



स्वातंत्र्याचा अमृत महोत्सव

महाराष्ट्र शासन
शिक्षण संचालनालय, (उच्च शिक्षण),
महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे-४११ ००१.

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फोन नं.०२०/२६१२२११९, २६०५१५१२, २६१३०६२७, २६१२४६३९

फॅक्स नं.०२०/२६११११५३

क्र.उशिसं/ २०२३/दिव्यांग आरक्षण/मवि-१/ ६३३५

दिनांक- ११.०५.२०२३

16 MAY 2023

प्रति,

कुलसचिव,

सर्व अकृषि विद्यापीठे

विषय: महाराष्ट्र राज्यातील अनुदानित उच्च महाविद्यालयांमधील सुरू असलेल्या २०८८ प्राध्यापक पदांच्या दिव्यांग आरक्षणाची व १८ जुलै २०१८ रोजी विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) प्रकाशीत भारताच्या राजपत्रातील नियम क्र. ५.१ (a) vi मधील तरतुदीची अंमलबजावणी करणेबाबत.

- संदर्भ** -१. शासन पत्र क्र. संकीर्ण-२०२३/ प्र.क्र. २२८/ मशि-५ दिनांक २.०५.२०२३
२. दिव्यांगाचे अधिकार अधिनियम २०१६, दिनांक २८ डिसेंबर, २०१६
३. विद्यापीठ अनुदान आयोगाची अधिसूचना दिनांक १८ जुलै २०१८
४. उच्च व तंत्र शिक्षण विभाग, शासन निर्णय (शुध्दीपत्रक) क्र. Misc-२०१८/C.R.५६/१८/ UNI-१ दिनांक- १० मे, २०१९
५. सामान्य प्रशासन विभाग, शासन निर्णय क्र. दिव्यांग २०१८/ प्र.क्र. ११४/ १६अ दिनांक- २९ मे, २०१९
६. मा. आयुक्त, दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे यांचे पत्र क्र. दि.कआ/ प्र-संघटना-प्र-७/ प्राध्यापक संघ/ अहमदनगर/ २०२२-२३ दि. ०३.०३.२०२३

उपरोक्त विषयी संदर्भांकीत शासन पत्राच्या अनुषंगाने कळविण्यात येते की, महाराष्ट्रातील उच्च शिक्षण विभागाच्या अधिकारक्षेत्रातील अशासकीय अनुदानित कला, विज्ञान, वाणिज्य, विधी व शिक्षणशास्त्र महाविद्यालयांतील दि. १.१०.२०१७ च्या विद्यार्थीसंख्येवर आधारीत शिक्षक व शिक्षकेतर पदांच्या आकृतीबंधास शासन निर्णय क्र. आढावा-१५१३/ प्र.क्र. १२५/ मशि-५ दि. ३.११.२०१८ अन्वये अंतरिम मान्यता देण्यात आलेली आहे. सदर मान्यतेच्या अनुषंगाने उक्त महाविद्यालयांतील शिक्षक व शिक्षकेतर पदांच्या भरतीस काही नियम व अटीच्या अधिन राहून मान्यता देण्यात आली आहे.

उपरोक्त शासन निर्णय दि. ३.११.२०१८ ची अंमलबजावणी करण्यास्तव विहीत करण्यात आलेल्या पध्दतीनुसार सदर पदे भरण्यासाठी शासनाच्या ना-हरकत प्रमाणपत्राची आवश्यकता असून त्यानुसार संबंधित प्रत्येक संस्था/ महाविद्यालयाने कार्यवाही करणे आवश्यक आहे. याच कार्यवाहीचा एक

भाग म्हणजे संस्था/ महाविद्यालयाची बिंदूनामावली तयार करून ती संबंधित विद्यापीठातील मागास वर्ग कक्षाकडून प्रमाणीत करून घेणे होय. पदभरती करताना शासनाच्या आरक्षण धोरणाच्या अंमलबजावणीबाबत वारंवार शासनस्तरावरून सूचना देण्यात आलेल्या आहेत. पदभरतीबाबत शासन निर्णय दि. ३.११.२०१८ च्या शासन निर्णयापुर्वी पासून आरक्षण धोरणाचे नियम ठरविण्यात आलेले आहेत. संस्था/ महाविद्यालयांकडून सदर धोरणाचा पाठपुरावा करण्यात येत असल्याचे दिसून येते.

सदर पदभरतीमध्ये मागासवर्गीय कक्षाच्या आरक्षण धोरणाची अंमलबजावणी करण्याबरोबरच केंद्र शासनाच्या कायदा व न्याय विभागाचे राजपत्र दि. २८ डिसेंबर २०१६ रोजी प्रकाशित दिव्यांगांचे अधिकार कायदा २०१६ तसेच विद्यापीठ अनुदान आयोगाची अधिसूचना दि. १८ जुलै २०१८ मधील नियमांचे तसेच संदर्भांकीत शासन निर्णयांचे पालन होणे अत्यावश्यक आहे. त्यानुसार संस्था/ महाविद्यालयांनी दिव्यांग आरक्षणाची अंमलबजावणी करण्याच्या दृष्टीने आवश्यक कार्यवाही करणे अनिवार्य आहे. तथापी सदर नियमांची अंमलबजावणी होत नसल्याची बाब समोर आली असल्याने दिव्यांग आरक्षण धोरणाची अचूक व परिणामकारक अंमलबजावणी करण्याबाबत योग्य ती कार्यवाही करण्याची आपल्या स्तरावर दक्षता घेण्यात यावी.

तसेच विद्यापीठ अनुदान आयोगाच्या दिनांक १८ जुलै २०१८ रोजीच्या भारताच्या राजपत्रात मार्गदर्शक सूचना प्रकाशित केलेल्या आहेत. या राजपत्रातील कलम क्र. ५.१(a) vi तसेच उच्च व तंत्र शिक्षण विभाग, शासन निर्णय (शुध्दीपत्रक) क्र. Misc- २०१८/C.R.५६/१८/ UNI-१ दिनांक- १० मे, २०१९ मधील तरतुदीनुसार देशातील विद्यापीठे आणि महाविद्यालयांमधील सहाय्यक प्राध्यापक निवडीसाठी संगठित करण्यात येणाऱ्या निवड समितीतील सदस्यांत जर अनुसूचित जाती/ जमाती/ ओबीसी/ अल्पसंख्यांक/ महिला/ विविध- अपंग यापैकी कोणत्याही प्रवर्गातील उमेदवार अर्जदार असल्यास, त्या प्रवर्गातील प्रतिनिधीत्व करणारा शिक्षणतज्ञ कुलगुरूंनी प्रतिनिधी म्हणून नामनिर्देशित केले पाहिजेत. या नियमान्वये दिव्यांग उमेदवार जर अर्जदार असेल तर दिव्यांग प्रतिनिधी निवड समितीत मा. कुलगुरूंनी नामनिर्देशित करणे आवश्यक आहे. या तरतुदीनुसार मा. कुलगुरूंनी आवश्यक ती कार्यवाही करावी. तसेच दिव्यांग आरक्षण धोरणाच्या अंमलबजावणीबाबत कार्यवाही करण्याच्या सूचना आपल्या अधिपत्याखालील सर्व अशासकीय अनुदानित महाविद्यालयांना आपल्या स्तरावरून तात्काळ देण्यात याव्यात.

सोबत- वरीलप्रमाणे.



(डॉ. शैलेंद्र देवळाणकर)

प्र. शिक्षण संचालक, उच्च शिक्षण,
महाराष्ट्र राज्य, पुणे-१.

प्रत -१.मा. प्रधान सचिव, उच्च व तंत्र शिक्षण, विभाग, मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.

२.मा. आयुक्त, दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे.

३.सर्व विभागीय सहसंचालक (उच्च शिक्षण)

२/- दिव्यांग आरक्षण धोरणाच्या अंमलबजावणीबाबत विद्यापीठ अनुदान आयोगाने दिलेल्या निर्देशानुसार संबंधित विद्यापीठांकडून कार्यवाही केली जाईल याबाबत विभागीय सहसंचालक, उच्च शिक्षण यांनी दक्षता घ्यावी.



महाराष्ट्र शासन
उच्च व तंत्र शिक्षण विभाग,
मादाम कामा रोड, हुतात्मा राजगुरु चौक,
मंत्रालय विस्तार भवन, मुंबई- ४०० ०३२

दुरध्वनी क्र. -०२२-२२७९३१७१

ई-मेल- mashi5-hted@mah.gov.in

क्र.- संकीर्ण -२०२३/ प्र.क्र.२२८/मशि-५

दिनांक: २ मे, २०२३

प्रति,

संचालक,
उच्च शिक्षण संचालनालय,
महाराष्ट्र राज्य, पुणे

विषय :-महाराष्ट्र राज्यातील अनुदानित उच्च महाविद्यालयांमधील सुरू असलेल्या २०८८ प्राध्यापक पदांच्या दिव्यांग आरक्षणाची व १८ जुलै २०१८ रोजी विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) प्रकाशीत भारताच्या राजपत्रातील नियम क्र. ५.१ (a) vi मधील तरतुदीची अंमलबजावणी करणेबाबत.

संदर्भ :-आपले क्र. उशिसं/२०२३/दिव्यांग आरक्षण/मवि-१/३५०३, दिनांक १४.०३.२०२३ चे पत्र.

महोदय,

संदर्भाधिन पत्रास अनुसरून कळविण्यात येते की, दिव्यांग आरक्षण धोरण अस्तित्वात असल्याने त्यानुसार दिलेल्या सूचनांचे संबंधित शैक्षणिक संस्थंनी पालन करणे आवश्यक आहे. तरी त्यानुसार उचित कार्यवाही करावी. तसेच सर्व अकृषि विद्यापीठांना देखील आपल्या स्तरावरून आवश्यकत्या सूचना देण्यात याव्यात.

सहपत्र :- वरीलप्रमाणे

प्रत

संग्रहार्थ / मशि-५

(नि.शं.क्षिरसागर)

(नि.शं.क्षिरसागर)

अवर सचिव, महाराष्ट्र शासन

श्री. दोरे.

५५.
११५
२०२३.

228/23

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महाराष्ट्र शासन
शिक्षण संचालनालय, (उच्च शिक्षण),
महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे-४११ ००१.

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फोन नं. ०२०/२६१२२११९, २६०५१५१२, २६१३०६२७, २६१२४६३९

फैक्स नं. ०२०/२६१२२१५३

क्र.उशि.सं/ २०२३/दिव्यांग आरक्षण/मवि-१/ ३५०३
प्रति,

दिनांक- १३.०३.२०२३

13 MAR 2023

मा. प्रधान सचिव,
उच्च व तंत्र शिक्षण विभाग,
मंत्रालय विस्तार भवन, मुंबई - ३२

विषय: महाराष्ट्र राज्यातील अनुदानित उच्च महाविद्यालयांमधील सुरू असलेल्या
२०८८ प्राध्यापक पदांच्या दिव्यांग आरक्षणाची व १८ जुलै २०१८ रोजी
विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) प्रकाशित भारताच्या
राजपत्रातील नियम क्र. ५.१ (a) vi मधील तरतुदीची अंमलबजावणी
करणेबाबत.

संदर्भ - मा. आयुक्त, दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे यांचे पत्र क्र. दि.क.आ.
प्र-संघटना-प्र-७/प्राध्यापक संघ/अहमदनगर/२०२२-२३ दि. ०३.०३.२०२३

महोदय,

उपरोक्त विषयी संदर्भीय पत्राच्या अनुषंगाने सादर करण्यात येते की, उच्च शिक्षण
विभागाचा शासन निर्णय क्र.: आढावा-१५१३/प्र.क्र.१२५ (भाग ८).म.गि.५ दि. १२ नोव्हेंबर २०२१
अन्वये, शासन निर्णय दि. ३.११.२०१८ च्या अन्वये पदभरतीस मान्यता दिलेल्या ३५८० पदांपैकी
(अधिव्याख्याता- रिक्त पदांच्या ४०%) दि. ४.५.२०२० अखेर रिक्त असलेल्या २०८८ पदांच्या
भरतीस मंजूरी देण्यात आलेली आहे.

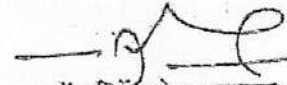
त्यानुषंगाने पदभरतीकरिता प्रसिध्द होणाऱ्या जाहिरातीस अनुसरून दिव्यांगजन सेट नेट
पीएच.डी. धारक प्राध्यापक संघ यांचेद्वारे दिनांक १३.०३.२०२३ रोजी मा. आयुक्त, दिव्यांग कल्याण
महाराष्ट्र राज्य, पुणे यांना दिव्यांग आरक्षणाची व विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) १८ जुलै
२०१८ रोजी प्रकाशित भारताच्या राजपत्रातील नियम क्र. ५.१ (a) vi मधील तरतुदीची
अंमलबजावणी करणेबाबत निवेदन सादर केले. सदरहू निवेदनाच्या अनुषंगाने मा. आयुक्त,
दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे यांनी दिनांक ०३.०३.२०२३ रोजीच्या पत्रान्वये अशासकीय
अनुदानित महाविद्यालयाद्वारे पदभरतीसाठी प्रसिध्द करण्यात आलेल्या जाहिरातीमध्ये दिव्यांग
आरक्षणाची व विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) १८ जुलै २०१८ रोजी प्रकाशित भारताच्या

मा. प्रधान सचिव
२५/२/२३

११
राजपत्रातील नियम क्र. ५.१ (a) vi मधील तरतुदीची अंमलबजावणी होत नसलेबाबत नमूद करून सदरहू बाबींची अंमलबजावणी करणेबाबत अवगत केले आहे. सुलभ संदर्भासाठी प्रत संलग्न.

उक्त बाबतीत कळविण्यात येते की, अशासकीय अनुदानित महाविद्यालयाद्वारे सद्यस्थितीत अस्तित्वात असलेल्या आरक्षण धोरणानुसार रीक्त पदांची विंदुनामावली संबंधित विद्यापीठाकडून तपासून घेण्यात येते. विद्यापीठाद्वारे तपासणी करण्यात आलेली विंदुनामावली ही संबंधित विभागातील मा.व.क. यांच्याकडून प्रमाणित करून घेतली जाते. तदनंतर विहीत कार्यपद्धतीचा अवलंब करून पदभरतीसाठी शासनाचे ना-हरकत प्रमाणपत्र प्राप्त झाल्यानंतर विद्यापीठाच्या मान्यतेने पदभरतीची जाहिरात प्रसिध्द केली जाते.

उपरोक्त वस्तुस्थितीदर्शक तपशिल तसेच मा. आयुक्त, दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे यांचे संदर्भीय पत्राचे अनुषंगाने शासन स्तरावरून उचित आदेश निर्गमित होण्याबाबत विनंती करण्यात येत आहे.


(डॉ. शैलेंद्र देवळणकर)
प्र. शिक्षण संचालक, उच्च शिक्षण.
महाराष्ट्र राज्य, पुणे-१.

प्रत -

मा. आयुक्त, दिव्यांग कल्याण महाराष्ट्र राज्य, पुणे.

1/39/39/2023



सत्यमेव जयते

महाराष्ट्र शासन

दिव्यांग कल्याण आयुक्तालय, ३ चर्चपथ, महाराष्ट्र राज्य, पुणे - ४११ ००१.

दूरध्वनी क्र. ०२०-२६१३३८४५

फॅक्सक्र. ०२०-२६१११५९०

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जा.क्र./दिकआ/प्र-संघटना-प्र-७/प्राध्यापक संघ/अहमदनर/२०२२-२३/

पुणे, दिनांक-०३.०३.२०२३.

प्रति,
संचालक,
उच्च शिक्षण विभाग,
मध्यवर्ती इमारत, पुणे-४११ ००१.

विषय- महाराष्ट्र राज्यातील अनुदानित उच्च महाविद्यालयांमधील सुरु असलेल्या २०८८ प्राध्यापक पदांच्या पदभरतीत दिव्यांग आरक्षणाची व १८ जुलै २०१८ रोजी विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) प्रकाशीत भारताच्या राजपत्रातील नियम क्र. ५.१ (a)vi मधील तरतुदीची अंमलबजावणी करणेबाबत
संदर्भ- डॉ.किशोर चौधरी, अध्यक्ष, दिव्यांगजन सेट नेट पीएच. डी. धारक प्राध्यापक संघ, (महाराष्ट्र राज्य) यांचे निवेदन दि. १७.०१.२०२३

उपरोक्त विषयाच्या अनुषंगाने आपणास कळविण्यात येते की, संदर्भीय निवेदन या आयुक्तालयास प्राप्त झालेले आहे. सदर निवेदनामध्ये निवेदनकर्ता यांनी महाराष्ट्र राज्यातील अनुदानित उच्च महाविद्यालयांमधील सुरु असलेल्या २०८८ प्राध्यापक पदांच्या पदभरतीत दिव्यांग आरक्षणाची व १८ जुलै २०१८ रोजी विद्यापीठ अनुदान आयोगाद्वारे (युजीसी) प्रकाशीत भारताच्या राजपत्रातील नियम क्र. ५.१ (a)vi मधील तरतुदीची अंमलबजावणी करणेबाबत निवेदन सादर केलेले आहे.

तसेच सदर निवेदनात त्यांनी "महाराष्ट्र राज्यातील विविध अनुदानित महाविद्यालयात २०८८ जागांची पदभरती करण्यासाठीची प्रक्रिया राज्यभर सुरु असून त्यासाठीच्या जाहिरात प्रकाशित होत आहेत. या प्रकाशित होणाऱ्या जाहिरातीमधून एक गंभीर बाबा नजरेस येत आहे, ती म्हणजे या जाहिरातींमध्ये दिव्यांग आरक्षणावरील प्राध्यापक पदाचा कुठेही उल्लेख दिसून येत नाही संघटनेने मागील वर्षी संपूर्ण महाराष्ट्रातील अनुदानित महाविद्यालये (११७७), विद्यापीठ (१२) विभागीय सहसंचालक (उच्च शिक्षण) कार्यालये (१०) आणि संचालक (उच्च शिक्षण) कार्यालयात माहिती अधिकार अधिनियम २००५ अंतर्गत अर्ज देऊन दिव्यांग आरक्षणावरील प्राध्यापक पदाची सध्यास्थितीतील माहिती संकलित केलेली आहे. यामध्ये ११७७ पैकी ५७८ अनुदानित महाविद्यालये व १२ पैकी ५ विद्यापीठांची माहिती पूर्णपणे प्राप्त झालेली आहे. या संकलित झालेल्या माहितीनुसार दिव्यांग आरक्षणावरील प्राध्यापकाची ७५% पेक्षा अधिक पदे भरलेलीच नाहीत, त्या संदर्भातील पत्रव्यवहार शासनाच्या संबंधित विभागांशी वेळोवेळी केलेला आहे.

दिव्यांग आरक्षणावरील ७५% पेक्षा अधिक पदे रिक्त असतानाही आणि दिव्यांगांच्या अधिकारांचे संरक्षण करण्यासाठी दिव्यांग अधिनियम १९९५ अंमलात येऊन २५ वर्षांहून अधिक कालावधी लोटलेला असताना तसेच दिव्यांग अधिनियम १९९५ मागे घेऊन नव्याने दिव्यांग अधिनियम २०१६ पारित होऊन देशभर लागू झालेला असतानाही उच्च शिक्षित दिव्यांगांचे शिक्षणासारख्या क्षेत्रात अधिकारांचे हनन आजही होत आहे. दिव्यांगासाठीचा अधिनियम दिव्यांग अधिनियम २०१६ देशात जर एक असेल तर महाराष्ट्रातील आणि इतर राज्य व केंद्रीय आरक्षण अंमलबजावणीत फरक का आहे? महाराष्ट्रातील अनुदानित महाविद्यालयाच्या जाहिराती व इतर राज्यातील प्राध्यापक भरती आयोगाच्या व केंद्रीय विद्यापीठाच्या प्राध्यापक पदभरतीच्या जाहिराती पाहिल्यानंतर दिव्यांग आरक्षणातील महत्वपूर्ण तफावत निदर्शनास येईल महाराष्ट्रा व्यतिरिक्त सर्व राज्यांच्या व केंद्रीय विद्यापीठांच्या प्राध्यापक पदाच्या जाहिरातीमध्ये दिव्यांग आरक्षण विषयनिहाय दर्शविलेले असते व भरलेली जाते पण महाराष्ट्रात प्राध्यापक पदमधील दिव्यांग आरक्षण विषयनिहाय दर्शविलेले असते ना दिव्यांग पदसंख्या दर्शविलेली

म. वि. शा. १९

-२५-

शा.क्र. ११७७/२०२३

असतं. केवळ महाराष्ट्र शासनाच्या उदासीन धोरणामुळे ७५% पेक्षा अधिक दिव्यांगांची पदे रिक्त आहेत. जर देशात दिव्यांगांच्या अधिकारांचे रक्षण करण्यासाठी एकच कायदा असेल तर तफावत का आहे?

देशातील विद्यापीठे आणि महाविद्यालयांमधील शिक्षकांच्या व इतर शैक्षणिक कर्मचारी नियुक्तीसाठी आणि त्यासाठीचे देशपातळीवरील उच्च शिक्षणातील मानके अनुदान आयोगाने १८ जुलै २०१८ रोजी भारताच्या राजपत्रात मागदर्शक सूचना प्रकाशित केलेल्या आहेत. या राजपत्रातील कलम क्र. ५.१ (a) Vi मधील तरतुदीनुसार देशातील विद्यापीठे आणि महाविद्यालयात सहाय्यक प्राध्यापक निवडीसाठी संगठित करण्यात येणाऱ्या निवड समितीतील सदस्यांत जर अनुसूचित जाती / जमाती / ओबीसी / अल्पसंख्याक / महिला / विविध-अपंग यापैकी कोणत्याही प्रवर्गातील उमेदवार अर्जदार असल्यास, त्या प्रवर्गातील प्रतिनिधित्व करणारा शिक्षणतज्ज्ञ कुलगुरूंनी प्रतिनिधी म्हणून नामनिर्देशित केले पाहिजेत या नियमान्वये दिव्यांग उमेदवार जर अर्जदार असेल तर दिव्यांग प्रतिनिधी निवड समितीत कुलगुरूंनी नामनिर्देशित करणे गरजेचे आहे. परंतु महाराष्ट्रातील कुलगुरू याबाबत बेजबाबदारपणे महाराष्ट्रातील सर्व महाविद्यालये व विद्यापीठांच्या सहाय्यक प्राध्यापक निवड प्रक्रियेत सर्व विषयासाठी दिव्यांग उमेदवार अर्जदार असतांनाही दिव्यांग प्रतिनिधी निवड समितीत नामनिर्देशित करत नाहीत. परिणामी दिव्यांग आरक्षणावरील प्राध्यापकांचा अनुशेष वर्षानुवर्षे भरला जात नाही.

दिव्यांग आरक्षणावरील पद भरती संदर्भात देशातील अनेक न्यायालयीन प्रकरणांत न्यायालयाने दिव्यांग आरक्षणावरील पदे भरतांना पदभरतीसाठी उपलब्ध पदांनुसार दिव्यांग आरक्षण न दाखवता ते त्या आस्थापनेवरील (महाविद्यालय / संस्था) एकूण पदसंख्येनुसार गणती करून जाहिरातीत दर्शवून प्राधान्याने भरणेसाठी सूचना दिलेल्या असतांना महाराष्ट्रातील उच्च महाविद्यालयांत दिव्यांग आरक्षणाची अंमलबजावणी करताना उपलब्ध पदांचाच विचार करून दिव्यांग आरक्षणाची गणना केली जाते जी पूर्णतः चुकीची असून सर्वोच्च महाविद्यालयाच्या / संस्थेच्या एकूण विदू नामावलीचा विचार करून दिव्यांग आरक्षण निश्चित करून भरणे आवश्यक आहे.

महाराष्ट्र राज्यातील उच्च महाविद्यालयांत सध्या २०८८ प्राध्यापक पदांची पदभरतीची प्रक्रिया सुरु असून त्याबाबतच्या अनेक जाहिराती वर्तमानपत्रांमधून प्रकाशित होत आहेत. या जाहिरातींमध्ये दिव्यांग आरक्षणाचा कुठेही उल्लेख केलेला नाही. तरी आपणांस विनंती करण्यात येते की, आपल्या कार्यालयाच्या अधिकार क्षेत्र येणाऱ्या दिव्यांग आरक्षण अंमलबजावणीच्या जबाबदारीनुसार आजपर्यंत प्रकाशित झालेल्या जाहिराती व पदभरतीस अंतिम मान्यता प्रस्तावित असलेल्या महाविद्यालयांच्या जाहिराती मागे घेऊन त्या महाविद्यालयांची/संस्थेची विदूनामावली पुन्हा तपासून एकूण प्राध्यापक पदांमध्ये दिव्यांग अधिनियम २०१६ कलम ३४(१) मधील आरक्षणाच्या तरतुदीनुसार व न्यायालयाच्या निर्देशांनुसार दिव्यांग आरक्षण पद भरतीस उपलब्ध पदांपैकी एकूण पदे व विदूनामावली विचारात घेऊन निश्चित करून इतर राज्यांमधील प्राध्यापक भरती आयोगाच्या व केंद्रीय विद्यापीठांच्या जाहिरातीप्रमाणेच प्राध्यापक पदांमधील दिव्यांग आरक्षण जाहिरातीत दर्शवून जाहिराती पुन्हा प्रकाशित कराव्यात जेणेकरून पात्र दिव्यांग उमेदवारांच्या घटनेने दिलेल्या अधिकारांची जपणूक होऊन त्यांना न्याय मिळण्यास मदत होईल" असे नमूद केलेले आहे.

त्या अनुषंगाने आपणास कळविण्यात येते की, प्रस्तुत प्रकरणी निवेदनामधील मुद्द्यांच्या अनुषंगाने आपण नियमानुसार कार्यवाही करावी व केलेल्या कार्यवाहीचा अहवाल या आयुक्तालयास सादर करावा.

सोबत -संदर्भीय निवेदन.

Signed by Omprakash
Deshmukh
Date: 10-03-2023 18:44:37
Reason: Approved

(ओमप्रकाश देशमुख, भा.प्र.से.)

आयुक्त, दिव्यांग कल्याण

महाराष्ट्र राज्य, पुणे.

प्रत- डॉ. किशोर चौधरी, अध्यक्ष, दिव्यांगजन सेट नेट पीएच. डी. धारक प्राध्यापक संघ, (महाराष्ट्र राज्य), करंदी ता. पारनेर,
जि. अहमदनगर-४१४३०३.



दिव्यांगजन सेट नेट पीएच.डी. धारक प्राध्यापक संघ (महाराष्ट्र राज्य)

अध्यक्ष

डॉ. किशोर चि. चौधरी
☎ ९४०३५८८४७४
(अहमदनगर)

उपअध्यक्ष

डॉ. प्रवीण शं. सोलनकर
☎ ८२७५५१६८७६
(पुणे)

सचिव

प्रा. गायत्री आ. भरनाळे
☎ ९८९०९०७४९५
(बीड)

जा.क्र./DSNPDPs/२६/२०२३

दिनांक: १३/०३/२०२३

परिशिष्ट क्र.- १

खनिनदार

प्रा. लिली भा. वाकचौरे
☎ ९६५७९९५८०७
(अहमदनगर)

सदस्य

प्रा. दत्तात्रय तु. आसबले
(पुणे)

डॉ. रता शां. सावरकर
(जयगंज)

प्रा. परमेश्वर दे. कराळे
(अहमदनगर)

WVAI
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Jesus and Mary College
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भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग III—खण्ड 4
PART III—Section 4
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 271]
No. 271]

नई दिल्ली, बुधवार, जुलाई 18, 2018/आषाढ़ 27, 1940
NEW DELHI, WEDNESDAY, JULY 18, 2018/ASHADHA 27, 1940

विश्वविद्यालय अनुदान आयोग
अधिसूचना

नई दिल्ली, 18 जुलाई, 2018

विश्वविद्यालय अनुदान आयोग (विश्वविद्यालय और महाविद्यालयों में शिक्षकों और अन्य शैक्षिक कर्मचारियों की नियुक्ति हेतु न्यूनतम अर्हता तथा उच्चतर शिक्षा में मानकों के रखरखाव हेतु अन्य उपाय संबंधी विनियम, 2018)

सं. एक. 1-2/2017 (ईसी/पीएस)।—विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 (1956 का 3) की धारा 14 के साथ मिला धारा 28 की उपधारा (अ) के खंड (ड) और (छ) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए तथा "विश्वविद्यालय अनुदान आयोग (विश्वविद्यालय और महाविद्यालयों में शिक्षकों और अन्य शैक्षिक कर्मचारियों की नियुक्ति हेतु न्यूनतम अर्हता तथा उच्चतर शिक्षा में मानकों के रखरखाव हेतु अन्य उपाय संबंधी विनियम, 2018" (विनियम सं. एक 3-1/2009 दिनांक 30 जून, 2010) तथा समय-समय पर इनमें किए गए सभी संशोधनों का अधिष्ठापन करते हुए, विश्वविद्यालय अनुदान आयोग, एतद्वारा निम्नलिखित विनियमों को तैयार करता है, नामतः—

1. लघु शीर्षक, अनुप्रयोग एवं प्रवर्तन:

- 1.1 इन विनियमों को विश्वविद्यालय अनुदान आयोग (विश्वविद्यालय और महाविद्यालयों में शिक्षकों और अन्य शैक्षिक कर्मचारियों की नियुक्ति हेतु न्यूनतम अर्हता तथा उच्चतर शिक्षा में मानकों के रखरखाव हेतु उपाय) संबंधी विनियम, 2018 कहा जाएगा।
- 1.2 ये विनियम विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 की धारा 2 के खंड (अ) के तहत संबंधित विश्वविद्यालय के साथ परामर्श कर किसी केन्द्रीय अधिनियम, प्रांतीय अधिनियम, अथवा किसी राज्य अधिनियम के द्वारा स्थापित अथवा निर्मित प्रत्येक विश्वविद्यालय, आयोग द्वारा मान्यता प्राप्त संचालित अथवा संबद्ध महाविद्यालय सहित प्रत्येक संस्थान और उक्त अधिनियम की धारा 3 के अंतर्गत प्रत्येक सम विश्वविद्यालय संस्थान पर लागू होंगे।
- 1.3 यह विनियम अधिसूचित किए जाने की तिथि से लागू होंगे।
2. उच्चतर शिक्षा में मानकों को बनाए रखने के एक उपाय के रूप में विश्वविद्यालय और महाविद्यालय शिक्षकों, पुस्तकालयों और निदेशक, शारीरिक शिक्षा और खेलकूद की नियुक्ति और अन्य सेवा शर्तों की न्यूनतम अर्हताएं इन विनियमों के अनुबंध में दी जाएंगी।
3. यदि कोई विश्वविद्यालय इन विनियमों के उपबंधों का उल्लंघन करता है तो ऐसे उल्लंघन किए जाने अथवा इस प्रकार उपबंधों का पालन करने में असाफल्य रहने पर उक्त विश्वविद्यालय द्वारा दिया गया कारण, यदि कोई हो, पर विचार करते हुए आयोग, अपनी निधियों में से विश्वविद्यालय को प्रदान किए जाने वाले प्रस्तावित अनुदानों को रोक सकता है।

NORMS FOR WOMEN			
8 MINUTES RUN/WALK TEST			
Upto 30 Years	Upto 40 Years	Upto 45 Years	Upto 50 Years
1000 metres	800 metres	600 metres	400 metres

5.0 CONSTITUTION OF SELECTION COMMITTEES AND GUIDELINES ON SELECTION PROCEDURE

5.1 Selection Committee Composition

I. Assistant Professor in the University:

- (a) The Selection Committee for the post of Assistant Professor in the University shall consist of the following persons:
- The Vice Chancellor or his/her nominee, who has at least ten years of experience as Professor, shall be the Chairperson of the Committee.
 - An academician not below the rank of Professor to be nominated by the Visitor/Chancellor, wherever applicable.
 - Three experts in the subject concerned nominated by the Vice Chancellor out of the panel of names approved by the relevant statutory body of the university concerned.
 - Dean of the Faculty concerned, wherever applicable.
 - Head/Chairperson of the Department/School concerned.
 - An academician representing SC/ST/OBC/Minority/Women/Differently-abled categories to be nominated by the Vice Chancellor, if any of the candidates from any of these categories is an applicant and if any of the above members of the selection committee does not belong to that category.

- (b) Four members, including two outside subject experts, shall constitute the quorum.

II. Associate Professor in the University

- (a) The Selection Committee for the post of Associate Professor in the University shall have the following composition:
- The Vice Chancellor or his/her nominee, who has at least ten years of experience as Professor, shall be the Chairperson of the Committee.
 - An academician not below the rank of Professor to be nominated by the Visitor/Chancellor, wherever applicable.
 - Three experts in the subject/field concerned nominated by the Vice-Chancellor, out of the panel of names approved by the relevant statutory body of the university.
 - Dean of the faculty, wherever applicable.
 - Head/Chairperson of the Department/School.
 - An academician representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of the candidates belonging to any of these categories is the applicant, to be nominated by the Vice Chancellor, if any of the above members of the selection committee does not belong to that category.
- (b) At least four members, including two outside subject experts, shall constitute the quorum.

III. Professor in the University

- (a) The Selection Committee for the post of Professor in the University shall consist of the following persons:
- Vice-Chancellor who shall be the Chairperson of the Committee.
 - An academician not below the rank of Professor to be nominated by the Visitor/Chancellor, wherever applicable.
 - Three experts in the subject/field concerned to be nominated by the Vice-Chancellor out of the panel of names approved by the relevant statutory body of the university concerned.
 - Dean of the faculty, wherever applicable.
 - Head/Chairperson of the Department/School.
 - An academician belonging to the SC/ST/OBC/ Minority / Women / Differently-abled categories, if any of the candidates representing these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.
- (b) At least four members, including two outside subject experts, shall constitute the quorum.

IV. Senior Professor

- (a) The Selection Committee for the post of Senior Professor in the University shall consist of the following persons:
- Vice Chancellor who shall be the Chairperson of the Committee.
 - An academician not below the rank of Senior Professor/Professor with minimum ten years experience who is the nominee of the Visitor/Chancellor, wherever applicable.
 - Three experts not below the rank of a Senior Professor/Professor with a minimum of ten years' experience in the subject/field concerned nominated by the Vice-Chancellor out of the panel of names approved by the relevant statutory body of the university.
 - Dean (not below the rank of Senior Professor/Professor with minimum ten years experience) of the faculty, wherever applicable.
 - Head/Chairperson (not below the rank of Senior Professor/Professor with minimum ten years experience) or Senior-most Professor (not below the rank of Senior Professor/Professor, with a minimum of ten years' experience) of the Department/School.
 - An academician (not below the rank of a Senior Professor/Professor with minimum ten years experience) representing SC/ST/OBC/ Minority / Women / Differently-abled categories, if any of candidates representing these categories is the applicant, to be nominated by the Vice Chancellor, if any of the above members of the selection committee do not belong to that category.
- (b) Four members, including two outside subject experts, shall constitute the quorum.

V. Assistant Professor in Colleges, including Private and Constituent Colleges:

- (a) The Selection Committee for the post of Assistant Professor in Colleges, including Private and constituent Colleges shall consist of the following persons:
- Chairperson of the Governing Body of the college or his/her nominee from amongst the members of the Governing body, who shall be the Chairperson of the Committee.
 - The Principal of the College.
 - Head of the Department/Teacher-in-charge of the subject concerned in the College.
 - Two nominees of the Vice-Chancellor of the affiliating university, of whom one should be a subject-expert. In case of colleges notified/declared as a minority educational institution, two nominees of the Chairperson of the college from out of a panel of five names, preferably from the minority community, recommended by the Vice-Chancellor of the affiliating university, from the list of experts suggested by the relevant statutory body of the college, of whom one should be a subject-expert.

- educational institutions, two nominees, not below the rank of Professor, of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of the affiliating university from the list of experts suggested by the relevant statutory body of the college of whom one should be a subject expert.
- vi) Two subject experts not connected with the college to be nominated by the Chairperson of the governing body of the college out of a panel of five names recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational institutions, two subject experts not connected with the University nominated by the Chairperson of the College Governing Body out of the panel of five names, preferably from minority communities, recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body.
 - vii) An academicians not below the rank of Professor belonging to the SC/ST/OBC/Minority/Women/Differently-abled categories, if any of candidates belonging to these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.
- (b) The quorum for the meeting shall be five, including two subject experts.
- VIII. College Principal and Professor
- A. Selection Committee
- (a) The Selection Committee for the post of College Principal and Professor shall have the following composition:
 - i) Chairperson of the Governing Body to be the Chairperson.
 - ii) Two members of the Governing Body of the college to be nominated by the Chairperson of whom one shall be an expert in academic administration.
 - iii) Two nominees of the Vice-Chancellor who shall be Higher Education experts in the subject/field concerned out of which at least one shall be a person not connected in any manner with the affiliating University. In case of Colleges notified/declared as minority educational institutions, one nominee of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of the affiliating university of whom one should be a subject expert.
 - iv) Three Higher Education experts consisting of the Principal of a College, a Professor and an accomplished educationist not below the rank of a Professor (to be nominated by the Governing Body of the college out of a panel of six experts approved by the relevant statutory body of the university concerned).
 - v) An academicians representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of candidates representing these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.
 - vi) Two subject-experts not connected with the college to be nominated by the Chairperson of the governing body of the college out of a panel of five names recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational institutions, two subject experts not connected with the University nominated by the Chairperson of the College governing body out of the panel of five names, preferably from minority communities, recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body.
 - (b) Five members, including two experts, shall constitute the quorum.
 - (c) All the selection procedures of the selection committee shall be completed on the day/last day of the selection committee meeting itself, wherein, minutes are recorded along with the scoring Proforma and recommendation made on the basis of merit with the list of selected and waitlisted candidates/Panel of names in order of merit, duly signed by all members of the selection committee.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 59] नई दिल्ली, बुधवार, दिसम्बर 28, 2016/पौष 07, 1938 (शक)
No. 59] NEW DELHI, WEDNESDAY, DECEMBER 28, 2016/PAUSHA 07, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th December, 2016/Pausha 17, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 27th December, 2016, and is hereby published for general information:—

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

(No. 49 OF 2016)

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appellate authority” means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

41 of 2006.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) “barrier” means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

(d) “care-giver” means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(e) “certifying authority” means an authority designated under sub-section (1) of section 57;

(f) “communication” includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(g) “competent authority” means an authority appointed under section 49;

(h) “discrimination” in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

(i) "establishment" includes a Government establishment and private establishment;

(j) "Fund" means the National Fund constituted under section 86;

18 of 2013.

(k) "Government establishment" means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government;

(l) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(m) "inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(n) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(o) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

41 of 2006.

(p) "local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

(q) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(r) "person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) "person with disability having high support needs" means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(u) "prescribed" means prescribed by rules made under this Act;

(v) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment

and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) "registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) "rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(zb) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(i) persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) "specified disability" means the disabilities as specified in the Schedule;

(zd) "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.;

(ze) "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II

RIGHTS AND ENTITLEMENTS

Equality and
non-
discrimination.

3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

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4. (1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

Women and children with disabilities.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability."

5. (1) The persons with disabilities shall have the right to live in the community.

Community life.

(2) The appropriate Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. (1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

Protection from cruelty and inhuman treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. (1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

Protection from abuse, violence and exploitation.

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

45 of 1860.

Protection and
safety.

8. (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities.

53 of 2005.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

53 of 2005.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

Home and
family.

9. (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

Reproductive
rights.

10. (1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

Accessibility
in voting.

11. The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

Access
to justice.

12. (1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

39 of 1987.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. (1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

Legal capacity.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. (1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provision for guardianship.

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.—For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

Designation of
authorities to
support.

15. (1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III

EDUCATION

Duty of
educational
institutions.

16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

Specific
measures to
promote and
facilitate
inclusive
education.

17. The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

Adult
education.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

19. (1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

Vocational
training and
self-
employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. (1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Non-
discrimination
in
employment.

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

Equal
opportunity
policy.

21. (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

Maintenance
of records.

22. (1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

Appointment
of Grievance
Redressal
Officer.

23. (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

Social security.

24. (1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. (1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,— Healthcare.

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities. Insurance schemes.

27. (1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of Rehabilitation.

rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

Research and
development.

28. The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

Culture and
recreation.

29. The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

Sporting
activities.

30. (1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

35 of 2009.

31. (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

Free education for children with benchmark disabilities.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

Reservation in higher educational institutions.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. The appropriate Government shall—

Identification of posts for reservation.

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(iii) undertake periodic review of the identified posts at an interval not exceeding three years.

34. (1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

Reservation.

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities;

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

Incentives to employers in private sector.

35. The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

Special employment exchange.

36. The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

Special schemes and development programmes.

37. The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

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

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

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

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

Special provisions for persons with disabilities with high support.

38. (1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

Awareness campaigns.

39. (1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

40. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

Accessibility.

41. (1) The appropriate Government shall take suitable measures to provide,—

Access to transport.

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

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

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

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. The appropriate Government shall take measures to ensure that,—

Access to information and communication technology.

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

43. The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

Consumer goods.

44. (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

Mandatory observance of accessibility norms.

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

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

Time limit for making existing infrastructure and premises accessible and action for that purpose.

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

Time limit
for
accessibility
by service
providers.

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

Human
resource
development.

47. (1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

34 of 1992.

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

Social audit.

48. The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

Competent
authority.

49. The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

Registration.

50. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, shall not be required to be registered under this Act.

14 of 1987.

51. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

Application
and grant of
certificate of
registration.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2),—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

52. (1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

Revocation
of
registration.

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

Appeal.

53. (1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

Act not to apply to institutions established or maintained by Central or State Government.

54. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

Assistance to registered institutions.

55. The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

Guidelines for assessment of specified disabilities.

56. The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

Designation of certifying authorities.

57. (1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

Procedure for certification.

58. (1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

Appeal against a decision of certifying authority.

59. (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. (1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution
of Central
Advisory
Board on
Disability.

(2) The Central Advisory Board shall consist of,—

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio*;

(g) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(i) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(j) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, *ex officio*;

(l) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, *ex officio*;

(n) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(o) Chairperson, University Grants Commission, Member, *ex officio*;

(p) Chairperson, Medical Council of India, Member, *ex officio*;

(q) Directors of the following Institutes:—

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

- (v) National Institute for the Orthopaedically Handicapped, Kolkata;
- (vi) National Institute of Rehabilitation Training and Research, Cuttack;
- (vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;
- (viii) National Institute for Mental Health and Sciences, Bangalore;
- (ix) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio*;

(r) Members to be nominated by the Central Government,—

- (i) five Members who are experts in the field of disability and rehabilitation;
- (ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations;

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

- (iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, *ex officio*.

Terms and
conditions of
Service of
members.

61. (1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

Disqualifications.

62. (1) No person shall be a Member of the Central Advisory Board, who —

- (a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
- (b) is of unsound mind and stands so declared by a competent court, or
- (c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or
- (d) is, or at any time has been, convicted of an offence under this Act, or
- (e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

63. If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

65. (1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-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 Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations 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 national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities vis-à-vis information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

66. (1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of—

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

Vacation of seats by Members.

Meetings of the Central Advisory Board on disability.

Functions of Central Advisory Board on disability.

State Advisory Board on disability.

(e) Members to be nominated by the State Government:—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

Terms and
conditions of
service of
Members.

67. (1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) the Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

Disqualification.

68. (1) No person shall be a Member of the State Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

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

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

Vacation of seats.

70. The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Meetings of State Advisory Board on disability.

71. (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.

Functions of State Advisory Board on disability.

(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, non-discrimination 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.

72. The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

District-level Committee on disability.

73. No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

Vacancies not to invalidate proceedings.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. (1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

Appointment of Chief Commissioner and Commissioners.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

Functions of
Chief
Commissioner.

75. (1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

Action of
appropriate
authorities on
recommendation
of Chief
Commissioner.

76. Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

34

5 of 1908. 77. (1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:— Powers of Chief Commissioner.

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

45 of 1860. (2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

78. (1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

Annual and special reports by Chief Commissioner.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

79. (1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.

Appointment of State Commissioner in States.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

80. The State Commissioner shall—

Functions of State Commissioner.

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

Action by appropriate authorities on recommendation of State Commissioner.

81. Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

Powers of State Commissioner.

82. (1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

Annual and special reports by State Commissioner.

83. (1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII

SPECIAL COURT

84. For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act. Special Court.

85. (1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court. Special Public Prosecutor.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV

NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. (1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto— National Fund for persons with disabilities.

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890.

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

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

(d) all sums received from the Central Government including grants-in-aid;

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

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

87. (1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

State Fund for persons with disabilities.

88. (1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI

OFFENCES AND PENALTIES

Punishment for contravention of provisions of Act or rules or regulations made thereunder.

Offences by companies.

89. Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

90. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

91. Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.

92. Whoever,—

Punishment for offences of atrocities.

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

93. Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

Punishment for failure to furnish information.

94. No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

Previous sanction of appropriate Government.

95. Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

Alternative punishments.

CHAPTER XVII

MISCELLANEOUS

Application
of other laws
not barred.

96. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Protection of
action taken
in good faith.

97. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to
remove
difficulties.

98. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

Power to
amend
Schedule.

99. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

Power of
Central
Government
to make
rules.

100. (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;

(g) rules for person with disabilities laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. (1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;

(b) the manner of providing support of a limited guardian under sub-section (1) of section 14;

(c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;

(g) the period within which an appeal to be made under sub-section (1) of section 53;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(l) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(o) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Repeal and
savings.

102. (1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed. 1 of 1996.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditions, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour,—

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated

tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.

Revision of Pay Scales of Teachers in Non- Agricultural Universities, National Law universities Affiliated Colleges, Government Colleges/Institutions as per 7th Central Pay Commission and UGC Regulations on minimum qualifications for appointment of teachers and other academic staff in universities and colleges and measures for the maintenance of standards in Higher Education 2018.

GOVERNMENT OF MAHARASHTRA
Higher & Technical Education Department
Corrigendum No : Misc-2018/C.R.56/18/UNI-1
 Mantralaya Annex, Mumbai- 400 032.
 Dated – 10 May, 2019.

- Read:**
1. Government Resolution, Higher and Technical Education Department No. NGC-2009/ (243/09)-Uni.1, dated 12th August, 2009.
 2. Government of India MHRD letter No. 1-7/2015-U.II (1), dated 2nd November, 2017
 3. Government of India MHRD letter No. Corrigendum F.No.1- 7/2015-U.II (1), dated 8th November, 2017.
 4. Government of India MHRD letter No. Corrigendum F.No.1 7/2015-U.II (1), dated 8th November, 2017.
 5. UGC letter No. F.No.23-4/2017 (PS), dated 31st January, 2018
 6. The Gazette of India: Extraordinary, Part III-Section 4, dated 18th July, 2018
 7. The Maharashtra Public University Act, 2016
 8. Government Resolution, Higher and Technical Education Department No. MISC-2018/C.R.56/18/UNI-1 dated 08 March, 2019

Government has implemented 7th pay revision vide Resolution referred 8. The following amendments and additions are being issued.

Para	Particulars in G.R. dated 8.3.2019	Amendment
Preamble	University Grants Commission vide its letter dated 31st January, 2018 mentioned that the Government of India MHRD, Department of Higher Education, New Delhi vide its letter dated 2nd November 2017 regarding revision of 7 th Pay of teachers and equivalent <u>orders</u> in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission and to say that the State Government may take action to adopt the Government of India's scheme for State Universities and colleges.	University Grants Commission vide its letter dated 31st January, 2018 mentioned that the Government of India MHRD, Department of Higher Education, New Delhi vide its letter dated 2nd November 2017 regarding revision of 7 th Pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the 7th Central Pay Commission and to say that the State Government may take action to adopt the Government of India's scheme for State Universities and colleges

<p>6.1 V</p>	<p>There shall be a selection committee for recommending the names of suitable candidates for appointment for the substantive/permanent post of Assistant Professor in the College/Institution. The selection committee shall be as per the guidelines prescribed by the State Government in the Official Gazette.</p>	<p>There shall be a selection committee for recommending the names of suitable candidates for appointment for the substantive/permanent post of Assistant Professor in the College/Institution. The selection committee shall be as under:</p> <ul style="list-style-type: none"> i) Chairperson of the Governing Body of the college or his/her nominee from amongst the members of the Governing body, who shall be the Chairperson of the Committee. ii) The Principal of the College. iii) Head of the Department/Teacher-incharge of the subject concerned in the College. iv) Two nominees of the Vice-Chancellor of the affiliating university, of whom one should be a subject-expert. In case of colleges notified/declared as a minority educational institution, two nominees of the Chairperson of the college from out of a panel of five names, preferably from the minority community, recommended by the Vice-Chancellor of the affiliating university, from the list of experts suggested by the relevant statutory body of the college, of whom one should be a subject-expert. v) Two subject-experts not connected with the college who shall be nominated by the Chairperson of the College governing body out of a panel of five names recommended by the Vice-Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational Institutions, two subject experts not connected with the University nominated by the Chairperson of the Governing Body of the College out of the panel of five names, preferably from the minority communities, recommended by the Vice-Chancellor from the list of subject experts approved by the relevant statutory body of the College.
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		<p>vi) An academician representing SC/ST/ OBC/Minority/ Women/Differently-abled categories, if any of candidates belonging to any of these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.</p> <p>vii) The Joint Director, Higher Education of the region or his nominee not below the rank of Associate Professor, if the post is on grant-in aid basis.</p> <p>(b) The quorum for the meeting shall be five members, of whom at least two shall be from out of three subject expert and Joint Director, Higher Education or his/her nominee.</p>
6.1 VI	<p>There shall be a selection committee for recommending names of the suitable candidates for appointment for the post of college Principal. The selection committee shall be as per the guidelines prescribed by the State Government in the Official Gazette</p>	<p>There shall be a selection committee for recommending names of the suitable candidates for appointment for the post of college Principal. The selection committee shall be as under:</p> <p>i) Chairperson of the Governing Body to be the Chairperson.</p> <p>ii) Two members of the Governing Body of the college to be nominated by the Chairperson of whom one shall be an expert in academic administration.</p> <p>iii) Two nominees of the Vice-Chancellor who shall be Higher Education experts in the subject/field concerned out of which at least one shall be a person not connected in any manner with the affiliating University. In case of Colleges notified/declared as minority educational institutions, one nominee of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of the affiliation university of whom one should be a subject expert.</p> <p>iv) Three Higher Education experts consisting of the Principal of a College, a Professor and an accomplished educationist not below the rank of a Professor (or be nominated by the</p>

		<p>Governing Body of the college out of a panel of six experts approved by the relevant statutory body of the university concerned).</p> <p>v) An academician representing SC/ST/OBC/ Minority/ Women/Differently-abled categories, if any of candidates representing these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.</p> <p>vi) Two subject-experts not connected with the college to be nominated by the Chairperson of the governing body of the college out of a panel of five names recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational institutions, two subject experts not connected with the University nominated by the Chairperson of the College governing body out of the panel of five names, preferably from minority communities, recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body.</p> <p>vii) The Director, Higher Education or his nominee not below the rank of Professor/Principal, in Case of post is on grant-in-aid basis;</p> <p>(b) The quorum for the meeting shall be five members, of whom at least two shall be from out of three experts and Director, Higher Education or his/her nominee.</p>
6.1.VII	Selection Committees for the Posts of Directors of Sports and Physical Education, Deputy Directors, Assistant Directors of Physical Education and Sports, Director, Knowledge Resource Center, Deputy Librarians and Assistant	Selection Committees for the Posts of Directors of Sports and Physical Education, Deputy Directors, Assistant Directors of Physical Education and Sports, Director, Knowledge Resource Center, Deputy Librarians and Assistant Librarians in universities shall be the same as that of Professor, Associate Professor and Assistant Professor, respectively, except that in

	<p>Librarians shall be the same as that of Professor, Associate Professor and Assistant Professor, respectively, except that in Library and Physical Education and Sports or Sports Administration, respectively, practicing Librarian/Director Physical Education and Sports, as the case may be shall be associated with the Selection Committee as one of the subject experts.</p>	<p>Library and Physical Education and Sports or Sports Administration, respectively, practicing Librarian/Director Physical Education and Sports, as the case may be shall be associated with the Selection Committee as one of the subject experts.</p> <p>Selection committee for the post of college Librarian & College Director of Physical Education & Sports shall be the same as that of Assistant Professor in colleges, Except that in Library & Physical Education & Sports respectively practicing librarian /Director Physical Education & Sports, as the case may be, shall be associated with the selection committee as one of the subject experts.</p>
7.2.	<p>The constitution of the Selection Committees and Selection Procedure as well as the Assessment Criteria and Methodology for the above cadres, either through direct recruitment or through Career Advancement Scheme, shall be in accordance with these Rules. The constitution of the Selection Committee for Associate Professors and Professors in Colleges under Career Advancement Scheme shall be as specified in University Grants Commission Regulations dated 18.7.2018.</p>	<p>The constitution of the Selection Committees and Selection Procedure as well as the Assessment Criteria and Methodology for the above cadres, either through direct recruitment or through Career Advancement Scheme, shall be in accordance with these Rules. The constitution of the Selection Committee for Associate Professors and Professors in Colleges, including private and constituent Colleges through Career Advancement Scheme shall be as specified in University Grants Commission Regulations dated 18.7.2018. In addition Government nominee shall be member of these committees.</p> <p>The quorum for these committees in all categories shall be three which will include one subject expert/university nominee and Government nominee.</p>
7.3. VI. i.	<p>If a candidate applies for promotion on completion of the minimum eligibility period and is successful, the date of promotion shall be from that of minimum period of eligibility.</p>	<p>If a candidate applies for promotion from Level 10 to Level 11 and Level 11 to Level 12 on completion of the minimum eligibility period and is successful, the date of promotion shall be from that of minimum period of eligibility for both Colleges and Universities.</p> <p>If a candidate applies for promotion from <u>level 12 to 13 A and Level 13A to Level 14</u> on completion of the minimum eligibility period and is successful, the date of promotion shall be the date of selection by CAS for both Colleges and Universities.</p> <p>If a candidate applies for promotion from Level 14 to Level 15 in Universities on completion of the minimum eligibility</p>

		period and is successful, the date of promotion shall be the date of selection by CAS.
7.3. VIII.	The requirement for Orientation course and Refresher course for promotions due under the CAS shall not be mandatory up to 31 st December, 2018.	The date for requirement of Orientation course and Refresher course for promotions due under the CAS <u>shall not be</u> extended up to 31 st December, 2018.
9.0. g)	<p>For fixation of pay of an employee in the Pay Matrix as on 1st January, 2016, the existing pay (Pay in Pay Band plus Academic Grade Pay) in the pre-revised structure as on 31st December, 2015 shall be multiplied by a factor of 2.57. The figure so arrived at is to be located in the Academic Level corresponding to employee's Pay Band and Academic Grade Pay in the new Pay Matrix. If a Cell identical with the figure so arrived at is available in the appropriate Academic Level, that Cell shall be the revised pay, otherwise the next higher cell in that Academic Level shall be the revised pay of the employee. If the figure arrived at in this manner is less than the first cell in that Academic Level, then the pay shall be fixed at the first cell of that Academic Level.</p> <p>If a situation arises whenever more than two stages are bunched together, one additional increment equal to 3 percent may be given for every two stages bunched, and pay fixed in the subsequent cell in the pay matrix.</p>	<p>For fixation of pay of an employee in the Pay Matrix as on 1st January, 2016, the existing pay (Pay in Pay Band plus Academic Grade Pay) in the pre-revised structure as on 31st December, 2015 shall be multiplied by a factor of 2.57. The figure so arrived at is to be located in the Academic Level corresponding to employee's Pay Band and Academic Grade Pay in the new Pay Matrix. If a Cell identical with the figure so arrived at is available in the appropriate Academic Level, that Cell shall be the revised pay, otherwise the next higher cell in that Academic Level shall be the revised pay of the employee. If the figure arrived at in this manner is less than the first cell in that Academic Level, then the pay shall be fixed at the first cell of that Academic Level.</p>

10.0.I.	The Pay of the Pro-Vice Chancellor of a University, presently at existing AGP of Rs. 10,000 in PB Rs. 37,400-67,000/ HAG scale, shall be fixed at Academic Level 14/ Academic Level 15, as the case may be, with the existing special allowance of Rs.9,000/- per month.	The Pay of the Pro-Vice Chancellor of a University, presently at existing AGP of Rs. 10,000 in PB Rs. 37,400-67,000/ HAG scale, shall be fixed at Academic Level 14/ Academic Level 15, as the case may be, with a special allowance of Rs.9,000/- per month.
10.0. II.	The pay of the Vice Chancellor shall be fixed at Rs. 2, 10,000/-(fixed) (Figures obtained by using the IOR of 2.81 on 75,000/- and rounding off the figures to nearest five thousand) with the existing special allowance of Rs.11, 250/- per month.	The pay of the Vice Chancellor shall be fixed at Rs. 2, 10,000/-(fixed) (Figures obtained by using the IOR of 2.81 on 75,000/- and rounding off the figures to nearest five thousand) with a special allowance of Rs.11, 250/- per month.
11.0.(i)	The Pay of Principals shall be equivalent to the pay of Associate Professor i.e. at Academic Level 13A with rationalized entry pay of Rs. 1, 31,400/- with the existing special allowance of Rs. 4,500/- per month.	The Pay of Principals shall be equivalent to the pay of Associate Professor i.e. at Academic Level 13A with rationalized entry pay of Rs. 1, 31,400/- with a special allowance of Rs. 4,500/- per month.
11.0. (ii)	The Pay of Principals shall be equivalent to the pay of Professor i.e. at Academic Level 14 with rationalized entry pay of Rs. 1, 44,200/- with the existing special allowance of Rs. 6,750/- per month.	The Pay of Principals shall be equivalent to the pay of Professor i.e. at Academic Level 14 with rationalized entry pay of Rs. 1, 44,200/- with a special allowance of Rs. 6,750/- per month.
12.0.	The incentive structure is built-in in the pay structure itself, wherein those having Ph.D/M.Phil/ PG Degree in Professional Courses will progress faster under CAS. Therefore, there shall be no incentives in form of advance increments for obtaining these degrees.	The incentive structure is built-in in the pay structure itself, wherein those having Ph.D/M.Phil/ PG Degree in Professional Courses will progress faster under CAS. Therefore, there shall be no incentives in form of advance increments for obtaining these degrees with effect from 1.1.2016.
16.0.	Study leave, maternity leave, casual leave, medical leave shall be admissible to the teachers at par with the state government employees.	Study leave, maternity leave and casual leave, shall be admissible to the teachers at par with the state government employees.

25.0. i.	<p>As per the provisions of the Maharashtra University Act 2016, Universities are primarily responsible for ensuring equitable and quality education in their jurisdiction by adopting all possible measures especially proper selection and appointment of lecturers etc. In view of above, Universities shall fix the revised pay of all the teachers and equivalent cadres under their jurisdiction as per this scheme and further certify that.</p> <p>" All the teachers have been lawfully appointed,</p> <p>" The pay of each teacher has been properly fixed as per this scheme and</p> <p>"In case it is found that any excess payment has been made on account of incorrect fixation and unlawful appointees the same shall be recovered by the Government from the grants (including salary grants) payable to the Universities and Colleges".</p>	<p>As per the provisions of the Maharashtra University Act 2016, Universities are primarily responsible for ensuring equitable and quality education in their jurisdiction by adopting all possible measures especially proper selection and appointment of lecturers etc. In view of above, Universities shall fix the revised pay of all the teachers and equivalent cadres under their jurisdiction as per this scheme and further certify that.</p> <p>" The pay of each teacher has been properly fixed as per this scheme" and</p> <p>"In case it is found that any excess payment has been made on account of incorrect fixation and unlawful appointees the same shall be recovered by the Government from the grants (including salary grants) payable to the Universities and Colleges".</p>
Illustration 5	<p>An Associate Professor drawing a Basic Pay of Rs. 53,820/- as on 01.07.2015 in the existing Pay Band Rs.37,400-67,000, AGP Rs. 9,000. His pay in the revised pay matrix as on 01.01.2016 shall be fixed as follows:</p>	<p>An Associate Professor drawing a Basic Pay of Rs. 53,820/- as on 01.07.2015 in the existing Pay Band Rs.37,400-67,000, AGP Rs. 9,000. His pay in the revised pay matrix as on 01.01.2016 shall be fixed as follows:</p>

	<p>1.Existing Basic Pay (Pay in Basic PB+AGP)</p> <p>= Rs 53,820</p> <p>2.2.57 x Basic Pay = Rs 138317.40</p> <p>3. Rounding off the resultant figure to= Rs 1,38,400 the nearest Rs 100=</p> <p>4.level corresponding to AGP Rs 9000 = Level 13 A</p> <p>5.Revised Pay in Pay Matric (Eigher = Rs 1,39,400</p> <p>Equal to or next cell higher to Rs 138400)</p>	<p>1.Existing Basic Pay (Pay in Basic PB+AGP)</p> <p>= Rs 53,820</p> <p>2.2.57 x Basic Pay = Rs 138317.40</p> <p>3. Rounding off the resultant figure to= Rs 1,38,300 the nearest Rs 100=</p> <p>4.level corresponding to AGP Rs 9000 = Level 13 A</p> <p>5.Revised Pay in Pay Matric (Either = Rs 1,39,400</p> <p>Equal to or next cell higher to Rs 138400)</p>
	<p>He shall be fixed at Basic Pay of Rs. 1, 39,400/-. The next date of annual increment shall be 1st July, 2016 and pay after increment is Rs. 1, 43,600/-</p> <p>He is eligible for promotion under CAS (AGP Rs. 9,000 to AGP Rs. 10,000/ Level 13A to Level 14) on 10.12.2018.</p> <p>On promotion, he shall be re-designated as Professor, he shall be given a notional increment in Level 13A and his basic pay would be Rs. 1,56,900/-. Locating this figure Rs. 1,56,900 in Academic level 14, a cell identical to Rs. 1,56,900 or next higher cell in level 14 is cell no.4 with entry Rs. 1,57,600/-</p> <p>His revised basic pay as on 10.12.2018 shall be Rs. 1, 57,600/- and the date of increment shall be 1st July, 2019, and pay after increment is Rs. 1, 62,300/-</p>	<p>He shall be fixed at Basic Pay of Rs. 1, 39,400/-. The next date of annual increment shall be 1st July, 2016 and pay after increment is Rs.1,43,600/-</p>
Illustration 7	<p>1.Existing Basic Pay (Pay in Basic PB+AGP)</p> <p>= Rs 75, 420</p> <p>2.2.57 x Basic Pay = Rs 1,93,829.40</p> <p>3. Rounding off the resultant figure to the nearest Rs. 100 = Rs 1,93,900</p> <p>4.level corresponding to AGP Rs 10,000 = Level 15</p>	<p>1.Existing Basic Pay (Pay in Basic PB+AGP)</p> <p>= Rs 75, 420</p> <p>2.2.57 x Basic Pay = Rs 1,93,829.40</p> <p>3. Rounding off the resultant figure to the nearest Rs. 100 = Rs 1,93,800</p> <p>4.level corresponding to AGP Rs 10,000 = Level 15</p> <p>5.Revised Pay in Pay Matric (Eigher = Rs 1,99,100</p> <p>Equal to or next cell higher to Rs 1,93,800)</p>

5.Revised Pay in Pay Matric (Eigher = Rs 1,99,100 Equal to or next cell higher to Rs 1,93,900)	
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2. This Government Corrigendum of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201905101154016508. This corrigendum has been signed digitally.

By order and in the name of the Governor of Maharashtra.

**Vijay Eknath
Sable**

Digitally signed by Vijay Eknath Sable
DN: c=IN, o=Government of Maharashtra, ou=HIGHER AND
TECHNICAL EDUCATION DEPARTMENT, postalCode=400032,
st=Maharashtra,
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Date: 2019.05.10 17:10:22 +05'30'

(Vijay E. Sable)

Under Secretary to Government

To,

1. The Secretary to the Governor Raj Bhavan, Malabar Hill, Mumbai,
2. The principal Secretary to the Chief Minister,
3. The Secretary to the Government of India, MHRD (Department of Education New Delhi),
4. The Secretary to University Grant Commission, New Delhi,
5. The Private Secretary to the Minister, Higher and Technical Education,
6. The Director, Higher Education, Maharashtra State, Pune,
7. All Regional Joint Director of Higher Education,
8. The Registrar of all Non-Agricultural Universities,
9. The Account General (Accounts) Maharashtra-I and II, Mumbai and Nagpur,
10. The Account General (audit), Maharashtra-I and II, Mumbai and Nagpur,
11. The pay and Account Officer Mumbai,
12. All District Treasury Officer,
13. The planning Department, Mantralaya, Mumbai,
14. The Finance Department, Mantralaya, Mumbai,
15. The personal Assistant to the Chief Secretary,
16. All Desk Officer , Higher and Technical Education Department,
17. The Director General of Information & Publicity, Mumbai (with request to issue a suitable press note and send 25 copies to the Department)
18. Select file UNI-1.

दिव्यांग अधिनियम २०१६ अनुसार शासन सेवेतील
पदांवर शारीरिकदृष्ट्या दिव्यांग व्यक्तींसाठी ४
टक्के आरक्षण विहित करणे व आरक्षण
अंमलबजावणीची कार्यपद्धती.....

महाराष्ट्र शासन
सामान्य प्रशासन विभाग
शासन निर्णय क्रमांक दिव्यांग २०१८/प्र.क्र.११४/१६ अ
हुतात्मा राजगुरु चौक, मादामकामा रोड
दिनांक - २९ मे, २०१९

- वाचा :- (१) शासन निर्णय क्रमांक एसआरव्ही १०७७/३५७६/१४३३/१६-अ, दिनांक २३ मे, १९७८
(२) शासन निर्णय क्रमांक एसआरव्ही १०८१/प्र.क्र.१५/९९/१६-अ, दिनांक ७ सप्टेंबर, १९८२
(३) शासन निर्णय समाजकल्याण, संस्कृतिक कार्य व क्रीडा विभाग क्रमांक इडीडी १०९०
२२५९२/सिआर ४००/सुधार-२, दिनांक १९ ऑगस्ट, १९९२
(४) शासन निर्णय सामान्य प्रशासन विभाग क्रमांक बीसीसी-१०९७/सीआर-२/९७/१६-ब,
दिनांक १६ ऑगस्ट, १९९७
(५) शासन परिपत्रक क्रमांक एसआरव्ही-१०९७/प्र. क्र. १२/९७/१६-अ दिनांक ०२ मे, १९९८
(६) शासन परिपत्रक सामान्य प्रशासन विभाग क्रमांक न्याय-२००७/प्र.क्र.१०३८(भाग ३)/१६-अ,
दिनांक १९ ऑक्टोबर, २००७
(७) दिव्यांगांचे अधिकार अधिनियम २०१६, दिनांक २८ डिसेंबर, २०१६
(८) केंद्र शासनाच्या सामाजिक न्याय विभागाची दिनांक १५ जून, २०१७ ची अधिसूचना
(९) केंद्र शासनाच्या कार्मिक व प्रशिक्षण विभागाचे कार्यालयीन आदेश क्रमांक ३६०३५/०२/२०१७
(आस्था), दिनांक १५ जानेवारी, २०१८

प्रस्तावना:-

केंद्र शासनाच्या अपंग व्यक्ती (समान संधी संपूर्ण सहभाग व हक्कांचे संरक्षण) अधिनियम १९९५ च्या कलम ३२ व ३३ मधील तरतुदीनुसार अपंग व्यक्तींना शासन सेवेत सरळसेवा भरतीसाठी गट अ ते ड मधील पदांवर नियुक्तीसाठी ३% आरक्षण दिनांक २ मे, १९९८ च्या परिपत्रकान्वये विहित करण्यात आलेले आहे. तसेच केंद्र शासनाच्या कार्मिक व प्रशिक्षण विभागाने दिनांक २०.११.१९८९ च्या कार्यालयीन जापनाव्यये अपंगासाठी गट क व ड च्या सुनिश्चित करण्यात आलेल्या पदांवर पदोन्नतीसाठी ३% आरक्षण लागू करण्यात आले होते. केंद्र शासनाने दिव्यांग व्यक्ती अधिनियम २०१६ पारित केला असून अपंग व्यक्ती (समान संधी संपूर्ण सहभाग व हक्कांचे संरक्षण) अधिनियम १९९५ व्यपगत झाला आहे. दिनांक १५.६.२०१७ रोजीच्या अधिसूचनेद्वारे दिव्यांग व्यक्तींचे अधिकार अधिनियम, २०१६ अंमलात आणलेले आहे. केंद्र शासनाने दिनांक १५/०१/२०१८ च्या कार्यालयीन आदेशान्वये दिव्यांगांच्या १) अंध/अल्पदृष्टी २) कर्णबधीरता अथवा ऐकु येण्यातील दुर्बलता ३) अस्थीव्यंगता / मेंदुचा पक्षघात (Cerebral Palsy) / कुष्ठरोग मुक्त (leprosy cured) / शारीरिक वाढ खुंटणे (dwarfism) / आम्ल हल्लाग्रस्त (acid attack victims)/ स्नायुविकृती (muscular dystrophy) ४) स्वमग्नता (Autism)/मंदबुद्धी किंवा आकलन क्षमतेची कमतरता (Intellectual Disability) / विशिष्ट शिक्षण अक्षमता (specific learning disability)/मानसिक आजार (mental illness) ५) वरील १ ते ४ मधील बहिरेपणा व अंधत्वासह

एकापेक्षा जास्त प्रकारचे दिव्यांगत्व असणारे अशा विविध ५ प्रकारांसाठी ४ % आरक्षण विहित केलेले आहे.

मंत्रिमंडळाने दिव्यांग व्यक्तींसाठीच्या महाराष्ट्र राज्य धोरणास मान्यता दिली असून त्यामध्ये दिव्यांग व्यक्ती अधिकार कायदा २०१६ अनुसार दिव्यांग व्यक्तींसाठी असलेल्या सेवेतील आरक्षणाचा समावेश आहे. त्यानुसार शासन प्रस्तुत प्रकरणी खालीलप्रमाणे निर्णय घेत आहे.

शासन निर्णय:-

१. दिव्यांग अधिनियम २०१६ मधील तरतुदीनुसार विहित प्रमाणात दिव्यांगत्व असणाऱ्या व्यक्तींना पद आणि सेवेमध्ये आरक्षणासंदर्भात कलम २ (r) मध्ये परिभाषित केल्याप्रमाणे, दिव्यांग व्यक्तींसाठी शासन सेवेत प्रवेशासाठी दिव्यांगांच्या खाली नमूद करण्यात आलेल्या पाच गटांपैकी गट अ, ब, क साठी प्रत्येकी १% तसेच गट ड व इ साठी १% या प्रमाणे ४% आरक्षण विहित करण्यात येत आहे. सरळसेवा भरतीमध्ये विहित दिव्यांगत्व असणाऱ्या सर्व संवर्गांसाठी रिक्त पदाच्या ४% पदे दिव्यांग व्यक्तींसाठी आरक्षित ठेवण्यात यावीत.

अ) अंध /अल्पदृष्टी

ब) कर्णबधीरता अथवा ऐकु येण्यातील दुर्बलता

क) अस्थीव्यंगता / मेंदुचा पक्षघात (Cerebral Palsy) / कुष्ठरोग मुक्त (leprosy cured) / शारीरिक वाढ खुंटणे (dwarfism) / आम्ल हल्लाग्रस्त (acid attack victims)/ स्नायु विकृती (muscular dystrophy)

ड) स्वमग्नता (Autism)/मंदबुद्धी किंवा आकलन क्षमतेची कमतरता (Intellectual Disability) / विशिष्ट शिक्षण अक्षमता (specific learning disability)/मानसिक आजार (mental illness)

इ) वरील अ ते ड मधील बहिरेपणा व अंधत्वासह एकापेक्षा जास्त प्रकारचे दिव्यांगत्व असणाऱ्यासाठी त्यांचेसाठी सुनिश्चित करण्यात आलेल्या पदावर

२. पदांची गणना :- गट क व गट ड मधील पदांची गणना करतांना, त्या भरती वर्षातील त्या त्या गटातील सर्व संवर्गातील सरळसेवेच्या कोट्यातील रिक्त पदांच्या संख्येवर निश्चित करावी. असे करतांना त्या त्या गटातील दिव्यांगांसाठी एकाच आस्थापनेतील सुनिश्चित करण्यात आलेल्या संवर्गातील रिक्त पदे व सुनिश्चित न करण्यात आलेल्या संवर्गातील रिक्त पदे विचारात घेण्यात यावीत. परंतु जेव्हा सुनिश्चित न करण्यात आलेल्या संवर्गातील पदांची संख्या मोठी राहिल अशा वेळी ज्या संवर्गाची पद संख्या व रिक्त पदे कमी आहेत असा संवर्ग आरक्षणाची पदे निश्चित करण्यासाठी विचारात घ्यावा. गट क संवर्गातील तीन विविध पदनाम असलेल्या पदावर पदभरती करावयाची असल्यास त्यातील एक पद अपंगासाठी सुनिश्चित नसल्यास उक्त पदातील रिक्त पदावरील

आरक्षणाची ४% पदे अन्य दोन संवर्गात घेण्यात यावीत. उदाहरणार्थ लिपिक, वरिष्ठ लिपिक व वनपाल अशी तीन पदावर पद भरती करतांना वनपाल पद सुनिश्चित नसल्यास, वनपाल या संवर्गाची रिक्त पदाची संख्या अन्य दोन संवर्गापेक्षा मोठी असल्यास उर्वरित दोन संवर्गातील ज्या पदाची रिक्त पदाची संख्या कमी असेल त्या संवर्गाची पदे दिव्यांग आरक्षणाची पदे निश्चित करण्यासाठी विचारात घेण्यात यावी. असे करत असताना विहित आरक्षणाचे प्रमाण ओलांडले जाईल. भरतीसाठी ७ रिक्त पदे उपलब्ध होत असल्यास त्यातील १ पद दिव्यांगासाठी आरक्षित करावे. ७ पेक्षा जास्त पदे भरतीसाठी उपलब्ध होत असल्यास विहित आरक्षणाप्रमाणे पद गणना करावी.

विहित दिव्यांगत्व असणाऱ्या व्यक्तींसाठी गट "अ" व "ब" च्या सरळसेवेच्या कोट्यातील पदासाठी आरक्षणाची पदे निश्चित करतांना त्या-त्या संवर्गासाठी विहित केलेल्या प्रमाणात रिक्त पदावर गणना करण्यात यावी.

तसेच एखाद्या संवर्गात / गटात दिव्यांगत्वाच्या सर्व प्रकारांसाठी पदे सुनिश्चित केली असली किंवा कमी प्रकारांसाठी पदे सुनिश्चित केली असली तरी जेवढ्या प्रकारांसाठी पदे सुनिश्चित केली आहेत त्यासाठीचे एकूण आरक्षण ४ % एवढेच (सरळ सेवेच्या कोट्यातील पदांवर) राहील. कमी प्रकारासाठी पदे सुनिश्चित केली म्हणून आरक्षणाचे एकूण प्रमाण कमी करण्यात येणार नाही.

३. पद सुनिश्चितीकरणास अपवाद :- उपरोक्त तरतुदीनुसार एखाद्या विभागातील पद आरक्षित करणे शक्य होणार नसल्यास याबाबतीत सूट देण्याबाबतच्या तरतुदी दिव्यांग अधिनियमाच्या कलम ३४ मध्ये नमूद केलेल्या आहेत. त्यानुसार एखाद्या शासकीय विभागास वा आस्थापनेस अथवा संवर्गास त्या पदाच्या कामाचे स्वरूप व जबाबदाऱ्या विचारात घेऊन दिव्यांग व्यक्तीसाठी पद (सुनिश्चितीकरणातून) आरक्षणातून आस्थापनेवरील सर्व संवर्गासाठी किंवा काही संवर्गासाठी सूट घ्यावयाची असल्यास तसा प्रस्ताव संपूर्ण समर्थनासह व अपंग आयुक्त यांच्या शिफारशीसह संबंधीत प्रशासकीय विभागाने सामाजिक न्याय व विशेष सहाय्य विभाग यांच्या सहमतीने संयुक्तिक आदेश निर्गमित करावेत. तसेच यापूर्वी अपवाद करण्यात आलेल्या संवर्गासाठी / पदांसाठी पुनःच मान्यतेची आवश्यकता राहणार नाही.

४. अनारक्षित पदावर दिव्यांग व्यक्तींची नियुक्ती :- दिव्यांगासाठी सुनिश्चित करण्यात आलेल्या पदावर दिव्यांग व्यक्तीस गुणवत्तेच्या आधारावर निवडीस पात्र ठरत असल्यास व त्यांचेसाठी पद आरक्षित नसले तरी नियुक्तीसाठी अपात्र ठरविता येणार नाही. जर दिव्यांग उमेदवारांची इतर उमेदवारांप्रमाणेच व प्रचलित नियमाप्रमाणे दिव्यांग उमेदवारांना देण्यात आलेल्या सवलतीचा लाभ न घेता एखाद्या पदावर निवड झाली असेल अशा उमेदवारांची गणना दिव्यांगासाठी आरक्षित जागेवर करण्यात येऊ नये व दिव्यांगासाठी आरक्षित पदे / पद इतर दिव्यांग उमेदवारांमधून भरण्यात यावीत.

५. दिव्यांगाचे प्रमाणपत्र - दिव्यांगाचा लाभ घेवू इच्छिणाऱ्या व्यक्तीने सक्षम प्राधिकाऱ्याचे प्रमाणपत्र सादर करणे आवश्यक राहील. निवड प्रक्रीये दरम्यान अथवा नियुक्तीच्या दरम्यान उक्त

प्रमाणपत्राची तपासणी / फेरतपासणी करण्याचे अधिकार नियुक्ती प्राधिकार्याला राहतील. दिव्यांगाचे प्रमाणपत्र बाबत सार्वजनिक आरोग्य विभागाने दिनांक १४.०९.२०१८ च्या शासन निर्णयान्वये दिव्यांग व्यक्ती हक्क अधिनियम २०१६ अनुसार दिव्यांगत्व तपासणी, मुल्यमापन व प्रमाणपत्र वितरणासाठी निर्गमित केलेल्या मार्गदर्शक सूचनांप्रमाणे कार्यवाही करण्यात यावी.

६. **वयोमर्यादा :-** दिव्यांग व्यक्तीसाठी शासन सेवा प्रवेशासाठी सामान्य प्रशासन विभागाच्या दिनांक १६ जून २००१ या शासन निर्णयान्वये निश्चित करण्यात आलेली कमाल वयोमर्यादा कायम ठेवण्यात येत असून ती वय वर्ष ४५ इतकीच राहिल.

७. **बिंदूनामावली (रोस्टर) राखणे :-** प्रत्येक शासकीय कार्यालयाने त्यांच्या आस्थापनेवरील प्रत्येक संवर्गासाठी दिव्यांग व्यक्ती सरळ सेवा भरतीच्या पदासाठी १०० बिंदू नामावलीची स्वतंत्र नोंदवही ठेवावी. यापूर्वी ३ % आरक्षणाप्रमाणे दिव्यांग व्यक्तीसाठी बिंदू नामावलीतील बिंदू क्रमांक १, ३४ व ६७ निश्चित करण्यात आले होते. परंतु आता दिव्यांगाच्या ४ वर्गवारी असल्याने व बिंदूनामावली राखण्यास सुसूत्रता यावी म्हणून बिंदू क्रमांक १, २६, ५१ व ७६ बिंदू निश्चित करण्यात येत आहेत.

वरील बिंदूंची विभागणी खालील ४ गटात करण्यात यावी.

गट १ बिंदू क्रमांक	१ ते २५
गट २ बिंदू क्रमांक	२६ ते ५०
गट ३ बिंदू क्रमांक	५१ ते ७५
गट ४ बिंदू क्रमांक	७६ ते १००

बिंदू क्रमांक १, २६, ५१, ७६ दिव्यांगासाठी निश्चित करण्यात येत असून, त्यावर दिव्यांगाच्या प्रकारानुसार त्यांच्यासाठी सुनिश्चित करण्यात आलेल्या पदावर दिव्यांग व्यक्तीच्या क्रमांकावर त्यांच्या प्रवर्गानुसार त्यांचा बिंदू निश्चित होत असेल तेथे त्यांचा समावेश करण्यात यावा. एखाद्या पदासाठी दिव्यांगाचा कोणताही एकच प्रकार सुनिश्चित असल्यास गट १ मधील बिंदू पासून सुरुवात करावी. एकापेक्षा जास्त प्रकारातील पदे सुनिश्चित असल्यास १) अंध/अल्पदृष्टी २) कर्णबधीरता अथवा ऐकु येण्यातील दुर्बलता ३) अस्थीव्यंगता / मेंदुचा पक्षघात (Cerebral Palsy) / कुष्ठरोग मुक्त (leprosy cured) / शारीरिक वाढ खुंटणे (dwarfism) / आम्ल हल्लाग्रस्त (acid attack victims)/ स्नायुविकृती (muscular dystrophy) ४) स्वमग्नता (Autism)/मंदबुद्धी किंवा आकलन क्षमतेची कमतरता (Intellectual Disability) / विशिष्ट शिक्षण अक्षमता (specific learning disability)/मानसिक आजार (mental illness) ५) वरील १ ते ४ मधील बहिरेपणा व अंधत्वासह एकापेक्षा जास्त प्रकारचे दिव्यांगत्व असणाऱ्यांसाठी या क्रमाने आळीपाळीने आरक्षित राहिल याची खातरजमा करावी.

जरी बिंदू क्रमांक १, २६, ५१, ७६ दिव्यांग व्यक्तीसाठी आरक्षित असले तरी उक्त बिंदूवर त्यांचा समावेश होत नसल्यास त्यांच्यासाठी आरक्षित गटातच त्यांना दर्शविण्याची दक्षता संबंधित आस्थापना अधिकार्यांनी घ्यावी. एखाद्या वेळी गट १ मधील १ ते २५ बिंदू वर काही कारणास्तव उमेदवाराचा

समावेश करणे शक्य होत नसल्यास गट २ मधील दोन बिंदूंचा सुयोग्य वापर करण्यात यावा. म्हणजेच एका गटात बिंदू राखीव ठेवणे काही कारणास्तव शक्य न झाल्यास तो पुढील गटात समावेश करणे आवश्यक राहील. १०० बिंदू नामावली पूर्ण झाल्यास पुन्हा पहिल्या बिंदूपासून गणना सुरु करावी. बिंदू नामावलीचा नमुना "प्रपत्र अ" सोबत देण्यात आला आहे.

८. दिव्यांगांसाठी आरक्षित पदे पुढील भरती वर्षात ओढणे व अंतर्गत परिवर्तनाने पदभरती करणे :-

(१) एखाद्या भरतीवर्षात विहित दिव्यांगत्व असलेली पात्र दिव्यांग व्यक्ती उपलब्ध झाली नाही तर त्या दिव्यांगाच्या प्रकारासाठी आरक्षित जागेचा अनुशेष पुढील भरती वर्षासाठी पुढे ओढण्यात यावा. ती जागा इतर कोणत्याही उमेदवारांमधून भरण्यात येऊ नये. जर पुढील भरती वर्षातही विशिष्ट दिव्यांग प्रकारासाठी आरक्षित पदासाठी पात्र उमेदवार उपलब्ध झाला नाही तर अन्य दिव्यांग प्रकारातून अंतर्गत परिवर्तनाने पद भरती करावी. अंतर्गत परिवर्तनातून पद भरती करण्यात आल्यास आरक्षणाने पद भरण्यात आले असे समजावे. अंतर्गत परिवर्तनानेही सदर पद भरणे शक्य न झाल्यास सदर पद दिव्यांगा व्यतिरिक्त इतर उमेदवारांमधून भरण्यात यावे. वरीलप्रमाणे इतर पर्याय उपयोगात आणण्यासाठी पद भरतीची जाहिरात देतांना मागील वर्षातील अनुशेषाची पदे भरतांना सुयोग्य उमेदवार उपलब्ध न झाल्यास अंतर्गत परिवर्तनाने पद भरती करण्यात येईल व तेही शक्य न झाल्यास सदर पद दिव्यांगा व्यतिरिक्त इतर उमेदवारांमधून भरण्यात येईल असे स्पष्टपणे नमूद करावे.

(२) प्रत्येक भरती वर्षात दिव्यांगांसाठी विहित आरक्षणानुसार पद भरतीमध्ये आरक्षण ठेवावे. असे करताना मागील भरती वर्षातील अनुशेषाच्या जागा प्रथम भरण्यात याव्यात व चालू भरती वर्षाच्या जागा भरणे शक्य नसल्यास पुढे ओढण्यात येतील याबाबतचा स्पष्ट उल्लेख जाहिरातीत करावा.

९. दिव्यांग व्यक्तींचा समावेश :- दिव्यांग व्यक्तींसाठी ठेवण्यात आलेले आरक्षण हे समांतर आरक्षण आहे. समांतर आरक्षण हे सामाजिक व खुला या दोन्ही भागात विभक्त होणारे आरक्षण आहे. परंतु दिव्यांग व्यक्तींसाठी आरक्षित पदे खुला किंवा सामाजिक आरक्षण प्रवर्गात दर्शविण्यात येत नाहीत. दिव्यांगासाठी राखीव पदे वेगळी दर्शविण्यात येतात. दिव्यांगासाठी आरक्षित पदावर गुणवत्तेनुसार निवड झालेल्या उमेदवारांचा समावेश तो ज्या प्रवर्गाचा आहे त्या प्रवर्गातून करण्यात येतो. जसे अनुसूचित जाती किंवा जमातीचा असल्यास त्यासाठी विहित केलेल्या बिंदूवर समाविष्ट करावे तसेच अनुसूचित जमातीचा उमेदवार असल्यास त्यासाठी विहित केलेल्या बिंदूवर त्याच्यासाठी निश्चित करण्यात आलेल्या बिंदूवर व उमेदवार खुला असल्यास खुल्याच्या बिंदूवर दर्शविण्यात यावा. परंतु जेव्हा सामाजिक आरक्षण प्रवर्गातील अथवा खुला प्रवर्गातील एखाद्या उमेदवाराची निवड झाल्यास व त्या प्रवर्गाचा बिंदू रिक्त नसल्यास भविष्यात त्याच्या प्रवर्गाच्या रिक्त होणाऱ्या बिंदूवर त्याचा समावेश करण्यात यावा. अन्य बिंदूवर त्याचा समावेश करण्यात येऊ नये.

१०. पात्र दिव्यांग उमेदवार उपलब्ध होत नसल्यास निकषात सुट देणे :- दिव्यांगासाठी आरक्षित जागेसाठी पात्र उमेदवार मिळत नसल्यास दिव्यांग आरक्षण प्रवर्गातील उमेदवारांना विहित करण्यात

आलेल्या अटी व शर्तीमध्ये सुट देऊन करता येईल. परंतु असे करताना विहित अपंगत्वाच्या प्रमाणात कोणतीही सुट देता येणार नाही. सुट देण्यात आलेल्या अटी व शर्तीचा लाभ खुला व सामाजिक आरक्षण प्रवर्गातील सर्व उमेदवारांना एकसारखा देण्यात यावा.

११. मागणीपत्र सादर करतांना निवड प्राधिकरणास सादर करावयाचे प्रमाणपत्र :- दिव्यांग अधिनियमातील तरतुदींची काटेकोर अंमलबजावणी करून पद भरती करण्यात यावी. यासाठी सोबत जोडलेल्या "प्रपत्र ब" मध्ये विहित नमुन्यात मागणीपत्र सादर करताना सक्षम प्राधिकाऱ्याने प्रमाणीत करावे. तसेच प्रथम नियुक्तीच्या वेळी नियुक्ती प्राधिकारी यांनी संबंधित उमेदवार दिव्यांगासाठी विहित करण्यात आलेल्या टक्केवारीत अपंगत्व असल्याची खात्री करून आरक्षणाचा लाभ घेण्यास पात्र असल्याचीही खातरजमा करील.

१२. केंद्र शासनाने दि. १५.०१.२०१८ च्या कार्यालयीन आदेशात दिव्यांगांसाठी पदोन्नतीमध्ये आरक्षणाची तरतूद ठेवलेली नाही. परंतु दिव्यांग हक्क अधिनियम, २०१६ मध्ये संबंधित राज्य शासनास पदोन्नतीमध्ये आरक्षणाबाबतचे अधिकार देण्यात आलेले आहेत. राज्य शासन नेहमीच केंद्र शासनाच्या धोरणाची अंमलबजावणी करत आले आहे. केंद्र शासनाने सन १९९८ मध्ये दिव्यांगांना गट क व ड च्या पदावर पदोन्नतीसाठी आरक्षण दिले होते. राज्य शासनाने त्याची अंमलबजावणी दिनांक ५/०३/२००२ च्या शासन निर्णयान्वये केली आहे. तेव्हा गट क व ड च्या दिव्यांग कर्मचाऱ्यांना पदोन्नतीसाठी उक्त तरतूद जशीच्या तशी सुरू राहतील. गट अ व ब च्या पदावरील पदोन्नतीसाठी आरक्षण विहित करण्याचा निर्णय केंद्र शासनाच्या निर्णयानंतर यथावकाश घेण्यात येईल.

हे आदेश शासकीय / निमशासकीय सेवा, शासनाचे उपक्रम, महामंडळे, मंडळे, शासन अनुदानित संस्था व ज्यांना मार्गदर्शक सूचना देण्याचा अधिकार शासनास आहे अशा सर्व संस्था व सेवा यामधील नियुक्त्यांसाठी लागू राहतील.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१९०५२८१४४२२८४९०७ असा आहे. हा शासन निर्णय डिजिटल स्वाक्षरीने साक्षंकित करून निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

**Tikaram Waman
Karpate**

Digitally signed by Tikaram Waman Karpate
DN: c=IN, o=Government of Maharashtra, ou=General
Administration Department, postalCode=400032, st=Maharashtra,
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(टि.वा.करपते)

उप सचिव, महाराष्ट्र शासन

प्रति,

१. मा. विरोधीपक्ष नेता, महाराष्ट्र विधानसभा/ विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय,
मुंबई-३२

२. मा. सर्व सन्माननिय विधानसभा/ विधानपरिषद, व संसद सदस्य महाराष्ट्र राज्य
३. मा. राज्यपालांचे सचिव, राजभवन, मलबारहिल, मुंबई- ३२
४. मा. मुख्यमंत्र्यांचे प्रधान सचिव/सचिव, मंत्रालय, मुंबई-४०० ०३२.
५. शासनाचे सर्व अपर मुख्य सचिव / प्रधान सचिव / सचिव
६. महाराष्ट्र विधानमंडळ सचिवालय, (विधान परिषद) विधानभवन, मुंबई-४०० ०३२.
७. प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, (विधान सभा) विधानभवन, मुंबई-४०० ०३२.
८. महालेखापाल, लेखा व अनुज्ञेयता, महाराष्ट्र-१, मुंबई,
९. महालेखापाल, लेखा व अनुज्ञेयता, महाराष्ट्र-२, नागपूर,
१०. महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई-४०० ०३२
११. प्रबंधक, उच्च न्यायालय, मुळ न्याय शाखा, मुंबई, औरंगाबाद, नागपूर.
१२. प्रबंधक, उच्च न्यायालय, अपिल शाखा, मुंबई, औरंगाबाद, नागपूर.
१३. प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर.
१४. प्रबंधक, लोक आयुक्त व उप लोक आयुक्त, मुंबई.
१५. सर्व विभागीय आयुक्त/सर्व जिल्हाधिकारी, महाराष्ट्र राज्य.
१६. सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य.
१७. सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई.
१८. उप सचिव (आस्थापना शाखा), सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई-३२
१९. मा. मुख्य सचिव यांचे स्वीय सहायक, मंत्रालय, मुंबई-४०० ०३२.
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२१. सचिव, राज्य निवडणूक आयोग, मुंबई- ४०० ०३२.
२२. सचिव, राज्य माहिती आयोग, मुंबई-४०० ०३२.
२३. सरकारी वकील, उच्च न्यायालय, मुळ शाखा व अपील शाखा, मुंबई, औरंगाबाद, नागपूर,
२४. सरकारी वकील, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर,
२५. सर्व महानगरपालिकांचे आयुक्त,
२६. सर्व मुख्याधिकारी, नगरपरिषदा/नगरपालिका,
२७. विधीमंडळ ग्रंथालय, महाराष्ट्र विधानभवन, मुंबई (१० प्रती),
२८. सर्व महामंडळे, मंडळे आणि सार्वजनिक उपक्रम यांचे व्यवस्थापकीय संचालक,
२९. सर्व मान्यताप्राप्त राजकीय पक्षांची मध्यवर्ती कार्यालये, महाराष्ट्र राज्य,
३०. निवड नस्ती/कार्यासन १६-अ.

(सामान्य प्रशासन विभाग, शासन निर्णय क्र. दिव्यांग २०१८/प्र.क्र.११४/१६-अ, दि. २८ मे, २०१९ सोबतचे सहपत्र)

प्रपत्र अ

दिव्यांग व्यक्ती अधिनियम २०१६ मधील तरतुदीनुसार दिव्यांगाच्या पद भरतीची माहिती ठेवण्यासाठी

बिंदूनामावलीचा विहित नमुना

भरती वर्ष	पदाचे नाव	रोटेशन क्रमांक	बिंदू क्रमांक	दिव्यांगाच्या खालील विविध प्रकारांपैकी विहित दिव्यांगत्व असलेल्या व्यक्तीसाठी सुनिश्चित करण्यात आलेले आहे काय				आरक्षित किंवा अनारक्षित (आरक्षित असल्यास ज्या सुनिश्चित प्रकारासाठी आरक्षित असेल तो गट नमूद करावा)	ज्या व्यक्तीची नियुक्ती करण्यात आली त्याचे नाव व नियुक्तीचा दिनांक	नियुक्त करण्यात आलेल्या व्यक्तीचा अ, ब, क, (ड व इ) मधील प्रकार	शेरा
				अ	ब	क	(ड व इ)				

(सामान्य प्रशासन विभाग, शासन निर्णय क्र. दिव्यांग २०१८/प्र.क्र.११४/१६-अ, दि. २८ मे, २०१९ सोबतचे सहपत्र)

प्रपत्र - ब

मागणीपत्रासोबत सादर करण्याचे प्रमाणपत्र

प्रमाणित करण्यात येते की, दिव्यांग अधिनियम २०१६ जो दिनांक १९/०४/२०१८ रोजी अंमलात आलेला आहे. त्यामधील तरतुदीनुसार दिव्यांग व्यक्तीसाठी विहित करण्यात आलेल्या आरक्षणाच्या काटेकोर अंमलबजावणीची काळजी घेवून हे मागणीपत्र पाठविण्यात येत आहे. सोबतच्या मागणीपत्रात देण्यात आलेली रिक्त पदे हे बिंदू क्रमांक --- वरील चक्री क्रमांक --- मधील १०० बिंदूनामावलीतील रोस्टरमधील ----- इतकी रिक्त पदे विहित दिव्यांग असलेल्या व्यक्तीसाठी आरक्षित आहे.

सक्षम नियुक्ती प्राधिकारी