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GOVERNMENT OF ORISSA

WOMEN AND CHILD DEVELOPMENT DEPARTMENT

NOTIFICATION

The 28th August 2003

No. 17963–HW-II-A-40/03-WCD.- In exercise of the powers conferred by sub-section (1) and sub-section (2) of Section 73 of the Person with Disabilities (equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (of 1996), the State Government do hereby make the following rules, namely :-

Chapter I - Preliminary

Short title and
Commencemen

1. (1) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. (1) In these rules unless the context otherwise requires,-
 - (a) "Act" means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ;
 - (b) "Chairperson" means a Chairperson appointed under the Act ;
 - (c) "Form" means a form appended to these rules ;
 - (d) "Government" means the State Government of Orissa ;
 - (e) "Member" means a Member of the State Co-ordination Committee appointed under the Act ;
 - (f) "Member-Secretary" means a Member-Secretary appointed under the Act ;
 - (g) "Notification" means notification published in the official gazette ;
 - (h) "Rules" means rules made under the Act ;
 - (i) "Section" means a section of the Act ;
 - (j) "Special Employment Exchange" means Special Employment Exchange, Special Cell in normal employment exchange and such employment exchange which are notified as special employment exchanges ;
 - (k) "Vice-Chairperson" means a vice-Chairperson appointed under the Act ; and
 - (l) "Year" means the financial year commencing on the first day of April.
- (2) Words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Act.

Chapter II - Guidelines for evaluation of various disabilities

Evaluation of disability

3. General guidelines for evaluation and assessment of various disabilities issued vide Notification No. 4-2/83-HW-III, dated the 6th August 1986 of the Government of India in the

Ministry of Welfare, as annexed to the rules as Annexure A shall be followed for evaluation of various disabilities provided under clauses (b), (e), (i), (l), (n), (o), (q), (r), (t) and (u) of Section 2 of the Act..

Authority to give disability certificate.

4. A Disability Certificate in the form as annexed to the rules as Annexure N shall be issued by a Medical Board duly constituted or authorized by the State Government consisting of atleast three members with the Chief District Medical Officer of the district and two other specialists, one of whom must be a specialist in the particular field for assessing blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation and mental illness, as the case may be.

5.(1) The Medical Board constituted under rule 4 after due examination, shall give a permanent disability certificate in cases of those permanently disabled where there are no chances of variation in the degree of disability;

(2) Wherever there is any chance of variation in the degree of disability, the Medical Board will indicate the period of validity in the certificate ;

(3) No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard ;

(4) On representation by the applicant, the Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it deem fit.

6.(1) The State Government may appoint an Appellate Medical Board to resolve any dispute arises with regard to issue of Disability Certificate.

(2) The Appellate Medical Board shall consist of atleast three members not below the rank of Assistant Professor of the Medical Colleges of the State, out of which one shall be a Assistant Professor in the particular field for assessing locomotor/visual including low vision/hearing and speech disability/mental retardation and leprosy cured as the case may be ;

(3) The decision of the Appellate Medical Board in the matter shall be final.

Validity of Certificate

7. The certificate issued under rule 5 will be valid for the whole of the country except; the State of Jammu and Kashmir and will make a person eligible to apply for facilities concessions and benefits admissible under any scheme of Government or Non-Government Organisations, subject to such conditions as the Central or the State Government may impose from time to time.

Chapter III - The State Co-ordination Committee

Co-ordination Committee.

8. The State Government shall, be notification constitute the State Co-ordination Committee as provided under Section 13 or the Act.

Address of Members.

9.(1) The Member-Secretary shall keep a record of names of members and their addresses ;

(2) If a member changes his/her address, he/she shall notify his/her new address to the Member-Secretary who shall thereupon enter his/her new address, in the official records but if his/her new address, in the official records

but if he/she fails to notify his/her new address, the address in the official records shall for all purposes be deemed to be member's correct address.

Daily &
Traveling
Allowance.

