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RIGHT TO INFORMATION

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THE ANDHRA PRADESH GAZETTE

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NOTIFICATIONS BY GOVERNMENT

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DEPARTMENT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED AND SENIOR CITIZENS

(PROG.II)

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 (CENTRAL ACT 49 OF 2016) FRAMING OF RULES.

[G.O.Ms.No.13, Department for Women, Children, Deferently Abled and Senior Citizens (Prog.II), 19th April, 2023.]

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016), the Governor of Andhra Pradesh hereby makes the following rules, namely:

RULES

CHAPTER-I
Preliminary

1. Short title and Commencement:

(1) These rules may be called the Andhra Pradesh Rights of Persons with Disabilities Rules, 2023.

(2) They shall come into force on the date of their publication in the official Gazette of the State Government.

2. Definitions:

(1) In these rules, unless the context otherwise requires:-

(a) "Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016);

(b) "certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of section 57 of the Act;

(c) "certificate of registration" means a certificate of registration issued by the competent authority under Section 50 of the Act.

(d) "Form" means a form appended to these rules.

(e) "State" means the State of Andhra Pradesh

(f) "State Government" means the State Government of Andhra Pradesh

(g) "Assistant Director" means the Assistant Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens having jurisdiction in the District or any other person holding that charge.

(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 AND ENTITLEMENTS

3. Health and Medical Treatment (under section 10 of RPwD Act, 2016):

Every Health facility shall ensure access to appropriate information regarding reproductive and family planning for Persons with Disabilities as per Section 10 of the Act.

4. Limited Guardianship (under section 14 of RPwD Act, 2016):

(1) Designated Authority:

The designated authority — comprising of the Collector and District Magistrate as Chairperson, the Assistant Director for the Welfare of Differently Abled, Transgender and Senior Citizens of the District as Convener, one (1) representative of registered organization to be nominated by the Chairperson as member, one (1) person with specified disability to be nominated by the Chairperson as member and

a Public Prosecutor of the district to be nominated by the Chairperson as member, shall grant the support of limited guardianship to a person with disability to take legally binding decisions on his behalf.

Explanation: All nominated members of the designated authority specified in this sub-rule shall be in Office for a period of three (3) years from the date of their nomination. Further, the Chairperson may, from time to time, invite relevant experts on case by case basis to assist the designated authority in granting limited guardianship under these rules.

(2) Appointment of Limited Guardian:

i. A parent of person with disability or his relative shall make an application in the format prescribed in Form I in Schedule I to the designated authority for appointment of any person of his choice including himself to act as a limited guardian of the person with disability. A person with disability may also directly apply for appointment of limited guardian for himself, if the extent of disability so permits.

ii. Any registered organization may also make an application, in the format prescribed in Form I in Schedule I to the Designated Authority for appointment of a limited guardian for a person with disability:

Provided that no such application shall be entertained by the designated authority unless the consent of the parent of the person with disability is also obtained.

iii. The designated authority while considering the application for appointment of a limited guardian for a person with disability shall consider:

(a) Whether such person is not in a position to take legally binding decision on his own and needs a limited guardian; and

(b) the opinion of the person with disability if such person is in a position to give such opinion; and

(c) the purposes for which the limited guardianship is required for person with disability.

iv. While granting the support of such limited guardianship the designated authority shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:

(a) The parents or adult children of the person with disability

(b) Brother or sister

(c) Other Blood relatives or care givers or prominent personality of the locality.

v. While taking a decision for the appointment of limited guardianship, the designated authority shall ensure that the person whose name has been suggested for appointment as limited guardian:

(a) is a citizen of India;

(b) is above 18 years of age;

(c) is not of unsound mind or is currently undergoing treatment for mental illness;

(d) has not been convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (Central Act 1 of 1974);

(e) is not a destitute and dependent on others for his own living;

(f) has not been declared insolvent or bankrupt.

vi. In case an institution or organization is being considered by the designated authority for appointment as a limited guardian, such organization should be a registered organisation as defined in the Act.

vii. The designated authority 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 for such limited guardianship:

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

viii. The confirmation of appointment of limited guardian on such application shall be made in the format prescribed in Form II in Schedule I.

Provided that while making appointment of a limited guardian, the designated authority shall provide for the obligations which are to be fulfilled by the limited guardian and it shall be ensured that any decision taken by the limited guardian shall, if the extent of disability so allows, follow a system of joint decision making between the person with disability and the limited guardian based on mutual trust and understanding.

ix. The validity of the limited guardianship as appointed under sub-rule (1) of this rule shall be initially for a period of one (1) year or less which can be further extended upto 2 years at a time by the designated authority:

Provided that the designated authority while extending the validity of the limited guardianship shall follow the same procedure as followed while granting the initial guardianship.

x. The limited guardian appointed under sub-rule (1)of this rule shall consult the person with disability in all matters before taking any legally binding decision on his behalf.

xi. The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability are in the best interest of the person with disability.

xii. The Assistant Director, Department for Welfare of Differently Abled, Transgender and Senior Citizens of the District shall maintain the record of persons with disabilities who were granted limited guardianship by designated authority within the jurisdiction. Accordingly, he shall conduct quarterly inspections relating to:

(a) The well-being of a person with disability placed under limited guardianship

(b) The appropriate conduct of the limited guardian appointed by designated authority under sub-rule (1) of this rule

(c) The nature and type of decisions being taken by the limited guardian on behalf of the person with disability:

Provided that the Inspecting Officer shall, if not satisfied during his inspection on any of the matters above, report the same in writing, to designated authority which granted or renewed the limited guardianship as per the procedure laid down in this rule.

Consequent upon such inspection report, the Designated Authority may examine afresh the grant or renewal of the limited guardianship under contention.

(3) Procedure for removal of limited guardian:-

i. Notwithstanding anything contained in this rule, a person with disability shall have the freedom to seek to withdraw or change his limited guardianship at any time when he finds no need for the same.

ii. The designated authority, upon receiving an application for removal of a limited guardian from the person with disability or a parent or a relative of a person with disability or a registered organization on the grounds such as failure to fulfill obligations, abuse of powers, abuse or neglecting a person with disability, misappropriation or neglecting the property or any other genuine reasons shall appoint a team of investigators consisting not less than three persons.

iii. The team shall consist of the Assistant Director, Department for Welfare of Differently Abled, Transgender and Senior Citizens, one representative of any association for the persons with disabilities or a registered organisation and any other official or non official as nominated by the designated authority.

iv. The team of investigators shall submit their report within a period of ten days

v. Upon receiving the report of the investigation team, the designated authority shall take the final decision within the period of ten days on the removal of the limited guardian against whom the complaint has been received after giving the said guardian an opportunity of being heard.

vi. The designated authority shall record in writing its reasons for removal of the limited guardian or rejection of the application.

vii. The designated authority shall have power to suspend the limited guardianship with immediate effect, without notice, pending his removal, if the designated authority is satisfied that grave and irreversible harm will be caused to the person with disability on account of the continuance of the limited guardianship or when the

person with disability himself applies for a revocation of the limited guardianship.

(4) Report from Limited Guardian:

i. Every limited guardian appointed under the Act shall furnish a detailed report to the designated authority within two months before the expiry of one year or expiry of the limited guardianship period, whichever is earlier, as to how the obligation vested on him has been or is being fulfilled.

ii. The limited guardian should send half yearly report to the designated authority on wellbeing of the person with disability.

5. Appellate Authority:

(1) The Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens shall be the appellate authority for the purposes of sub-section (3) of section 14 of the Act.

(2) Any person aggrieved by the decision of the designated authority appointing legal guardian may prefer an appeal within a period of sixty (60) days from the date of refusal of appointment of legal guardian, or appointment of legal guardian, as the case may be, to the Appellate Authority as specified under this rule:

Provided that the appellate authority may accept an appeal made after the expiry of the said period of sixty (60) days if it is satisfied that there is sufficient cause for the delay in filing such an appeal.

CHAPTER – III

Education
(under section 16 and 31 of RPwD Act, 2016)

6. Appointment of a Nodal Officer in the District Education Office:

There shall be a designated nodal officer in every District Education Office, preferably a person with disability with suitable qualifications or demonstrable experience in disability issues, to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of Chapter III and Section 31 of the Act.

7. Terms and Conditions before Recognition of the Educational Institutions:

Recognition to the educational institutions by the competent authority in the State shall include the requirements to comply with the provisions of section 16 of the Act.

CHAPTER - IV
Skill Development and Employment
(under section 19 to 23 of RPwD Act, 2016)

8. Skill Development and Training:

There shall be a designated Skill Development Officer in the Andhra Pradesh State Skill Development Corporation exclusively for the purpose of realization of mandate laid down in section 19 of the RPD Act, 2016.

9. Non-discrimination in Employment:

(1) No Government establishment shall frame any policy detrimental to persons with disabilities in matters relating to employment.

(2) Every establishment seeking exemption provided for in proviso to sub-section of section 20 of the Act shall be required to obtain prior approval of the Inter Departmental Committee constituted as per the instructions issued by Government from time to time.

10. Appointment of Grievance Redressal Officer:

Every Government establishment shall designate an officer not below the rank of a Gazetted Officer, preferably a person with disability, as Grievance Redressal Officer.

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

CHAPTER - V
Social Security, Health, Rehabilitation and Recreation
(under section 24, 25 & 26 of RPwD Act, 2016)

11. Social Security: The provisions of Section 24 of the Act will be implemented as per the schemes formulated and the instructions issued by the State Government from time to time.

12. Health care (under section 25 of RPwD Act, 2016):

(1) The Department of Medical, Health and Family Welfare shall constitute a high powered monitoring committee for the proper implementation of section 25 of the Act.

(2) The high powered monitoring committee constituted under sub-rule (1) of this rule shall submit periodic reports to the Department for the Welfare of Differently Abled, Transgender and Senior Citizens, and the review of same shall form regular agenda in the meetings of State Advisory Board on Disability constituted under Section 66 of the Act.

(3) Every District Government Hospital and Private Hospital with a capacity of not less than 100 beds, may appoint / designate within its economic capacity at least one multi-skilled medical counsellor for the purposes of genetic disease screening, marriage counselling, detection of preventable disabilities, and so on. The multi-skilled medical counsellor appointed under this sub-rule shall also be responsible for the maintenance of a record containing the comprehensive details of counselling imparted.

(4) The Department of Medical Health and Family Welfare may establish well - equipped centers to screen infants for disabilities including Sickle Cell Anemia which can be prevented on detection at an early age.

13. Health Care for Blood Related Disabilities (under section 25 of RPwD Act, 2016):

(1) At least two (2) beds in every Government Hospital may be reserved exclusively for persons suffering from blood related disorders specified in the Schedule to the Act.

(2) Leukocyte filters may be made available free of cost in every Government blood bank or private blood bank substantially funded by the Government.

(3) The State Government shall, within the limits of its economic capacity, ensure that all patients suffering from Hemophilia and Thalassemia have access to uninterrupted blood transfusion free of charge.

(4) Every major hospital run by the Andhra Pradesh State Government or private agencies may ensure that they have modern equipment for comprehensive medical testing and treatment of persons suffering from blood related disorders as specified in the Schedule to the Act.

14. State Committee for Research on Disability (under section 28 of RPwD Act, 2016):

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

(i)	An eminent person having vast experience in the field of science and Medical research to be nominated by the State Government	Chairperson
(ii)	Director of Medical Education	Member
(iii)	Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens	Member/Convenor
(iv)	Director, Composite Regional Centre, Nellore	Member
(v)	Director, National Institute for Empowerment of Persons with Visual Disabilities, Regional Centre, Secunderabad	Member
(vi)	Director, Ali Yavar Jung National Institute for Speech and Hearing Disabilities, Regional Centre, Secunderabad	Member
(vii)	Superintendent, Government Hospital for Mental Care, Visakhapatnam	Member
(viii)	Seven (7) persons as representatives of the registered Organizations from various specified disabilities in the Schedule of the Act, to be nominated by the Director, Welfare of Differently Abled Transgender & Senior Citizens, Provided that at least one (1) representative of the registered Organizations is a woman and at least one (1) representative of the registered organizations is a person with benchmark disability.	Member

Provided further that at least one (1) representative of the registered organizations is a member belonging to Scheduled Castes or Scheduled Tribes, on a rotational basis.

(2) The Chairperson may invite any expert as a special invitee.

(3) The term of office of the nominated members shall be for a period of three (3) years from the date on which they enter upon office, and the nominated member shall be eligible for re-nomination for one more term only.

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

(5) The non-official members and special invitees shall be entitled for travelling allowance and dearness allowance as admissible to a Group A or equivalent officer of the State Government.

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

(7) No person with disability shall be considered to be a subject of research except when the research involves physical impact on his person.

15. Culture and Recreation (under section 29 of RPwD Act, 2016):

(1) The State Government may, as far as practicable, establish one or more art and cultural academies exclusively for the promotion of artistic talents and cultural life among persons with disabilities.

(2) The existing academies of art and culture may create a separate wing for the interests of artists and writers with disabilities for realizing the aims and objectives laid down in section 29 of the Act.

16. Sporting Activities (under section 30 of RPwD Act, 2016):

(1) Sports Authority of Andhra Pradesh may, within the limits of its economic resources, or in collaboration with the Central Government or public/private sector organizations, establish regional sports academies for persons with disabilities to promote the sporting spirit among them and train them to compete in national and international sporting activities.

(2) Sports Authority of Andhra Pradesh may take necessary steps for appointment of special coaches for persons with disabilities.

(3) The Sports Authority of Andhra Pradesh shall create a wing as a Monitoring Committee to supervise the effective implementation of the provisions under section 30 of the Act.

(4) The District Sports Development Officers shall submit to the Sports Authority of Andhra Pradesh periodic reports on the progress made in regard to promotion of sporting activities among persons with disabilities, and the same will be reviewed by the special wing constituted under sub-rule (3) of this rule.

CHAPTER - VI
Special Provisions for Persons with Benchmark Disabilities (under Chapter VI of RPD Act, 2016)

17. Special Provisions for Persons with Benchmark Disabilities:

The provisions of Chapter VI of the Act will be implemented as per the guidelines and instructions issued by the State Government from time to time.

CHAPTER - VII
Special Provisions for Persons with Disabilities with High Support Needs (under section 38 of RPwD Act, 2016)

18. Persons with Disabilities with High Support Needs.-

The Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens shall be the authority for the purposes of sub-section (1) of section 38 of the Act. Persons with disabilities with High Support needs may apply to the Assistant Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens at the District level for this purpose.

CHAPTER - VIII
Duties and Responsibilities of Appropriate Governments (under section 39 of RPwD Act, 2016)

19. The Department for the Welfare of Differently Abled, Transgender and Senior Citizens shall act as the nodal department for implementation of the provisions of Chapter VIII of the Act. To this effect, it shall co-ordinate with all other agencies entrusted to conduct sensitization campaigns and other promotional activities under the Act, and the Rules made hereunder.

CHAPTER- IX

Certificate of Registration of Institutions (under section 50, 51 and 52 of RPD Act, 2016)

20. Competent Authority for the Purposes of Chapter IX in the Act.-.

(1) Assistant Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens in the District shall be the Competent Authority for the purposes of registration of institutions for persons with disabilities and grants to such institutions in the respective District, as laid down in Chapter IX of the Act.

(2) The Competent Authority appointed under sub-rule (1) of this rule shall, within the jurisdiction of the District concerned, perform all functions and undertake related responsibilities as specified in sections 50, 51 and 52 of the Act.

21. Appellate Authority for the Purposes of Chapter IX in the Act.-

The Director, Department for the Welfare of Differently Abled, Transgender and Senior Citizens shall be the Appellate Authority referred to in sub-section (1) of section 53 of the Act.

22. Application for grant of certificate of registration –

(1) A person desirous of establishing or maintaining an institution for persons with disabilities may make an application in the format prescribed in Form 'III' to the competent authority referred to in section 51 of the Act, as appointed under sub-rule (1) of rule 25 of these rules.

(2) Every application made under sub-rule (1) of this rule 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 (3) years preceding the date of application;

(d) a statement regarding total number of persons employed in the Institution along with their respective duties;

(e) the number of professionals employed in the Institution;

(f) a statement regarding qualifications of the professionals employed by the Institution; and

(g) the proof of residence of the applicant.

(3) Every application made under sub-rule (1) of this rule shall comply with the following requirements in respect of the concerned institution, namely:-

(a) That the institution had been working in the field of rehabilitation of persons with disabilities for not less than three (3) years immediately before the date on which the application is made;

(b) That the institution is registered under the Indian Societies Registration Act, 1860 (Central Act No. XXI of I860) or under any other law for the time being in force in the State, and a copy of such registration certificate along with the bye-laws and memorandum of association of the society shall accompany the application;

(c) That the institution has not been running to profit any individual or a body of individuals (an affidavit shall be submitted by the applicant to this effect);

(d) That the institution has employed professionals registered with the Rehabilitation Council of India or Medical Council of India or any other professional body competent to certify the professionals whose services the institution under reference requires;

(e) That the institution has adequate teaching and learning material to teach or train or skill or educate persons with disabilities; and

(f) That the institution has submitted its audited accounts and annual reports of last three (3) years to the competent authority.

(4) The certificate of registration under this rule, unless revoked under section 52 of the Act, shall remain in force for a period of two (2) years from the date on which it is granted or renewed.

(5) An application for the renewal of certificate of registration shall be made in the same manner as the application for grant of certificate is made under sub-rule (1) of this rule and every request for renewal shall accompany the previous certificate of registration (in original) and a statement that the applicant is applying for renewal of the certificate being accompanied:

Provided that such application shall be made before sixty (60) days of the expiry of the validity of such certificate;

Provided further that the competent authority may, if he is satisfied that sufficient grounds exist for delay beyond the time limit prescribed for renewal, consider application for renewal of the certificate of registration after sixty (60) days but not later than one hundred and twenty (120) days.

(6) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (5) of this rule, the certificate of registration shall continue to be in force until appropriate 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 (60) days as specified in the said proviso.

(7) Every application made for certificate of registration under sub-rule (1) of this rule or for renewal of certificate of registration under sub-rule (5) of this rule, as the case may be, shall be disposed of within a period of sixty (60) days from the date on which such application is received by the Competent Authority referred to in sub-section (1) of section 51 of the Act, as appointed under these rules.

23. Appeal against the order of competent authority.-

Any person aggrieved by the order of the competent authority referred to n sub-section (1) of section 51 of the Act, refusing to grant a certificate of

registration or revoking a certificate of registration may, within three (3) months from the date of such order, prefer an appeal against that order to the appellate authority referred to in sub-section (1) of 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 hearing, pass such order as it thinks fit.

CHAPTER -X
Certification of Specified Disabilities
(under Chapter X of RPwD Act, 2016)

24. Guidelines for Certification:

The provisions of Chapter X of the Act shall be implemented as per the guidelines issued by the State Government from time to time.

CHAPTER - XI
State Advisory Board on Disability
(under section 66 of RPwD Act, 2016)

25. Constitution of State Advisory Board

(1) State Government shall constitute the State Advisory Board on Disability as provided under section 66 of the Act.

(2) The allowances for the members of the State Advisory Board shall be such as may be notified by the State Government from time to time.

26. Notice of the Meeting.-

(1) The meetings 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 ordinarily be held in the Capital of the State on such dates as may be fixed by its Chairperson:

Provided that it shall meet at least once in every six (6) months.

(2) The Chairperson of the Board shall, upon the written request of not less than ten (10) members of the Board, call a special meeting of the Board.

(3) Fifteen (15) clear days notice of an ordinary meeting and five (5) 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 of the Board 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 for which he has not given ten (10) 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:-

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 was adjourned, and it shall not be necessary to give notice of the adjourned meeting to the rest of the members;

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)of this rule.

27. 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 members of the Board present shall elect one of the members to preside at that meeting.

28. Quorum.

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

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members of the Board are present, the Chairperson thereof may adjourn the meeting to such hours or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting of the Board.

(4) 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.

(5) **(a)** Where a meeting of the Board is adjourned under sub-rule(2)of this rule to the following day for want of quorum, notice of such adjourned meeting shall be given to the members of the Board available at the place where the meeting was adjourned, and it shall not be necessary to give notice of the adjourned meeting to other members; and

(b) Where a meeting of the Board is adjourned under sub-rule(2)of this rule for want of quorum not to the following day, but onto a subsequent date, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in these Rules.

29. Minutes.-

(1) Record shall be kept of the names of all the 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 Member Secretary shall prepare the minutes of the meeting and communicate the same to all the members of the board within a period of seven (7) days from the date on which the Board had concluded its meeting.

(3) The Member Secretary shall present an action-taken-report on the minutes of previous meeting, and the Chairperson may, in due consultation with the members present, confirm the same.

(4) 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.

30. Business to be transacted at meeting.-

Except with the permission of the presiding officer, no business which is not entered in the agenda or for which notice has not been given by a member shall be transacted at any meeting of the Board.

31. Agenda for the meeting of the State Advisory Board on Disability.-

At any meeting of the Board business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer:

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.

32. 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 Member presiding at the meeting, as the case may be, shall have a second or casting vote.

33. District Level Committee on Disability (under section 72 of RPwD Act, 2016)

The District-Level Committee on disability referred to in section 72 of the Act, shall consist of:-

(i)	Collector and District Magistrate	Chairperson;
(ii)	Superintendent of Police	Member
(iii)	District Co-ordinator of Hospital Services	Member
(iv)	Project Director, District Rural Development Agency (DRDA)	Member
(v)	Secretary, District Legal Services Authority	Member
(vi)	a Psychiatrist of the District Hospital	Member
(vii)	a Public Prosecutor of the District	Member
(viii)	District Lead Bank Manager	Member
(ix)	Project Director, Mission for elimination of poverty in municipal areas	Member

(x)	Project Director, Women Development and Child Welfare Department	Member
(xi)	District Medical and Health Officer	Member
(xii)	Superintendent Engineer, P & R Department	Member
(xiii)	Superintendent Engineer, R & B Department	Member
(xiv)	Skill Development Officer, APSSDC	Member
(xv)	District Panchayat Officer	Member
(xvi)	District Educational Officer	Member
(xvii)	Chief Executive Officer, Zilla Parishad	Member
(xviii)	Five (5) persons as representatives of the registered organizations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Chairperson as Members for a term of two years	Member
(xix)	Two (2) experts from the field of disability, to be nominated by the Chairperson as Members for a term of two (2) years	Member
(xx)	Five (5) eminent, knowledgeable and experienced persons with bench mark disabilities, out of whom at least one (1) shall be a woman and one shall be a member belonging to Scheduled Castes or Scheduled Tribes, to be nominated by the Chairperson as members for a term of two (2) years	Member
(xxi)	any other member as invited by the Chairperson	Member
(xxii)	The Assistant Director, Department for Welfare of Differently Abled, Transgender and Senior Citizens	Ex-officio Member Secretary

34. Meetings of the District-level Committee:

The District-level Committee on Disability shall meet at least once in six months and take up the agenda in line with the functions assigned to it under these Rules and deliberate on any other matter as may be decided by the Chairperson:

Provided that the Member Secretary of the Committee shall, in consultation with the Office of the Chairperson, prepare agenda for the meeting and communicate it to all the members at least fifteen (15) days prior to the meeting.

Provided further that No member of the Committee shall be entitled to bring forward for the consideration of the meeting any matter for which he has not given three (3) clear days' notice to the Member Secretary of the Committee, unless the Chairperson of the Committee, in his discretion , permits him to do so.

35. Functions of the Committee.-

The District-Level Committee on disability shall perform the following functions, namely:-

(a) advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities.

(b) monitor the implementation of the provisions of the Act, and the rules made here under by the District authorities.

(c) assist the District authorities in the implementation of schemes and programmes of the Government for empowerment of persons with disabilities.

(d) Examine the complaints relating to non-implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authorities to redress such complaints.

(e) look into the appeals made by the employees of Government establishments aggrieved with the action taken by the District level establishments under sub-section (4) of Section 23 of the Act and recommend appropriate measures.

(f) any other functions as may be assigned by the State Government from time to time.

CHAPTER - XII
State Commissioner for Persons with Disabilities
(under section 80, 81, 82 and 83 of RPwD Act, 2016)

36. State Commissioner:

The State Commissioner for Persons with Disabilities shall be appointed / designated as per the instructions issued by the State Government from time to time.

37. 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 Act (in this Chapter referred to as the State Commissioner) unless:

(i) he has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities;

(ii) he has not attained the age of sixty two 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) if he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post; and

(iv) he possesses the following educational qualifications and experience, namely:-

(A) Educational qualifications:

(i) essential: Graduate from a recognized university;

(ii) desirable: recognized degree or diploma in social work or law or management or human rights or rehabilitation or education of disabled persons.

(B) Experience: atleast twenty years experience in a Group 'A' level or equivalent post:-

(i) in Central or State Government or

(ii) Public Sector Undertakings or Semi Government or Autonomous Bodies dealing with disability related matters or social sector or

(iii) works in the capacity of a senior level functionary in a registered State or national or international level voluntary organization working in the field of disability or social development;

Provided that out of the total twenty years experience mentioned in this sub-clause, at least three years of experience in the recent past had been in the field of empowerment of persons with disabilities.

38. 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 43.

(2) A Search-cum-Selection Committee shall be constituted by the State Government to recommend to it a panel of three suitable candidates for the post of the State Commissioner.

(3) Composition of the Search-cum-Selection Committee referred to in sub-rule (2) shall be governed by relevant instructions issued by the Department for Welfare of Differently Abled, Transgender and Senior Citizens.

(4) The panel recommended by the Search-cum-Selection Committee under sub-rule (2) may consist of persons from amongst those who have applied in response to the advertisement made under sub-rule (1) as well as from other willing eligible persons in the employment of Central or State Government whom the Committee may consider suitable.

(5) The State Government shall appoint one of the candidates out of the panel recommended by the Search-cum-Selection Committee under sub-rule (2) as the State Commissioner.

39. Term of the State Commissioner:

(1) The State Commissioner shall be appointed on full-time basis for a period of two 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.

40. Salary and allowances of the State Commissioner:

(1) The salary and allowances of the State Commissioner shall be the salary and allowances as admissible to a Secretary to 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.

41. 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 Group "A" officer under the relevant provisions of the State Civil Service Rules applicable on them.

(b) Leave Travel Concession: The State Commissioner shall be entitled to such Leave Travel Concession as is admissible to Group 'A' officers under relevant provisions of the State Civil Service Rules applicable on them.

(c) Medical Benefits: The State Commissioner shall be entitled to such medical benefits as is admissible to Group 'A' officers under the relevant provisions of the State Civil Service Rules applicable on them.

42. Resignation and removal:

(1) The State Commissioner may, by notice in writing, under his hand, addressed to the State Government, resign from his post.

(2) The State Government shall remove the State Commissioner from his office, if he –

(a) becomes an un-discharged insolvent; or

(b) engages himself during his term of office in any paid employment or activity outside the duties of his office; or

(c) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or

(d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the

performance of his functions as laid down in the Act; or

(e) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of fifteen days or more; or

(f) has, in the opinion of the State Government, so abused the position of the State Commissioner as to render his continuance in the office detrimental to the interest of persons with disability:

Provided that no State Commissioner shall be removed from office under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group 'A' officer of the State Government.

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

43. 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.

44. 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 such extended period not exceeding fifteen days 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 complainant or his 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.

(5) 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.

(6) The State Commissioner may dispose of the complaint ex-parte, if necessary.

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

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

45. Advisory Committee to assist the State Commissioner.-

(1) The State Government shall appoint an Advisory Committee comprising five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act, of whom two shall be women;

(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 two years and the members shall not be eligible for re-nomination.

46. Submission of annual reports.-

(1) The State Commissioner shall as soon as may be possible after the end

of the financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing therein information in respect of each of the following matters, namely:-

(a) names of officers and employees in the office of the State Commissioner and a chart showing the organizational set up;

(b) the functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard;

(c) the main recommendations made by the State Commissioner;

(d) progress made in the implementation of the Act in the State; and

(e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

CHAPTER XIII
Public Prosecutor
(under Section 85 of the RPD Act, 2016)

47. Appointment of Public Prosecutor.-

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

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

(b) Experience at the Bar of not less than seven 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 (1) of 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
(under section 88 of RPD Act, 2016)

48. State Fund for Persons with Disabilities and its management:

(1) The State Government shall constitute the State Fund for persons with disabilities (hereinafter referred to as 'the State Fund') and credit to it:

(a) Such amount as the State Government may deem fit from time-to-time as initial corpus or financial assistance for the purposes of establishing the State Fund;

(b) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(c) all sums received from the State Government for State fund including grants-in aid;

(d) all sums received from the Central Government on the request of the State Government for the purposes of the State Fund; and

(e) all sums from such other sources as may be decided by the State Government.

(2) The State Fund shall be managed by a Governing body consisting of the following members:

(a) Principal Secretary/Secretary, Department for the Welfare of Differently Abled, Transgender and Senior Citizens - Chairperson;

(b) Two representatives from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Finance, Department of 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, Department for the Welfare of Differently Abled, Transgender and Senior Citizens – Convenor and Chief Executive Officer

(3) The governing body shall meet as often as necessary, but at least once in every financial year.

(4) The nominated members shall hold office for not more than three years.

(5) No member of the governing body shall be a beneficiary of the Fund during the period such Member holds office.

(6) No person shall be eligible to be nominated to 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 has been, adjudicated as an insolvent at any time.

49. Utilization of the State Fund.

(1) The State Fund shall be utilized for the following purposes, namely:-

(a) administrative and other expenses of the Fund, as may be required to be incurred by or under the Act;

(b) financial assistance in the areas which are not specifically covered under any scheme and programme of the State Government;

(c) such other purposes as may be decided by the governing body from time-to-time.

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

(3) The governing body may appoint secretarial staff including Accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the State Fund based on need based requirement.

(4) The State Fund shall be invested in such manner as may be decided by the governing body.

50. Budget:-

The Chief Executive Officer of the Governing Body 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 every year and shall place the same for consideration of the governing body.

51. Annual Report:

The annual report of the Department for the Welfare of Differently Abled, Transgender and Senior Citizens of the State Government shall include a chapter on the State Fund.

MUDDADA RAVI CHANDRA,
Principal Secretary to Government.

Form - I

Form of application to the designated authority by a person with disability, parent, relative or a registered organization for appointment of limited guardian.

From Date:

To
District Collector (Designated authority)
Sir/Madam,

_____ is a person with disability and requires a limited guardian to take legally binding decisions regarding_____. I / We hereby request that_____be appointed as limited guardian of the said_____for _____purpose for a period of

We furnish hereunder further details and request early decision

1. Particulars of the person with disability:

1.	Name of the person with disability	
2.	Complete postal address	
3.	Age	
4.	Male / Female	
5.	Type of disability and percentage of disability (Xerox copy to be enclosed)	
6.	ID Card No./UDID Card No (Xerox Copy to be enclosed)	
7.	Aadhar Card No. (Xerox Copy to be enclosed)	
8.	Contact No.	

2. Particulars of the applicant:

1.	Name of the applicant	
2.	Complete postal address	
3.	Age	
4.	Male / Female	
5.	Relationship with person with Disability	
6.	Type of disability and percentage of disability of	
7.	ID card No / UDID No of Person with Disability	
8.	Aadhar card No. of the applicant (Xerox copy to be enclosed)	
9.	Contact No.	

3. Particulars of the persons or registered organization proposed to be appointed as limited guardian:

1.	Name of the applicant	
2.	Postal address	
3.	Age	
4.	Male / Female	
5.	Relationship with person with Disability	
6.	Details of registration, in case of registered organization	

7.	Contact phone no.		
		Landline	
		Mobile	
8.	Purpose for which limited guardianship is required (Please attach documents if any)		
9.	Period for which the support of limited guardianship is required		
10.	Details of situation if any which warrants limited guardianship (Please describe)		

Consent of the person proposed to be appointed as limited guardian.

I/We hereby agree to be the limited guardian of _____ for a period of_____and shall discharge my obligation with due diligence.

Signature of the
Applicant / Person with Disability

Signature of the
Proposed Limited Guardian

Form – II

Form of Confirmation of appointment of limited guardian on application made by (1) person with disability (2) a registered organization or (3) parent or relative of person with disability

I Mr./Mrs._____ District Collector,_____District having considered the application made by _____ hereby appoint _____ as limited guardian for Mr. / Ms. _____ (name of the person with disability) for a period of _____ for the purpose of taking legally binding decisions regarding _____. The obligations of limited guardian shall be as listed below:

Joint photo of limited guardian and person with disability

Place: **Signature of Designated authority**

Date: **Stamp/seal:**

Form - III
Application for a Certificate of Registration

(1) Name of applicant and his address:

(2) Institution in respect of which application is made:

a. Name

b. Address (Office/Project)

c. Phone / Fax / Telex / (Office): (Project)

(3) (i) Name of the Act, under which the institution is already registered:

(ii) Registration No. and date of registration:

(Please attach a photocopy)

(4) Memorandum of Association and Bye-laws of the institution:

(Please attach a photocopy)

(5) Name, address, occupation and other particulars of the Members of the Board of Management / Governing Body of the institution:

(6) Present Activities of the institution:

(7) Present membership strength and categorization of the institution. List of documents to be attached.

a) A copy of the annual report for the previous year;

b) Audited Statement of account duly certified by chartered accountant for the last three (3) years.

(i) Receipt and Payment Account by chartered Accountant for the last three (3) Years;

(ii) Income and Expenditure Account by chartered Accountant for the last three (3) years;

(iii) Balance sheet for the last three years (by chartered Accountant).

c) Details of staff employed by the institution.

d) Details of beneficiaries to be covered by the institution

e) If hostel is maintained, then number of hostellers.

f) Other terms, if any

g) Whether the institution is located on its own/ Rented building (Necessary evidence to be attached)

Signature of the Applicant

Name:

Designation:

Address:

Date:

Office Stamp

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