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#### NOTIFICATION

**No. B. 13016/58/2017-SWD, the 1<sup>st</sup> August, 2017.** The following draft rules which the state government proposes to issue in exercise of the powers conferred by Section 101 of The Rights of Persons with Disabilities Act, 2016 is hereby published as required under sub-section (1) of Section 101 of the said Act for the information of the public likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration on or after the expiry of 30 days from the date on which copies of the Gazette of Mizoram containing the notification are made available to the public;

Any person interested in making any objections or suggestions on the proposals contained in the draft rules may do so in writing for consideration to the Government of Mizoram within the period so specified through post to the **Secretary to the Government of Mizoram, Social Welfare Department, New Secretariat Complex, Khatla** or electronically at [mizosocialwelfare@gmail.com](mailto:mizosocialwelfare@gmail.com)

#### CHAPTER-I Preliminary

##### 1. Short title and extent.-

- (1) These rules may be called the **Mizoram Rights of Persons with Disabilities Rules, 2017**.
- (2) They shall extend to the whole State of Mizoram.
- (3) They shall come into force on the date of their final publication in the Official Gazette.

##### 2. Definitions.-

- (1) In the rules, unless the context otherwise require,-
  - (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
  - (b) "certificate" means a certificate of disability issued under section 58 of the Act;
  - (c) "certificate of registration" means a certificate of registration issued by the competent authority under Section 51 of the Act.
  - (d) "Form" means a form appended to these rules.
- (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. Establishment not to discriminate on the ground of disability.-

- (1) No establishment shall compel a person with disability to partly or fully pay any of the costs incurred to provide reasonable accommodation.
- (2) No establishment shall discriminate a person with disability only on the ground of disability and the aggrieved person with disability may submit a representation before the State Commissioner for Persons with Disabilities, who shall dispose of the representation within a period of sixty days,  
Provided that in emergency cases, the State Commissioner may dispose of such complaint as soon as possible.

### 4. State Committee for Research on Disability.-

- (1) The State Government shall constitute the State Committee for Research on Disability which shall consist of the following persons, namely:-
  - (i) an eminent person having a vast experience in the field of social science/science and research, to be nominated by the State Government, ex officio - Chairperson;
  - (ii) Principal Director of Health and Family Welfare Department - Member;
  - (iii) five persons including persons with disabilities/representatives of registered organization(s) working on disability affairs, to be nominated by the State Government - Members;
  - (iv) the Director of Social Welfare Department - Member Secretary;
- (2) any expert, not more than (2) two, may be invited by the Chairperson as special invitee.
- (3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office but shall be eligible for re-nomination for one more term.
- (4) One half of the members shall constitute the quorum of the meeting.
- (5) The non-official members and special invitees shall be entitled for traveling allowance and dearness allowance as admissible to Group "A" 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.

### 5. Functions of the State Committee for Research on Disability:

The State Committee for Research on Disability shall perform the following functions:

- (1) It shall ensure that no person with disability be a subject of any research without his/her free and informed consent obtained through accessible modes, means and formats of communication, and
- (2) Any form of research to be conducted on disability which involves invasive methods of data collection shall need the approval of the Committee. The researcher/research organization will have to satisfy the Committee with its queries.
- (3) The Committee may cause itself or any other entity to undertake research on issues/matters related to disability especially in rehabilitation including development of aids and appliances through innovation.

### 6. Limited Guardianship :-

- (1) A District Judge or any authority designated by the State Government on its own or otherwise shall grant the support of limited guardianship for a person with disability to take legally binding decision on his behalf.
- (2) The District Judge or the designated authority, before granting limited guardianship for the person with disability shall satisfy itself that such disabled person is not in a position to take legally binding decision on his own.

- (3) The District Judge or 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 his notice of the need of such limited guardianship.
- (4) The validity of the limited guardianship as appointed under sub-rule (1) shall be initially for a period of five years which can be further extended by the District Judge or designated authority as the case may be:  
Provided that the District Judge or the designated authority shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.
- (5) While granting the support of such limited guardianship, the court or the designated authority shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:-
  - (a) The parents or adult children of the person with disability
  - (b) Immediate brother or sister
  - (c) Other blood relatives or care givers or prominent personality of the locality.
- (6) Only persons who are above the age of 18 years and who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (1 of 1974) shall be appointed.
- (7) The limited guardian appointed under sub-rule (1) shall consult the person with disability in all matters before taking any legally binding decisions on his behalf.
- (8) The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability is in the best interest of the person with disability.

### **CHAPTER III Education**

**7. Nodal Officer in the District School Education Office:-**

There shall be a nodal officer in all the District School Education Office 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 Sections 16 and 31 of the Act.

**8. Terms and conditions before recognition of the educational institution:-**

The terms and conditions for grant of recognition to 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 Employment**

**9. Manner of publication of equal opportunity policy.-**

- (1) Every establishment shall publish equal opportunity policy for persons with disabilities.
- (2) The equal opportunity policy shall be displayed by the establishment preferably on their website failing which at a 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 allocation of residential accommodation if any, and other facilities;

- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disability;
  - (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: Provided that such liaison officer shall be imparted training on disability equality and etiquettes.
- (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.

**10. Form and manner of maintaining records by the establishments.-**

- (1) Every establishment shall maintain records in hard and soft copies which include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules.
- (2) The records shall show the following particulars, namely:-
  - (a) the number of persons with disability who are employed and the date from when they are employed;
  - (b) the name and address of such person who are employed;
  - (c) the kind of disability of such persons employed;
  - (d) the nature of work being rendered by such employed person with disability; and
  - (e) the kind of facilities being provided to such person with disability.
- (3) Every establishment shall produce for inspection on demand record maintained under these rules to the authorities under the Act and shall supply such information as sought which may be required for the purpose of ascertaining whether the provisions have been complied with.
- (4) Every establishment shall at the time of asking by the authorized person, verify the records which are being complied with.

**11. Manner of maintenance of register of complaints by the Government establishments.-**

- (1) Every Government establishment shall appoint an officer not below the rank of Assistant Director or its equivalent as Grievance Redressal Officer;
- (2) The Grievance Redressal Officer shall maintain a register of complaints and soft copy specifically maintained for the purpose and separate page shall be allotted for each complaint.
- (3) The Grievance Redressal Officer shall record the following particulars in the register, namely:-
  - (a) date of complaint;
  - (b) name of complainant;
  - (c) name of the person who is enquiring the complaint; (d) place of incident;
  - (e) name of the establishment or person against whom the complaint is made;
  - (f) gist of the complaint;
  - (g) any additional information;
  - (h) documentary evidence, if any;
  - (i) date of disposal by the grievance redressal officer;
  - (j) details of disposal of the appeal by the district level committee; and
  - (k) any other information.

**CHAPTER V**

**Vacancies for Persons with Benchmark Disabilities**

**12. Computation of vacancies.-**

- (1) For the purpose of computation of vacancies, four percent of the total number of Vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in

each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities.

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate 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 instructions issued by the appropriate Government from time to time.
  - (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.
- 13. Interchange of vacancies.-** The Government establishment shall interchange vacancies in terms of section 34 of the Act only if due process of recruitment such as issuance of advertisement to fill up the vacancies meant for persons with benchmark disabilities has been followed and no suitable candidate is found after following the recruitment process.
- 14. Notification of vacancies to the Special Employment Exchange.-**
- (1) The vacancies falling within the posts identified for disabled persons in a government establishment shall be notified to the special employment exchanges within the state or as per the Government's instruction from time to time.
  - (2) The Government establishment shall send the copy of the notification of vacancies to the concerned Vocational Rehabilitation Centre for persons with disabilities.
- 15. Submission of Returns.-**
- (1) Every Government establishment shall furnish to the local special employment exchange returns once in every six months in Form I and once in every two years in Form II.
  - (2) The six monthly return shall be furnished within thirty days of the respective dates that is, 31st March and 30th September of every financial year.
  - (3) The two years 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 before the closing of the financial year on 31st March 2019.
- 16. 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 VI Accessibility

- 17. Rules for Accessibility.-** The State Government shall, in consultation with the State Commissioner, formulate rules for persons with disabilities laying down standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems and other services provided to the public in urban and rural areas.
- 18. Review of Accessibility Standards.-** The State Government shall review from time to time the accessibility standards notified by the respective ministries and departments based on the latest scientific knowledge and technology.

**CHAPTER -VII**  
**Certificate of Registration of Institutions**

**19. Application for grant of certificate of registration :-**

- (1) The Director of Social Welfare Department shall be the competent authority to grant certificate of registration to institutions working on disabilities within the state.
- (2) An organisation desirous of establishing or maintaining an institution for persons with disabilities may make an application in **Form "IV"** to the Director of Social Welfare Department.
- (3) Every application made under sub-rule (1) shall be accompanied by:-
  - (a) Certificate of Registration under Societies Registration Act/Indian Trust Act/Companies Act;
  - (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 qualifications of the professionals employed by the institution;
  - (g) the proof of residence of the applicant.
- (4) Every application made under sub rule (1) shall comply with the following requirements in respect of the concerned institution, namely:-
  - (a) that the institution had been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which the application is made;
  - (b) that the institution is registered under the Societies Registration Act/Indian Trust Act/ Companies Act.
- (5) The Certificate of Registration granted under Sub rule (3) shall be issued in **Form V** by the Director of Social Welfare Department with a validity of 5 years.

**20. Rejection of application and appellation:**

The Director of Social Welfare Department, as the issuing authority reserves the right to reject an application.

- (1) The ground for rejection will be intimated in writing to the applicant institution/organization immediately.
- (2) The rejected applicant may contest the decision to the appellate authority i.e. the Secretary to the Government of Mizoram, Social Welfare Department, within 30 days from the date of issuing the letter of intimation. The appellate authority in turn, may conduct such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearing(s), make such order as it thinks fit within 30 days from receiving the complaint which shall be final.

**21. Validity of Certificate of registration, renewal and revocation:-**

- (1) Certificate of registration under this rule shall remain in force for a period of 5 years on and from the date on which it is granted or renewed unless revoked earlier.
- (2) An application of renewal of certificate of registration shall be made in the same manner the application for grant of certificate under Rule 19 (2) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate :  
Provided that such application for renewal be made 60 days before the expiry of the validity of the certificate;

Provided further that the Director of Social Welfare Department 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 reason has been provided for such delay.

- (3) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub rule (2), the certificate of registration shall continue to be in force until orders are passed on the application or else 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.
- (4) Apart from the conditions laid down in Section 52 of the Act, all institutions/organizations certified by the Director of Social Welfare Department are required to comply to the Minimum Standard of Service which shall be prepared by the Department of Social Welfare. Failure to comply to the same shall result in revocation of certificate of registration.

### **CHAPTER VIII** **Certificate of Disability**

#### **22. Application for disability certificate.-**

- (1) Any person with specified disability may apply in **Form VI** for a disability certificate either online through Unique Disability Identity Portal ([www.swavalambancard.gov.in](http://www.swavalambancard.gov.in)) or submit the physical application to-
  - (a) a medical authority or any other notified competent authority to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence in the application; or
  - (b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:  
Provided that where a person with disability is a minor or suffering from 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 guardian.
- (2) The application shall be accompanied by -
  - (a) proof of residence;
  - (b) two recent passport size photographs; and
  - (c) Aadhar number or Aadhar enrollment number, if any.

Note: No other proof of residence shall be required from the applicant who has Aadhar enrollment number.

#### **23. Issue of disability certificate.-**

- (1) On receipt of an online application under Rule 22 (1), the medical 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 disability certificate in his favour through the Unique Disability ID (UDID) portal.
- (2) For applications other than online mode, the medical authority shall ensure that the application is converted to the online mode and shall follow the same procedure as provided under sub-rule (1) for issuing of disability certificate.
- (3) The disability certificate shall be issued within a month from the date of receipt of the application by the medical authority.
- (4) The medical authority shall, after due examination-
  - (i) issue a permanent disability certificate in cases where there are no chances of variation over time in the degree of disability; or

- (ii) give a temporary disability certificate and indicate the period of validity in the certificate, in cases where there is any chance of variation over time in the degree of disability.
- (5) If an applicant is found ineligible for issue of disability certificate, the medical authority shall convey the reasons to him in writing under Form VII within a period of one month from the date of receipt of the application.

**24. Appeal against the decision of the authority issuing certificate of disability:-**

- (1) Any person aggrieved with the decision of the authority issuing the certificate of disability may within ninety days from the date of decision, prefer an appeal in writing to the appellate authority designated by the state government for the purpose under sub-section (1) of Section 59 of the Act in the following manner:-
  - (a) The appeal shall contain brief background and 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 IX  
Advisory Board**

**25. State Advisory Board and the District Level Committees on Disability :**

- (1) The State Government shall, by notification, constitute the State Advisory Board at the state level and the District Level Committee on Disability in every district of the state.
- (2) The State Advisory Board shall consist of -
  - (a) the Minister in charge of the Social Welfare Department, Chairperson, *ex officio*;
  - (b) the Parliamentary Secretary in charge of Social Welfare Department, Vice-Chairperson, *ex officio*;
  - (c) Secretaries to the State Government in charge of the Social Welfare, School Education, Literacy and Higher Education, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Local Administration Department, Commerce and Industry, Labour and Employment, Urban Development and Poverty Alleviation, Science and Technology, Information Technology, Sports and Youth Affairs, Transport and any other Department which the State Government considers necessary, Members, *ex officio*;
  - (d) three Members of the State Legislature who shall be nominated by the State Legislative Assembly, Members, *ex officio*
  - (e) Director of Social Welfare Department, Secretary, *ex officio*
  - (f) Members to be nominated by the State Government:-
    - (i) five members who are experts in the field of disability and rehabilitation
    - (ii) Four members to be nominated by the State government by rotation every 12 months to represent the district in such a manner as may be prescribed: Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;



- (iii) ten persons, as far as practicable, being persons with disabilities, to represent Non-governmental organizations or associations which are concerned with disabilities:  
Provided that out of the ten persons nominated under this clause, atleast five shall be women .
  - (iv) not more than three representatives of the State Chamber of Commerce and Industry.
- (3) Term of office of the nominated members mentioned in sub-clause (f) of clause (2) other than the representatives of the districts as stated in sub clause (f)(ii) of Clause (2) will be for three years from the date of his nomination.

**26. Functions of the State Advisory Committee:**

- (1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:-
  - (a) advise the State Government on policies, programmes, legislation and projects with respect to disability;
  - (b) develop a State policy to address issues concerning persons with disabilities;
  - (c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;
  - (d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;
  - (e) recommend steps to ensure accessibility, reasonable accommodation, nondiscrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;
  - (f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and
  - (g) such other functions as may be assigned from time to time by the State Government.

**27. Composition of the District Level Committee on Disability:**

- (1) The District Level Committee on disability will consist of the following members;
  - (a) The Deputy Commissioner (Chairperson, ex officio)
  - (b) The Additional Deputy Commissioner ( Vice Chairperson, ex officio)
  - (c) District Social Welfare Officer or any other district officer dealing with empowerment of persons with disabilities (Member Secretary, ex officio)
  - (d) A public prosecutor of the District Court (member)
  - (e) Chief Medical Officer (member)
  - (f) A psychiatrist of the district hospital/Officer of the District Mental Health Programme (member)
  - (g) Two persons with disabilities as defined in clause (s) of Section 2 of the Act (member)
  - (h) Two representatives of registered organizations/institutions working for the disabled. (member)
  - (i) Any other member as invited by the Chairperson (member)
- (2) With the exception of the ex-officio members of the Committee who are appointed as members by virtue of the office they hold, the nominated members are held in term for a period of three (3) years from their date of appointment. They however shall vacate their seats only when the newly nominated members are duly appointed.

**28. Functions of the District Level Committee on Disability :**

The District Level Committee on Disability will perform the following functions:

- (1) advise the district authorities on matters relating to rehabilitation and empowerment of persons with disabilities.
- (2) monitor the implementation of the provisions of the Act and the rules made there under by the district authorities.
- (3) look into 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.
- (4) look into appeal made by the employees of the 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.
- (5) any other functions as may be assigned by the State government from time to time.

**29. Allowances for the members of the State Advisory Board and the District Level Committee on Disability.-**

- (1) Non-official members of the State Advisory Board residing outside of Aizawl shall be paid daily and travelling allowances for each day of the actual meetings at the rate notified by the State Government.
- (2) Official members of the State Advisory Board shall be paid daily allowances at the rate admissible under the relevant rules of the Government.
- (3) Non-official members of the District Level Committee on Disability residing outside of the district capital shall be paid daily and travelling allowances for each day of the actual meetings at the rate notified by the State Government.
- (4) Official members of the District Level Committee on Disability shall be paid daily allowances at the rate admissible under the relevant rules of the Government.

**30. Notice of meeting of State Advisory Board/District Level Committee.-**

- (1) The meeting of the State Advisory Board/District Level Committee on Disability shall ordinarily be held in the State capital/district capital on such dates as may be fixed by the Chairperson:  
Provided that it shall meet at least once in every six months.
- (2) The Chairperson shall, on the written request of not less than five members of the State Advisory Board/District Level Committee on Disability, call a special meeting.
- (3) The Member Secretary shall give 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 is to be held and the business to be transacted thereat.
- (4) The Member Secretary may give to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case thinks fit.
- (5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member Secretary, unless the Chairperson may permit him to do so.
- (6) The State Advisory Board/District Level Committee on Disability may adjourn its meeting from day to day or to any particular day as under:
  - (a) Where a meeting of the State Advisory Board/ District Level Committee on Disability is adjourned from day to day, the Member Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

- (b) Where a meeting of the State Advisory Board/District Level Committee on Disability is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).

- 31. **Presiding officer** : The Chairperson shall preside over every meeting of the State Advisory Board/ District Level Committee on Disability and in his absence, the Vice- Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside over that meeting.
- 32. **Quorum:**
  - (1) One-third of the total members of the State Advisory Board/District Level Committee on Disability shall form the quorum for any meeting.
  - (2) If less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date.
  - (3) No quorum shall be necessary for the adjourned meeting.
  - (4) No subject which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.
- 33. **Minutes :**
  - (1) The Member Secretary of the Board/Committee shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.
  - (2) The minutes of the previous meeting 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 at the office of the Member-Secretary during office hours.
- 34. **Business to be transacted at meeting :**

Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 30 shall be transacted at any meeting.
- 35. **Agenda for the meeting:**

At any meeting, the 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 or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.
- 36. **Decision by majority :**

All questions considered at a meeting of the Board/Committee shall be decided by a majority of votes of the members present and voting .In the event of equality of votes, the Chairperson/ or in the absence of the Chairperson, the Vice- Chairperson /or in the absence of both ,the Member presiding at the meeting, as the case may be, shall have a second or casting vote.
- 37. **No proceeding to be invalid due to vacancy or any defect :**

No proceeding of the State Advisory Board/ District Level Committee on Disability shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board/Committee.

**CHAPTER X**  
**State Commissioner for Persons with Disabilities**

**38. Advisory Committee to the State Commissioner :**

- (1) An Advisory Committee with membership not exceeding five (5) members will be constituted by the State Government to advise the State Commissioner in the exercise of the duties of his/her office.
  - (a) The members of the Advisory Committee will be appointed for a term of 3 years from their date of appointment.
  - (b) The appointment will be made based on their expertise and experience in the field of disability rehabilitation /affairs , including one legal expert.
  - (c) Two seats of the committee will be reserved for experts/senior officers of the Government nominated by the State Government.
  - (d) The Advisory Committee shall meet atleast once in every three months.
  - (e) The members will be given daily allowance at the rate notified by the State Government from time to time.
- (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.

**39. Procedure to be followed by the State Commissioner :**

- (1) A complainant may present a complaint containing the following particulars in person or by his agent to the State Commissioner or be sent by registered post 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 can be ascertained;
  - (c) the facts relating to complaint and when and where it arose;
  - (d) documents in support of the allegations contained in the complaint;
  - (e) the relief which the 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 him/her.
- (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 latter 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 77 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, on the date of the hearing, either party fails to appear before the State Commissioner ;  
Provided that such ex-parte decision may be appealed against, if the party who failed to appear on the date of hearing furnishes reasonable cause for such absence.
- (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 make a decision on the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

**40. Submission of Report to the State Government :**

The State Commissioner shall submit his report to the State Government on the implementation of the Act at the interval of six months in such a manner that at least two reports are sent in a financial year.

**41. Submission of Annual Report :**

- (1) The State Commissioner shall as soon as possible ,after the end of the financial year but not later than the 30th day of September in the next year 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 contain information in respect of each of the following matters, namely:-
  - (a) names of its officers and staff and a chart showing the organizational set up;
  - (b) the functions which the State Commissioner has been empowered under sections 80, 81 and 82 of the Act and the highlights of the performance in this regard;
  - (c) the main recommendations made by the State Commissioner;
  - (d) the progress made in the implementation of the Act in the State;
  - (e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time.

**CHAPTER XI**

**State Fund for Persons with Disabilities**

**42. State Fund for Persons with Disabilities and its management .-**

- (1) There shall be credited to the State Fund for Persons with Disabilities hereinafter referred to as "the State Fund":-
  - (a) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
  - (b) all sums received from the State Government including grants-in-aid; and
  - (c) all sums from such other sources as may be decided by the state government.
- (2) There shall be a Governing Body consisting of following members to manage the State Fund, namely:-
  - (a) Secretary, Department of Social Welfare- Chairperson;
  - (b) Director of Social Welfare Department - Convener & Chief Executive Officer.
  - (c) Joint Secretary, Finance Department- Member
  - (d) One representative each from Departments of Health and Family Welfare, School Education, Higher & Technical Education, LESD &E, UD & PA and Rural Development, Commerce & Industries. - Members
  - (e) Four persons representing different types of disabilities to be nominated by the State Government - Members
  - (f) Two representatives from registered organizations working for the disabled - Members
- (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) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible by a notification of the State Government.
- (7) No person shall be nominated as a member of the Governing Body under clause (e) and (f) of sub rule 2 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.

**43. Utilization of the State Fund.-**

- (1) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as the Governing Body, may, subject to the general guidelines of the State Government, decide.
- (2) The 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/ Central Government;
  - (b) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
  - (c) such other purposes as may be decided by the Governing body.
- (3) Every proposal of expenditure shall be placed before the Governing body for its approval.
- (4) If expenditure in an exigency is to be incurred from the State Fund, the said expenditure may be incurred with the approval of the Chairperson of the Governing Body:  
Provided that such expenditure shall be placed before the Governing Body for ex-post-facto approval in its earliest meeting.
- (5) 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 Fund based on need based requirement.

**44. 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 every year and shall place the same for consideration of the governing body.

**45. Annual Report :** The annual report on the State Fund will be prepared every year for submission to the government.

Secretary to the Govt. of Mizoram,  
Social Welfare Department.

**Form I  
(Persons with Disabilities Employer's Return)  
[See rule 15(1)]**

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 of 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

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard of 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 :

Vancancies/posts unfilled because of shortage of suitable applicants				
Name of the occupation or Designation	Number of unfilled vacancies/posts disability wise	Essential qualification	Essential experience	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.

Dated .....

Signature of employer

To

**The Employment Exchange**

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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 15 (1)]**

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 [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).	Number of Employees			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.
	Men with disability	Women with disability	Total	
TOTAL				

Dated .....

Signature of employer

To

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

**Form III  
(Persons with Disabilities Employer's Return)  
[See Rule 16]**

Name and Address of the Employer .....

Whether - Head Office .....

Branch Office .....

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

1. 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).
2. 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 [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);	Number of Employees			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.
	Men with disability	Women with disability	Total	
<b>TOTAL</b>				

(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 .....

3. 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 Employment	Special Exchange	General employment	Filled	Sources (Describe the source form which filled)
(1)	(2)		(3)	(4)	(5)
<b>TOTAL</b>					

(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 applicants			
Name of the occupation or Designation	Number of unfilled Vacancies/posts disability wise		
	essential qualification	essential experience	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 :

Dated .....

Signature of employer

**Form - IV**  
**Application for a Certificate of Registration**  
**[See Rule 19(2)]**

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:
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.
8. List of documents to be attached:
  - (a) A copy of the annual report for the previous year
  - (b) Audited statement of account duly certified by Chartered Accountant for the last two years.
    - (i) Receipt and payment Account (by Chartered Accountant for the last two years)
    - (ii) Income and Expenditure Account (by Chartered Accountant for the the last two years)
    - (iii) Balance sheet for the last two years (by Chartered Accountant for the last two years)
  - (c) Details of staff employed by the institution.
  - (d) Details of beneficiaries to be targeted by the institution.
  - (e) If hostel is maintained, then the number of hostellers.
  - (f) Other terms, if any.
  - (g) Whether the institution is located on its own/rented building (necessary evidence to be attached e.g: rent deed etc.)

**Signature of the applicant**

Name :  
Designation :  
Address :  
Date :  
Office Stamp :

**Form V**  
**[See Rule 19(5)]**

**GOVERNMENT OF MIZORAM**



**CERTIFICATE OF REGISTRATION**

No. \_\_\_\_\_ : Dated \_\_\_\_\_

This is to certify that \_\_\_\_\_ has on this day been registered under Section 51 of The Rights of Persons with Disabilities Act 2016.

This Certificate will be valid for a period of five years from the date of its issue.

Given under my hand at Aizawl this day of \_\_\_\_\_

Two thousand and \_\_\_\_\_

Director,  
Social Welfare Department,  
Mizoram, Aizawl.

**Form - VI**  
**Application for Obtaining Certificate of Disability by Persons with Disabilities**  
**[See rule 22(1)]**

- (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 :

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 gazette 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 - VII**  
**Intimation of rejection of Application for Certificate of Disability]**  
**[See rule 23 (5)]**

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)

**FINANCIAL MEMORANDUM FOR THE IMPLEMENTATION OF THE DRAFT**  
**MIZORAM RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017**

The Rights of Persons with Disabilities Act 2016 was enacted by the Parliament with effect from 19<sup>th</sup> April 2017. By the enactment of the new legislation, the erstwhile Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 stand repealed.

As stipulated in Section 101 of the Act, the states are mandated to make their respective rules for its implementation. The Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) has directed all state governments to notify their respective State rules by 18<sup>th</sup> October 2017.

The Draft Mizoram Rights of Persons with Disabilities Rules, 2017 has been prepared and vetted by the Law & Judicial Department. Its implementation entail financial implications for which there is no existing provision. The required financial implication for the current financial year (October 2017 to March 2018) is as indicated below.

Sl. No.	Item(s) of expenditure	Amount	Remarks
1	Contingencies: Meeting expenses of different Committees and Boards	Rs. 3 lakhs	The existing sitting allowance rate for MLAs is Rs. 750 and Rs. 350 for non-official members. The Act/Rules stipulate the constitution of The State Advisory Board, Advisory Committee to The State Commissioner for PwDs, Governing Body of the State Fund for Persons with Disabilities and the District Level Committees for Persons with Disabilities.
2	Certification Camps/ Awareness programmes / Moni- toring	Rs. 5 lakhs	Planned awareness programmes on disability and on the provisions of the Act/Rules have to be conducted amongst government officials as well as with the general public. Likewise, the manner and extent of implementation of the Act/Rules need to be monitored consistently.
3	Skill development for Persons with Disabilities	Rs. 20 lakhs	The Act (Section 19) lay stress on development of skills of PwDs and has accorded the appropriate Government to formulate schemes and programmes to its effect.
4	Lumpsum Grant for State Fund for Persons with Disabilities	Rs. 20 lakhs	Allotment of lump sum grant to the State Fund for Persons with Disabilities to provide financial assistance to PwDs in areas not specifically covered under any State/Central scheme/programme. This is as per the provision of Section 88 of the Act and Rules No. 42 and 43 of the draft State Rules.
	<b>GRAND TOTAL</b>	<b>Rs. 48 lakhs</b>	

The expenses to be incurred for the implementation of the Draft Mizoram Rights of Persons with Disabilities Rules, 2017 may be allocated to the following head account:

2235	-	Social Security & Welfare
02	-	Social welfare
101	-	Welfare of handicapped
(05) (02)	-	PwD
00		
50	-	O.C

### **JUSTIFICATION STATEMENT**

The Parliament of India passed the Rights of Persons with Disabilities Act in December 2016 and the new Act became effective on 19th April 2017.

The concerned ministry in the Central government, i.e The Ministry of Social Justice & Empowerment (Department of Empowerment of Persons with Disabilities) has prepared the draft Central Rules upon which the states are to model their respective rules. The States are expected to notify their state rules by the 18<sup>th</sup> October, 2017.

Since The Rights of Persons with Disabilities Act is a new legislation altogether, rules for its execution need to be framed and the state governments have been notified by the Central Government to do so as already mentioned above.