10. (1) Non-Official members of the State Co-ordination Committee, resident at Bhubaneswar shall be paid an allowance of Rs. 75 (Seventy five only) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Co-ordination Committee ;

(2) Non-Official members of the State Co-ordination Committee, not resident at Bhubaneswar, shall be paid daily and travelling allowances for each day of the actual meetings admissible to a grade 'A' officer of the State Government :

Provided that in case of a Member of State Legislature who is also a member of the State Co-ordination Committee, the daily and travelling allowances shall be paid at the rate admissible to him/her as member of State Legislature, when the Legislature is not in session and on production of a certificate by the member that he/she not drawn any such allowance for the same journey and halts from any other source.

(3) If such person is a Government servant, or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him/her on production of a certification by him/her on production of a certification by him/her that he/she not drawn any such allowance for the same journey and halts from any other Government source.

Notice of the
meetings.

11.(1) The meetings of the State Co-ordination Committee shall ordinarily be held in Bhubaneswar on such dates as may be fixed by the Chairperson:

Provided that it shall meet atleast once in every six months.

(2) The Chairperson shall, upon the written request of not less than 10 members of the State Co-ordination Committee, call a special meeting.

(3) 15 clear days' notice of an ordinary meeting and 5 clear day's notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted therat, shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his/her last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case, thinks fit.

(5) No member shall be entitled to bring forward for; the consideration of the meeting any matter of which he/she has not given 10 clear days' notice to the Member-Secretary, unless the Chairperson, in his/her discretion, permits him/her to do so.

(6)(a) The State Co-ordination Committee may adjourn its meetings from day-to-day or to any particular day.

(b) Where a meeting of the State Co-ordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available in the city, town, or other place where the meeting which is adjourned was scheduled to be held, either by telephone or by special messenger and it shall not be necessary to given notice of the adjourned meeting to other members.

(c) Where a meeting of the State Co-ordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4).

Presiding
Officer

12. The Chairperson shall preside at every meeting of the State Co-ordination Committee, in which he/she is present, and in his/her absence, the Vice-Chairperson shall preside, but when both the Chairperson and Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at that meeting.

13.(1) One-third of the total members shall form the quorum for any meeting of the State Co-ordination Committee.

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

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

(4) No matter which was not on the agenda of the original meeting shall be discussed at such adjourned meeting.

(5) (a) Where a meeting of the State Co-ordination Committee is adjourned under sub-rule (2) above for want of quorum, to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting, which is adjourned, is to be held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the State Co-ordination Committee is adjourned under sub-rule (2) above for want of quorum not to be following date with sufficient gap notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11.

Minutes

14.(1) Record shall be kept regarding the names of members who attend the meeting and of the proceeding of the meeting in a book to be maintained for the purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be circulated in advance and at the beginning of every succeeding meeting and shall be confirmed and signed by the Presiding Officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

Maintaining order
at meeting.

15. The Presiding Officer shall maintain order at the meeting.

Business to be
transacted at
meeting.

16. Except with the permission of the Presiding Officer, no business which is not in the agenda or of which notice has not been given by a member under sub-rule(5) of rule 11 shall be transacted at any meeting.

Decision by
majority

17. All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, or in the absence of both the Chairperson and the Vice-Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

No proceeding to be invalid due to vacancy or any defect.

18. No proceedings of the State Co-ordination Committee shall be invalid merely by reason of existence of any vacancy or any defect in the constitution of the committee.

Chapter IV - The State Executive Committee

The State Executive Committee Address of the Member.

19. The State Government shall, by notification, constitute the State Executive Committee as provided under Section 19 of the Act.

20.(1) The Member-Secretary shall keep a record of names of members and their addresses.

(2) If a member changes his/her address, he/she shall notify his/her address to the Member-Secretary who shall thereupon enter his/her new address, in the official records. In case he/she fails to notify his/her new address, the address in the official records shall for all purposes be deemed to be member's correct address.

Daily and Traveling Allowances.

21.(1) Non-official members of the State Executive Committee, resident at Bhubaneswar shall be paid an allowance of Rs. 75 (Seventy five only) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Executive Committee.

(2) Non-official members of the State Executive Committee, not resident at Bhubaneswar shall be paid daily and traveling allowances for each day of the actual meetings admissible to a Grade 'A' Officer of the State Government.

Provided that in case of a member of the State Executive Committee who is a Government servant or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to his/her on production of a certificate by him/her that he/she has not drawn any such allowance for the same journey and halts from any other Government source.

Notice of the meeting.

22.(1) The meetings of the State Executive Committee shall ordinarily be held in Bhubaneswar on such date as may be fixed by the Chairperson.

(2) It shall meet atleast one in every three months.

(3) The Chairperson shall, upon the written request of not less than 10 members of the State Executive Committee, call a special meeting of the State Executive Committee.

(4) 15 clear day's notice of an ordinary meeting and 5 clear day's notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members.

(5) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered to his/her last known place of residence or business or in such other manner as the Chairperson, may, in the circumstances of the case thinks fit.

(6) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he/she has not given 10 clear days' notice to the Member-Secretary, unless the Chairperson, in his/her discretion, permits him/her to do so.

(7)(a) The State Executive Committee may adjourn its meeting from day to day or to any particular day.

(b) Where a meeting of the State Executive Committee is adjourned from day to day notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting which is adjourned is scheduled to be held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (5).

Presiding
Officer.

23. The Chairperson shall preside at every meeting of the State Executive Committee at which he/she is present, and in his/her absence, the members present shall elect one of them to preside at that meeting.

Quorum

24.(1) One-third of the total members shall form the quorum for any meeting of the State Executive Committee.

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

(3) No quorum shall be necessary for the adjourned meetings.

(4) No other matter which was not on the agenda of the original meeting shall be discussed at such adjourned meeting.

(5) (a) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the adjourned meeting is scheduled to be held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the State Executive Committee is adjourned under sub-rule(2) above for want quorum not to the following date but to another date, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (5) of rule 22.

Minutes

25. (1) Record shall be kept regarding the names of the members who attend the meeting and of the proceeding at the meeting in a book to be maintained for the purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be circulated in advanced and at the beginning of every succeeding meeting and shall be confirmed and signed by the Presiding Officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

Maintaining
order at
meeting
Business to be
transacted at
meeting.

26. The Presiding Officer shall maintain order at the meeting.

27. Except with the permission of the Presiding Officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (6) of rule 22 shall be transacted at any meeting.

Decision by
majority

28. All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairpersons, or in absence of Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

No proceeding to be in valid due to vacancy or any defect.

Manner and purpose of Association of persons with State Executive Committee.

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

30.(1) The State Executive Committee may invite any person, whose assistance or advice, if considered useful in performing any of its functions, to participate in the deliberation of any of its meetings.

(2) If the person associated with the State Executive Committee under sub-rule (1) happens to be a non-official, resident at the State headquarters, he/she shall be entitled to get an allowance of Rs. 75 (Seventy five) or such amount as Government may fix from time to time, for each day of the actual meeting of the State Executive Committee in which he/she is so associated.

(3) If such person is not resident at the State Headquarters, he/she shall be paid daily and travelling allowances for each day of the actual meeting admissible to a Grade 'A' Officer of the State Government.

(4) If such person is a Government Servant, or an employee in a Government Undertaking, he/she shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him/her on production of a certificate by him/her that he/she has not drawn any such allowance for the same journey and halts from any other source.

Fee for the Associated person.

31. Notwithstanding anything contained in rule 30, the State Executive Committee may pay the person associated with the Committee, with the prior approval of the State Government, such fees as considered appropriate depending on the nature of work assigned and the qualifications and experience of the associated person.

Tours by Associated Persons.

32. The associated person may, with the prior approval of the Chairperson, undertake tours within the country for the performance of the duties entrusted to him by the State Executive Committee and the associated person in respect of such tours shall be entitled to get travelling and daily allowances at the rates admissible to Grade 'A' Officer of the State Government.

Associated person not to disclose any information.

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

Duties and functions of the Associated person.

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

Chapter - V Employment

Computation of vacancies for persons with disabilities.

35. For the purpose of computation of vacancies for persons with disabilities in class III and class IV posts (redesignated as) Group - C and D posts and Group B Gazetted posts and specially declared Gazetted posts/ services under State Government and Public Sector Undertaking, the principle laid down in General Administration Department Resolution No. 15338/-GA., dt. 4-5-81, Resolution No. 16189-Gen., dt. 16-7-82 and Resolution No. 748, dt. 10-1-97 and Corrigendum No., 27375-Gen. dt. 13-10-97 (Annexure-B,C,D & E to these rules) shall be followed.

Note – Principle followed for computation of vacancies in group 'C and D' posts shall be applicable mutatis and mutandis for computation of vacancies in class II Gazetted posts and specially declared Gazetted posts.

Notification of vacancies to the Special Employment Exchange/Cell

36.(1) Vacancies in posts of a technical and scientific nature occurring in any establishment (both in State and District cadre) in respect of which the State Government is the appropriate authority shall be notified to the Special Employment Exchanges/Cells as may be specified by the State Government by notification in *Orissa Gazettee* in this behalf :

Provided that a candidate belonging to the person with disability category may complete for unreserved posts. But no double benefit can be given to him/her.

(2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned.

Form and manner of Notification of vacancies.

37. The vacancies shall be notified in writing to the Vocational Rehabilitation Centre for Handicapped, Orissa, Bhubaneswar and the Special Employment Exchange/Cell and the following particulars shall be furnished, in respect of each type of vacancy, namely :-

1. Name and address of the employer ;
2. Telephone number of the employer, if any ;
3. Nature of vacancy ;
 - (a) Type of workers required (Designation);
 - (b) (i) Description of duties;
 - (ii) Physical requirements (i.e. job involves, visual accuracy, frequent movement/ walking, continuous long hours sitting, etc.);
 - (c) Qualification required :-
 - (i) Essential ;
 - (ii) Desirable ;
 - (d) Age limits, if any ;
 - (e) Whether women are eligible ?
4. Number of vacancies : Reserved for physically handicapped persons/Orthopedically Visually handicapped/Hearing handicapped ;
 - (a) Regular ;
 - (b) Temporary ;
5. Pay and allowances;
6. Place of work (name of town/village and Districts in which it is situated)
7. Probable date by which the vacancy will be filled up ;
8. Particulars regarding interview/test of applicants ;
 - (a) Date of interview/test ;
 - (b) Time of interview/test ;
 - (c) Place of interview/test
 - (d) Designation and address of the person to whom applicants should report.

9. Any other relevant information

The vacancies shall be renotified in writing to the Vocational Rehabilitation Centre for Handicapped, Orissa, Bhubaneswar and the Special Employment Exchange/Cell, if there is any change in particulars already furnished to the Special Employment Exchange/Cell and Vocational Rehabilitation Centre for Handicapped under this rule.

Time limit for notification of vacancies.

38.(1) Vacancies, required to be notified the local Special Employment Exchange/Cell shall be notified atleast 30 days before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled up if no interviews or testes are held.

(2) Vacancies required to be notified to the Special Employment Exchange/Cell notified under sub-rule (1) of rule 36 shall be notified atleast four weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(3) An employer shall furnish to the concerned Special Employment Exchange/Cell, the results of selection within 15 days from the date of selection.

Submission of Returns.

39. An employer shall furnish to the local Special Employment Exchange/Cell quarterly returns in Form DPER-I and biennial returns in Form DPER-II. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December. Biennial return shall be furnished within thirty days of the due date as notified in the Orissa Gazettee.

Form in which record to be kept by an employer.

40. An employer shall maintain the record of employees with disabilities in Form DPER-III.

Chapter VI - Recognition of Institutions for Persons with Disabilities.

Appointment of Competent authority.

41. The State Government shall, by notification, appointment the Competent Authority as per Section 50 of the Act.

Application Form for Registration of Institution

42. For the purpose of Registration under the Act, every application for a Certificate of Registration under the Act shall be made to the Competent Authority in Form AR-I.

Registration and refusal of certification.

43. On receipt of an application in Form AR-I, the competent authority shall make such enquiry as deem fit and if satisfied that the applicant has complied with the requirements of the Act and the rules, shall grant a certificate of Registration to the applicant in Form AR-II and if not satisfied, shall by order, refuse to grant such certificate applied for after giving the applicant a reasonable opportunity of being heard. Such order will contain specific reasons for refusal to grant such Certificate and shall be communicated to the applicant through registered post.

Validity of Certificate and De-recognition of the Institution.

44. The organization so recognized shall provide required facilities and maintain such standard as specified under Annexure O for the purpose. The Certificate of Registration so issued shall remain valid for a period of 3 years from the date of issue unless revoked under Section 53 of the Act. The competent authority, if necessary, may order for an enquiry about the activities of the organization within the valid period to assess the functioning of the institution concerned. If the activities of the Institution are found to be unsatisfactory, the competent authority may consider the case for derecognition

of the organisation and cancellation of the Certificate after observing the procedure laid down under rule 46 of these rules.

Renewal of
Certificate.

45. For renewal of registration, the organization shall apply to the Competent Authority in Form AR-III, before sixty days of expiry of the period of validity. The Certificate of Registration shall be displayed by the Institution in a conspicuous place.

Revocation of the
Certificate.

46. The Certificate of Registration can be revoked on the following grounds, if :-

(i) To Organisation had furnished misleading and incorrect information/ statement while applying for the same;

(ii) The organization has violated any provision of these rules;

(iii) The activities of the Organisation are not satisfactory.

Such revocation shall be made after making such enquiry as deemed fit by the Competent Authority. No such order shall be made until an opportunity is given to the Institution/Person to show cause as to why the Certificate shall not be revoked.

47. Any Person/Institution aggrieved by the order of the Competent Authority for refusing to grant of a Certificate or revoking the Certificate may, within a period of the thirty days, prefer an appeal before the Commissioner-cum-Secretary to Government in Women and Child Development Department against such refusal or revocation. The order of the Appellate Authority on such appeal shall be final.

48. On the cancellation or revocation of the certificate or recognition by the competent authority, the Organisation shall forthwith cease to be an institution for the disabled. The inmates of maintained by the Organisation will be restored with their parents, legal guardian or shifted to a similar institution as the competent authority deem fit and proper.

Chapter VII - Commissioner for Persons with Disabilities

49. The State Government shall, by notification, appoint a Commissioner for Persons with Disabilities as per Section 60 of the Act.

50.(1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Commissioner for Persons with Disabilities or be sent by registered post addressed to the Commissioner:-

(a) The name, description and the address of the complainant ;

(b) The name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained ;

(c) The facts relating to complaint and when and where it is arose ;

(d) Document in support of the allegations contained in the complaint and ;

(e) The relief, which the complainant claims.

(2) The Commissioner may, no such terms as he/she deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of 30 (thirty) days or such extended reasonable period as may be granted by the Commissioner.

(3) On the date of hearing or any other date to which hearing is adjourned, it shall be obligatory on the parties or their agents to appear before the Commissioner. Where the complainant or his/her agent fails to appear before the Commissioner on such days, the Commissioner may in his/her discretion either dismiss the complaint on default or decide on merits. Where the opposite party or his/her agent fails to appear on the date of hearing the Commissioner may take such necessary action under Section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party. He may dispose of the complaint ex parte.

(4) The Commissioner may, on such terms as he/she deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

51. The Commissioner for Person with Disabilities shall be entitled to salary, allowances and other pre-requisites as are available to an officer of his/her rank under the State Government.

52. The Commissioner shall submit report to the State Government on the implementation of the Act as required under clause (d) of Section 61 at the interval of six months in such a manner that atleast two reports are sent in one financial year.

53.(1) The Commissioner shall, as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuright, prepare and submit to the State Government an annual report giving a true account of his/her activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely :-

(a) Names of officers or staff of the Commissioner and a chart showing the organizational set up ;

(b) The functions, which the Commissioner has been, empowered under Sections 61 and 62 and the highlights of the performance in this regard;

(c) The main recommendations made by the Commissioner ;

(d) Progress made in the implementation of the Act - district wise, and

(e) Any other matter deemed appropriate for inclusion by the Commissioner.

ANNEXURE A

(To be published in the Gazette of India, Part-I, Section I)

No.4-2/83-HW.-III

GOVERNMENT OF INDIA

MINISTRY OF WELFARE.

(See Rule 3)

Dated : 6th August, 1986

Subject : Uniform Definitions of the Physically Handicapped

At present, different definitions for various categories of handicapped are adopted in various schemes/programmes of the Central and State Government. In order to have a standard set of definitions, authorized certification authorities and standard tests for purpose of objective certification, Govt. of India in Ministry of Welfare set up three committees under the Chairmanship of Director General of Health Services - one each in the area of visual handicaps, speech and hearing disorders and locomotor disabilities and a separate Committee for mental handicaps:-

2. After having considered the reports of these committees and with the concurrence of the State Governments/UTs. and the concerned Ministries/Departments the undersigned is directed to convey the approval of the President to notify the definitions of the following categories of physically handicapped :-

1. Visually handicaps.
2. Locomotor handicaps.
3. Speech & hearing handicaps.
4. Mental handicaps.

Report of the Committee as indicated in the Annexure G.

3. Each category of handicapped persons has been divided into four groups viz. mild, moderate, severe and profound/total. It has been decided that various concessions/benefits would in future be available only to the moderate, severe and profound/total groups, and not to the mild groups. The minimum degree of disability should be 40% in order to be eligible for any concession/benefits.

4. It has been decided that the authorized certifying authority will be a medical board at the district level. To board will consist of the Chief Medical Officer/Sub divisional Medical Officer in the district and another expert in the specified field viz. ophthalmic surgeon, in case of visual handicaps, either an ENT surgeon or an audiologist in case of speech and hearing handicaps; an orthopaedic surgeon, or a specialist in physical medicine & rehabilitation in case of locomoter handicaps, a psychiatrist or a clinical psychologist or a teacher in special education in case of mental handicaps.

5. Specified tests as indicated in Annexure should be conducted by the medical board and recorded before a certificate is given.

6.(i) The certificate would be valid for a period of three years. (ii) The State Govts./ UT Admn. may constitute the medical boards indicated in Para. 4 above immediately.

M.C. NARASIMHAN
Joint Secretary to the Government of India

ORDER

Ordered that above notifications be published in the Gazette of India for general information. Copies of the AGazette notification may be sent to all Ministries/Deptt. of the Central Govt., all State Govts./UT Admn. President Sectt., P.M.'s Office Lok Sabha, Rajya Sabha Sectt. for information and necessary action.

M.C. NARASIMHAN

Joint Secretary to the Government of India

To

The Manager,
Government of India Press,
Mayapuri, New Delhi.

ANNEXURE B
(See Rule 3)
GOVERNMENT OF ORISSA
General Administration Department

RESOLUTION

Sub :- Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/serves under the State Governments and in Public Sector Undertakings.

Read : Resolution No. 16443 Gen., Dated 24-7-78

Consequent upon the decision of the Government of India in the year 1978, the State Government made reservation of 1% of vacancies, for rehabilitation of physically handicapped persons in public service.

2. Government of India have now, on consideration of the matter, have decided that for the purpose of employment of the blind, the deaf and the orthographically handicapped persons, the reservation in Group C&D posts and services for physically handicapped persons should be made to the following extent under the Central Government.

	Category of the handicapped	Percentage of reservation
1.	The Blind	1%
2.	The Deaf	1%
3.	The Orthopedically handicapped	1%

3. Accordingly it has been decided by the State Government that the reservation for filling the Class-III and Class-IV posts and services under the State Government and Public Sector Undertakings which correspond to Group C & D posts/services under the Central Government should made for rehabilitation of physically handicapped persons of the above categories. The categorization of physically handicapped persons for employment will be on the basis of definition as per Annexure F.

4. The reservation of posts and services should made separately for each of the aforesaid three categories of the physically handicapped persons with provision for inter-exchange of vacancies if candidates belonging to a particular category of persons are not available of the nature of vacancies in an office is such that a given category of persons cannot be employed. If in any year, the vacancies reserved for these categories are not filled up, the reservations should be carried over for a period up to three recruitment years. In order to implement these reservation orders, the jobs which can be performed by various categories of physically handicapped persons, without losses of productivity, should be identified by the Government/Departments concerned.

5. Where a Department consider that it is not possible to provide employment for the physically handicapped persons to the extent of reservations in view of the nature of duties expected to be performed by the employees in that particular Department, that Department could be party of fully exempted from implementing the reservation orders. The grant of such exemption shall be decided by an inter Departmental Committee of C.D. & R.R./G.A.(O & M) Department, Department of Health and the Administrative Departments concerned would be represented.

6. In the categories of job which are identified by the Government/Departments as being particularly suitable for handicapped persons, other things being the same preference should be given to handicapped persons for such job even in excess of the quota reserved for them in accordance with the instructions contained in paragraph 2 above.

7. With a view to ensuring reservation of vacancies for the physically handicapped persons in Class III and Class IV posts/services under the State Government and Public Sector Undertakings, it has been decided that a continuous account of the vacancies arising in Class III and Class IV posts/services from year to year may be kept. Thus the 31st vacancy occurring in a particular recruitment year SL. would be earmarked for the blind. Similarly the 33rd vacancy and 100th vacancy would be reserved for the deaf and the orthographically handicapped respectively in an cycle of 100 vacancies. In case any of these vacancies are reserved for S.C. and S.T. candidates or Ex-Servicemen, the next clearly available vacancy should be reserved for the physically handicapped persons.

8. The physically handicapped persons are entitled to relaxation of upper age limit up to 10 years for purpose of appointment to Class III and Class IV posts/services. Nothing in this Resolution shall affect reservations, relaxation of age limit and other concessions required to be provided for all special categories of persons in accordance with the orders issued by the State Government.

9. Regarding medical examination of physically handicapped persons, they are to be viewed with utmost sympathy for medical examination. On nomination by the C.D. & R.R. Department, physically handicapped persons should not be subjected to the usual medical examination on first appointment and the question should be decided on the basis of the reports of the Medical Board attached to the C.D. & P.R. Department for the physically handicapped. In case a physically handicapped person appointed to Class III/ Class IV post and service is found medically unfit for such post or service he is holding and from which he is proposed to be discharged or has been discharged may, where practicable, be considered for another identical/equivalent post for which he may be found suitable against direct requirement quota without insisting on the condition of appointment through the Community Development or Public Sector Undertakings should be deducted from his actual age and if the resultant age does not exceed the prescribed maximum age limit by more than three years, he should be deemed to satisfy the, condition of upper age limit for appointment to the posts or services in question under the State Government. Further, in case of a Government servant or a servant in Public Sector Undertakings retired on medical grounds, his son/daughter/ near relative can be considered for appointment on compassionate grounds if the family of the orthopedically handicapped Government servant is in great distress after his premature retirement.

10. A consolidated list of jobs in Class III and Class IV posts/services suitable for each of the categories i.e. the blind, the deaf and orthopedically handicapped which would help the appointment authorities in appointing physically handicapped persons against 3% of the quota as fixed against such posts/services as are available in the various departments under the State Government and Public Sector Undertakings, is enclosed as Annexure F.

Order :- Ordered that this resolution be published in *Orissa Gazettee*.

Ordered also that copies of the resolution be forwarded to all Departments of Government/ All Heads of Department/All District Offices/Director, Printing, Stationery and Publication/Secretary, O.P.S.C./ Registrar, Orissa High Court/Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor

C. NARAYANSWAMY

Additional Secretary to Government

ANNEXURE C

(See Rule 35)

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

Bhubaneswar, dated the 16th July 1982

Subject – Extension of reservation of vacancies for rehabilitation of physically handicapped persons in Class II Gazetted posts and Specially Gazetted posts under the State Government.

No. 16189/ Gen. –On the basis of the decision of Government of India, the State Government have decided in G.A. Department Resolution No. 15338/Gen dated 4-5-81 that 1% of the vacancies in Class III as Class IV services/posts under the State Government to which direct recruitment is made shall be reserved for the physically handicapped persons.

After careful consideration, Government have further decided to extend the aforesaid reservation to 3% of vacancies for physically handicapped persons to gazetted posts in Class II and specially gazetted services and posts under the State Government to which the direct recruitment is made. In any case where it is felt that it will not be possible to appoint the physically handicapped persons in any particular service or group of posts, the Department concern may take Government orders exempting the particular posts and services in consultation with the G.A. Department. This will take effect retrospectively from 4-5-1981.

ORDER – Ordered that this resolution be published in *Orissa Gazettee*. Ordered also that copies of the Resolution be forwarded to All Departments of Govt./all Heads of Departments/ all District Officers/Director, Printing, Stationery and Publication/ Secretary, OPSC/Registrar, Orissa High Court/ Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor

C. NARAYANSWAMY

Special Secretary to Government

ANNEXURE D
(See Rule 35)
REGISTERED No.O.14
THE ORISSA GAZETTEE
EXTRAORDINARY
PUBLISHED BY AUTHORITY
No. 155 Cuttack, Wednesday, February 12, 1997/MAGHA 23, 1918
No. 748 SC-2R/1-31/96-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 10th January 1997

Subject - Reservation for Ex- Servicemen/Physically Handicapped persons and Sports Persons in 80-Point Model Roster in services and posts of the State Government.

The extent of reservation of initial recruitment in the Civil Services and posts of Government of Orissa for the Ex- Servicemen/Physically Handicapped Persons and the Sports Persons has been respectively fixed at 3% (Vide G. A. Department Notification No. 22586-Gen., dated the 16th October 1985), 3% (Vide G.A. Department Resolution No. 24808/Gen., date the 18th November 1985). The reservation for the Physically Handicapped Persons and the Sports persons have been further qualified by Rule 4 of the Orissa Civil Services (Reservation of vacancies for Women in Public Services) Rules, 1994. These rules provide for the reservation of 33% or women in the reservation. This means that in case of Physically Handicapped Persons and Sports Persons for every two men appointed on the basis of the reservation meant for them, there shall be one women belonging to that category.

2. The reservation for the above-said categories of persons has not been reflected in the 80-Point Model Roster of the State Government prescribed by the erstwhile Tribal Welfare Department in their Notification S. R. O. No. 339/94, dated the 21st April 1994 and modified later by the Welfare Department Resolution No. 15599-W., dated the 27th June 1996 for reflecting 27% reservation for the members of the Socially and Educationally Backward Classes (SEBC).

3. The Government has been pleased to decide that reservation for the Ex- Servicemen/Physically Handicapped Persons and Sports Persons need not be reflected in the Model Roster. Such persons, when selected as per the reservation provided for them, shall claim the vacancies, reserved for the categories; to which they may belong to, which means that the Ex-Servicemen/Physically Handicapped Persons/Sports Persons, if belonging to, