residence (Please tick as applicable).
 - (a) ration card,
 - (b) voter identity card,
 - (c) driving license,
 - (d) bank passbook,
 - (e) PAN card,
 - (f) passport,
 - (g) telephone, electricity, water and any other utility bill indicating the address of the applicant,
 - (h) a certificate of residence issued by a Panchayat, municipality, cantonment board, any gazetted officer, or the concerned Patwari or Head Master of a Government school,
 - (i) in case of an inmate of a residential institution for persons with disabilities, destitute, mentally ill, and other disability, a certificate of residence from head of such institution.

2. Two recent passport size photographs

(For office use only)

Date:

Place:

Signature of issuing authority

Stamp

FORM - V

Certificate of Disability

(In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)

[See rule 29(1) of RPwD (Assam) Rules, 2018]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability

Certificate No. _____

Date: _____

This is to certify that I have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
- dwarfism
- blindness

(Please tick as applicable)

(B) the diagnosis in his/her case is _____

(A) he/she has _____ % (in figure) _____ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her _____ (part of body) as per guidelines (.....number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

(Signature and Seal of Authorised Signatory of notified Medical Authority)

Signature/thumb impression of the person in whose favour certificate of disability is issued

FORM - VI

Certificate of Disability (In cases of multiple disabilities)

[See rule 29(1) of RPwD (Assam) Rules, 2018]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport
size attested
photograph
(Showing face
only) of the person
with disability

Certificate No. _____

Date: _____

This is to certify that we have carefully examined Shri/Smt./Kum.
_____ son/wife/daughter of _____ Shri
_____ Date of Birth (DD/MM/YY) _____
Age _____ years, male/female _____.

Registration No. _____ permanent resident of House No. _____
Ward/Village/Street _____ Post Office _____ District _____ State
_____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of permanent physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) for the disabilities ticked below, and is shown against the relevant disability in the table below:

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological			

	Conditions			
17.	Multiple sclerosis			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows : -

In figures : - ----- percent

In words :- ----- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after years months, and therefore this certificate shall be valid till ----- (DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and Seal of Member	Name and Seal of Member	Name and Seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued
--

FORM – VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

(Name and Address of the Medical Authority issuing the Certificate)

[See rule 29(1) of RPwD (Assam) Rules, 2018]

Recent passport
size attested
photograph
(Showing face
only) of the person
with disability

Certificate No. _____

Date: _____

This is to certify that I have carefully examined
Shri/Smt/Kum _____ son/wife/daughter of Shri
_____ Date of Birth (DD/MM/YY) _____
Age _____ years, male/female _____ Registration No. _____
permanent resident of House No. _____ Ward/Village/Street
_____ Post Office _____ District _____
State _____, whose photograph is affixed above, and am satisfied that
he/she is a case of _____ disability. His/her extent of
percentage physical impairment/disability has been evaluated as per guidelines
(.....number and date of issue of the guidelines to be specified) and is shown against the
relevant disability in the table below:-

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Cerebral Palsy			
5.	Acid attack Victim			
6.	Low vision	#		
7.	Deaf	€		
8.	Hard of Hearing	€		
9.	Speech and Language disability			
10.	Intellectual Disability			
11.	Specific Learning Disability			
12.	Autism Spectrum Disorder			
13.	Mental illness			
14.	Chronic Neurological Conditions			
15.	Multiple sclerosis			
16.	Parkinson's disease			
17.	Haemophilia			

18.	Thalassemia			
19.	Sickle Cell disease			

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after _____ years _____ months, and therefore this certificate shall be valid till (DD/MM/YY) _____

@ - eg. Left/Right/both arms/legs

- eg. Single eye/both eyes

€ - eg. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

(Authorised Signatory of notified Medical Authority)

(Name and Seal)

Countersigned

{ Countersignature and seal of the

Chief Medical Officer/Medical Superintendent/

Head of Government Hospital, in case the

Certificate is issued by a medical authority who is

not a Government servant (with seal)}

Signature/thumb impression of the person in whose favour certificate of disability is issued
--

Note.- In case this certificate is issued by a medical authority who is not a Government servant, it shall be valid only if countersigned by the Chief Medical Officer of the District

FORM - VIII

[Intimation of rejection of Application for Certificate of Disability]
[See rule 29(4) of RPwD (Assam) Rules, 2018]

No. _____

Dated :

To,

(Name and address of applicant
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated _____ for issue of a Certificate of Disability for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned / Medical Authority on _____, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a Certificate of Disability in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to _____, requesting for review of this decision.

Yours faithfully,

(Authorised Signatory of the notified Medical Authority)

(Name and Seal)

FORM-IX

Application form for Limited Guardianship Certificate

[See Rule 8(1) of RPwD (Assam) Rules, 2018]

➤ Personal details of Person with Disability to be provided with Limited Guardianship								
i	Name of Person with Disability (PwD)							
ii	Date of Birth	DD	MM	YYYY	Gender	M	F	Transgender
iii	Marital Status	Married / Unmarried						
iv	Father's Name and Age							
v	Mother's Name and Age							
vi	Spouse's Name and Age							
vii	Address	House No.			Street/Area			
		Village			Town/City			
		District			State			
		Pincode			Contact No.			
viii	Aadhar Card No. (if any)							
ix	Voter ID (if any)							
x	NRC No. (Draft/Final) (if any)							
xi	PAN No. (if any)							
xii	Bank details (A/C No. , Branch and IFSC Code)							
xiii	Disability Identity Card No. with date of Issue / Unique Disability Identity (UDID)							
xiv	Type of disability							Percentage
xv	Issuing Authority of Disability Certificate with Location							

➤ Assets Details of PwD seeking Limited Guardianship					
i	Details of Movable property 1) In the name of the PwD 2) Property details where PwD has share (Enclose proof)				
ii	Details of Immovable property 1) In the name of the PwD 2) Property details where PwD has share (Enclose proof)				
➤ Details of proposed Limited Guardian(s)					
Individual	Yes / No	Both Guardian	Yes / No	Organisation	Yes / No
Individual / organisation					
i	Guardian Name a) Age in case of individual b) Registration no. under RPwD Act, 2016 and date of renewal for organisations				
ii	Occupation / Profession				
iii	Address	Village		Town/City	
		District		State	
		Pincode		Contact Details	
		Aadhar Card No.			
		PAN No.			
		Voter ID/NRC No.			
iv	Relationship of PwD with the proposed Guardian	Parent		Relative (Spouse /Brother /Sister)	
		Registered organization		Any Other	
v	Contact Details of proposed Individual / Guardian / Organisation	Email ID			
		Phone No.			

vi	Consent of the person proposed to be appointed Guardian as per Rule 8(9) (Attach Consent Proof)	Yes		No			
vii	Consent of the existing Guardian, if any (Enclose herewith this form)	Yes		No			
viii	Undertaking by the applicant that the proposed Guardian	is a Citizen of India :					
		is not of unsound mind or is currently undergoing treatment for mental illness :					
		does not have a history of criminal conviction :					
		has been declared insolvent or bankrupt :					
		In case of organization-					
		Recognised by Central/State Govt.:		(Yes/No)			
		Experience of disability rehabilitation:	monthsyears			
		Having Residential accommodation with minimum standard:		(Yes/No)			
➤ Applicant Details							
i	Name of Applicant						
ii	Address	Village		Town/City			
		District		State			
		Pincode		Contact Details			
		Aadhar Card No.					
		PAN No.					
		Voter ID / NRC No.					
iii	Contact Details :	Phone No.		Email			
iv	Relationship of the applicant seeking Limited Guardianship with the PwD	Parent		Relative (Relative means related by blood, adoption, marriage)			
		Registered Organization		Any Other (please specify)			
vi	Tick the obligations for which Limited Guardianship is to be given	Maintenance and Residential care		Management of Immovable property			
		Management of movable property		Any other (please specify)			

➤ Witness Details					
i	First Witness Name				
	Address				
	Contact Number		Pincode		
	Aadhar Card No.				
	PAN No.				
	Voter ID / NRC No.				
ii	Second Witness Name				
	Address				
	Contact Number		Pincode		
	Aadhar Card No.				
	PAN No.				
	Voter ID / NRC No.				
iii	Guardianship Application is Normally required to be filed jointly by either both the parents or all the siblings as the case may be. Please confirm whether this application is joint or not.	Single Application	(specify name)	Joint application	(specify names)

I/we confirm that all the facts given above by me/us are true and correct to the best of my knowledge and as stipulated under RPwD Act, 2016 and its Rules and Regulations.

Signature of applicant (s)

Enclosed – Attested copy of

- Birth Certificate of Person with Disability
- Residential Proof of the Ward (*Voter ID Card / Tax receipts of Holdings in Town or City / Revenue receipt of Land / Electricity Bill of Parents*)
- Photograph of the Person with Disability with Limited Guardian (*Size: 3"x2"*)
- Disability Certificate issued by medical authority
- Voter ID of Applicant/Guardian
- Aadhar Card of Guardian (*if any*)
- Aadhar Card of Ward (*if any*)
- PAN Card of Guardian (*if any*)
- PAN Card of Ward (*if any*)

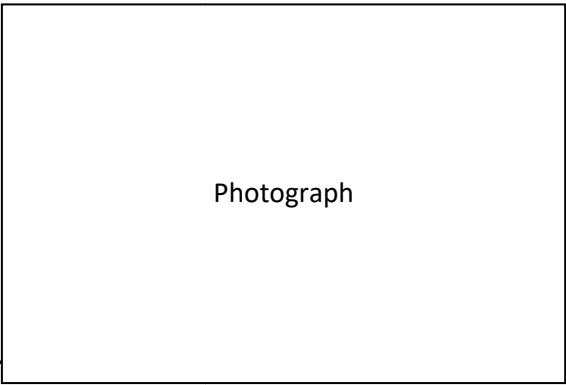
Certificate No:

Date of issue:



Govt. of Assam

Office of the _____



Photograph

Address: Contact No.: Email:

Certificate of Appointment of Limited Guardianship

[See Rule 8(7) and 8(8) of RPwD (Assam) Rules, 2018]

FORM-X

**Form of confirmation of appointment of limited guardian on application made by -
(1) a registered organization, or (2) parent or relative of person with disability.**

The District Level Committee situated at _____, Assam having considered the application made by _____ for appointment of Limited Guardianship of Shri/Smti/Kumari _____ aged about _____, son / daughter of Mr. / Mrs. _____

hereby confirms its decision as under :

1. Name of the Ward (PwD):
2. Address :
3. Name of the guardian :
4. Address :
5. Obligation of the guardian :
 - (a) Maintenance and residential care
 - (b) Management of Immovable property
 - (c) Management of movable property
 - (d) Any others (please specify)

The guardian shall furnish details of property to this Committee as per Form-XI and Form-XII specified under these rules. The Certificate of Appointment of Limited Guardianship is valid upto _____ as per Rule 8(10) of the RPwD (Assam) Rules, 2018.

Place :

Signature (s) :

Date :

Stamp (of DLC):

Note: All earlier Certificates of Appointment of Guardianship, if any, automatically stand superseded and cancelled with the issue of this Certificate. The limited guardian shall have to abide by the terms and conditions stated overleaf.

Terms & Conditions:

1. This Certificate is a valid legal document of Limited Guardianship of a person with disability under RPwD Act even if he/she is more than 18 years of age and shall be accepted by all officials and authorities.
2. The Limited Guardian is empowered to act on behalf of the person with disability in matters, as certified by the Assessment Board constituted in this regard to ascertain the support required by the persons with disability, or otherwise by the District Level Committee itself, including in medical decisions or financial decisions or a combination of the said two areas and that in all other matters the limited guardian has no authority at all.
3. Neither the Limited Guardian nor the District Level Committee will have any ownership right or title of the property of the persons with disability and the normal Law of Succession will be applicable in all such cases.
4. The Limited Guardian shall always act in the bonafide interest of the person with disability. Any omission or commission or any misuse or abuse of power vested in the guardian contrary to the interests of the person with disability will be dealt with as per prevalent law of the land.
5. In the event of demise of the appointed limited guardianship, the District Level Committee, shall on intimation of such information or suo-moto, take steps for immediate restoration of care to the person with disability till such date he/she is provided with limited guardianship as per rules.

**Consent of the Person/organisation
Proposed to be Appointed Limited Guardian**

[See Rule 8(9) of RPwD (Assam) Rules, 2018]

I / we, Mr / Miss / Mrs. _____, as an individual/ authorised representative(s) of the organisation, stated below, do hereby agree to be the Limited Guardian of aged about _____, son / daughter of Mr./Mrs. _____ of _____ village/town _____ District _____ State of Assam without any vested interest and shall discharge my obligations with due diligence as provided in the RPwD Act, 2016 and Rules framed there under.

Date:

Signature:

Designation:

Address:

Contact No.:

FORM-XI

[See Rule 8(8)(v) of the RPwD (Assam) Rules, 2018]

Form of return covering property of the ward to be submitted within 6 months of appointment by the limited guardian

1. Name of the limited guardian :
2. Date of appointment of the limited guardian :
3. Name of the ward :
4. Inventory of immovable property of the ward received by the guardian (to be furnished item-wise): (own/under share)

Nature / schedule	Estimated market value	Location

5. Inventory of the movable property of the ward received by the guardian (to be furnished item-wise): (own/under share)

Description	Year of Procurement	Approximate Value

6. Pending liabilities of the ward : (own/under share)

- (i) Nature
- (II) Amount

7. Pending claims received by the ward : (individually/with others)

- (i) Nature
- (II) Amount

I hereby declare that the aforesaid informations are true and accurate to the best of my knowledge, information and belief.

Witnesses:

1st witness

2nd witness

Place :

Signature of the Limited Guardian

Date:

Address:

Contact No.:

FORM-XII

[See Rule 8(8)(vi) of the RPwD (Assam) Rules, 2018]

Form of account of the property and assets to be furnished by the limited guardian within a period of 3 months of the close of every financial year.

1. Name of the Limited Guardian :
2. Name of the ward :
3. Immovable property of the ward held by the guardian as on (to be furnished item-wise)

Nature	Estimated Market Value	Location

4. Receipts and payments statement for the period fromto

Payments		Receipts	
Heads	Amount	Heads	Amount

5. Movable assets of the ward in the charge of the guardian on..... (to be furnished item-wise)
 - i) Nature
 - ii) Amount
6. Investments redeemed or alienated for consideration during the year ended
7. New investments made during the year ended
(Including renewals)
8. Increase/decrease in the value of movable assets of the ward during the year ended
9. Brief explanation for the variation vide (8) above

I hereby declare that the aforesaid informations are true and accurate to the best of my knowledge, information and belief.

Witnesses:

1st witness

2nd witness

Place :

Signature of the Limited Guardian

Date:

Address:

Contact No.:

FORM - XIII

Quarterly Report by District Level Committee to Government of Assam giving particulars of applications for guardianship received and orders passed there on

[See Rule 8 (8) (vii) of the RPwD (Assam) Rules, 2018]

1. Name of the District Level Committee: _____

2. Quarter Period for which Report submitted: _____

3. Summary of Applications with DLC:

- i) Total No. of Applications received during the Period:
- ii) Total No. of Applications where Guardianship given during the Period:
- iii) Total No. of Applications rejected during the Period:
- iv) Total No. of Applications pending disposal during the Period:
- v) Total No. of Applications pending disposal from previous quarters:

4. Details of Applications Received:

(Following details to be provided in a tabular form for each Application)

- i) Application No.:
- ii) Date of Application:
- iii) Name of Applicant:
- iv) Name of Person with Disability for whom Guardianship Applied for:
- v) Type of Disability:
- vi) Age / Date of Birth:
- vii) Relation of the Person with Disability with the Applicant:
- viii) Status of Application: Granted / Pending (specify reasons) / Rejected (specify reasons)
Report of Assessment Board against each Application to be annexed in each case.

Member, DLC

Member, DLC

Date:

Place:

Chairperson, DLC

FORM - XIV

Quarterly Report submitted by Inspector of School/District Elementary Education Officer

[See Rule 8(8) of the RPwD (Assam) Rules, 2018]

1. Background Information

- i. Name of the District:
- ii. Duration/Period of the Report:.....
- iii. Total nos. of schools in the District.....
- iv. Total nos. of schools run by the Govt.....
- v. Total nos. of Special Schools run by Govt. in the District:.....
- vi. Total nos. of Special Schools run by NGO/Other organizations (specify) in the District:.....
- vii. Total nos. of Regular Schools having Students with Disability run by Govt.....
- viii. Total no of Regular Schools having Students with Disability run by NGOs/Other organization (specify) in the District.....
- ix. Total nos. of children with Disability (6-18years) in the District till date.....
- x. Total nos. of school going children with Disability in the District till date.....
- xi. Total nos. of Students with Disability enrolled in the Current Year.....
- xii. Total nos. of Students with Disability enrolled Last Year.....
- xiii. Total nos. of Students with Disability who appeared for HSLC Exam.....Passed.....
- xiv. Total nos. of Male Students with Disability in the District.....
- xv. Total nos. of Female Students with Disability in the District.....
- xvi. Total no of Special Educators appointed in the district till dateActual Need.....

2. Assessment of Special Schools:

Name of the School	Establishment Year/Block	Total nos. of Students with Disability(nos.)/Types	Funded By(Tick)	Facilities Available(Tick)	Remarks /Requirement
		Loco-motor..... Visual..... Hearing..... Others (Specify).....	Central Govt./State Govt./Public/Private/Others(Specify)	a.Accessibility(Ramps/toilets etc)/Transportation/Special Teachers/Learning Materials/RehabilitationMaterials /Regular Health Check-ups(First Aid etc)	

3. Assessment of Regular Schools:

Name of the School	Establishment Year/Block	Total nos. of Students with Disability(nos.)/Types	No of Special Teachers	Facilities available(Tick)	Remark /Requirement
		Loco-motor..... Visual..... Hearing..... Others(Specify).....		a.Accessibility(Ramps/toilets etc)/Transportation/Special Educators/Learning Materials/Rehabilitation Materials /Regular Health Check-ups	

4. Particular Information:

- i. Name of the schools with accessible school buildings (Ramps/Toilets/Campus/Rooms etc) in the district (Use extra Sheet if required) :.....
- ii. Name of the schools not having accessible school buildings in the district (Use extra Sheet if required):
- iii. Name of the schools with transportation facility for Students with Disability:.....
- iv. Name of the schools without transportation facility for Students with Disability:.....
- v. Name of the schools with accessible and sufficient learning materials for Students with Disability:.....
- vi. Name of the schools without accessible and sufficient learning materials for Students with Disability.....
- vii. Name of the schools having basic minimum rehabilitation schedule/program/materials for Students with Disability
- viii. Name of the schools without basic minimum rehabilitation schedule/program/materials for Students with Disability
- ix. Name of schools having trained professionals and staffs for inclusive education:.....
- x. A brief report on other special needs required for schools in the district for Students with Disability:.....
- xi. Recommend five schools in the district totally lacking and lagging in accessibility/inclusiveness/ where special attention is sought for.....

- 1.
- 2.
- 3.
- 4.
- 5.

Signature:

Name:

Designation of the District Officer with official seal:

Quarterly Report submitted by Head of the School

- i. Name of the SchoolEstd. year:.....
- ii. Address of the school and phone number:
- iii. District: Block:.....
- iv. Management of the School: Govt. / Private/Public-Private/ Local Body/Others(Specify):
- v. Type of School (tick) : Boys/Girls/Co-Ed
- vi. Category of the School: LP/ME/HS/HSS
- vii. Total Strength of Teachers:
- viii. Total no. of Male Teacher with Spl. Training for dealing with PWD Students:
- ix. Total no. of Female Teacher with Spl. Training for dealing with PWD Students:
- x. Number of classrooms in the School:
- xi. Number of Spl classrooms in the School for students with disability:
- xii. Number of students enrolled in the current year:
- xiii. Number of students with disability enrolled in the current year:
- xiv. Number of Students with disability enrolled in the last five years:
- xv. Number of students with disability enrolled in the last five years:
- xvi. Total no of male students with disability in the School:
- xvii. Total no of female students with disability in the School:
- xviii. Pass percentage of students with disability from last lower class:
- xix. Total nos. of students with disability appeared in HSLC Exam.....Passed.....
- xx. Facilities Available For Accessibility and Inclusiveness:
 - a. **Accessibility(Ramps/toilets/wheelchairs) etc.....Yes/No.....(Please tick)**
 - b. **Transportation.....Yes/No**
 - c. **Special Teachers.....Yes/No**
 - d. **Learning Materials.....Yes/No**
 - e. **Rehabilitation MaterialsYes/No**
 - f. **Regular Health Check-ups(First Aid etc).....Yes/No**

Particulars available	Nos. Particulars available	Requirement (Yes/No)	Requirement Status	Remarks
Tape Recorder/ Speech Compressor				
Wheelchairs				
Walker				
Toilet Chair				
Sleeping Aid				
Brail material				
Facilities for sign language				

Signature:

Name:

Designation of the Head of the School:

Official seal:

FORM - XV

Application for Certificate of Registration of Institutions/NGOs

[See Rule 26 of the RPwD (Assam) Rules, 2018]

1.	Name of Applicant organization:	
2.	Registered Address :	
3.	Present Address:	
4.	Contact Details of Applicant organization:	Mobile: Phone : Email :
5.	Applicant is (<i>Attach relevant documents</i>)	
	a) An organization 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) Company registered under Section 25 of the Companies Act, 1956 (Act I of 1956):	
	d) Any other organizations (details of registration with the name of the Act) which may be recognized by the Ministry for this purpose:	
6.	Date of establishment of the organization:	
7.	Is the Applicant applying for Registration for the first time or is it for renewal? If renewal, please furnish details of existing Certificate of Registration of Institution with period of validity. <i>(For renewal, please refer to notes)</i>	
8.	Has the Applicant applied before for Registration and been denied the same? If yes, <i>please furnish details of previous application and grounds for rejection with relevant documents.</i>	
9.	PAN No. of the Organization:	
10.	Furnish details of TAN / TIN / 80G / TDS / FCRA etc available with the organization <i>(Please attach relevant documents):</i>	

11.	Nature of the organization (<i>Please indicate precisely whether it is an institution for education, training, reception, care, protection, rehabilitation and any other activities for persons with disabilities</i>):	
12.	Brief history of the organization (<i>Aims and objectives</i>):	
13.	Whether recognized by the State Government?:	
14.	Whether organization is of an All India level / Regional level:	
15.	Whether located in own premises or rented? (<i>Please attach relevant documents</i>):	
16.	Current number of Persons with Disabilities as beneficiaries (<i>Attach detailed Information for the last 3 years</i>):	
17.	Source of funding for the project(s) (<i>attach necessary documents</i>):	
18.	a) Whether trained staff and other suitable facilities for undertaking the project(s) are available. If yes, give details:	
	b) Number of employees currently working in the organization (<i>attach detailed list of employees with designation</i>):	
19.	a. Constitution of the organization (<i>Please attach Organogram</i>):	
	b. Number of members of the Board of Management/Governing Body/Board of Directors etc (<i>Attach detailed list with name, designation, qualification etc</i>)	
20.	Last three years Annual Report (<i>To attach</i>):	
	a) Income and expenditure account duly attested by a Chartered Accountant or a Govt. auditor along with a copy of the certified balance sheet for last three years:	
	b) Narrative Report of Activities, Programs undertaken by the organization:	
	c) A statement giving item wise and year wise details of estimated recurring and	

	non-recurring expenditure on the project for the last three years:	
	d) A statement indicating the equipments, apparatus, furniture, library, books etc by number of details, wherever possible (<i>To attach Asset Register, if available</i>):	
	e) Detailed budget estimate of the organization as a whole exhibiting the estimated receipts and expenditure during the year for which grants sought for:	
21.	Additional information, if any:	

Date:
Place

*Name and Signature of the Authorised Signatory
of the Applicant Organization with seal*

Note:

- If Applicant is applying for renewal of Certificate of Registration of Institution, one needs to apply / submit application within a period of 60-90 days before the date of expiration of the certificate.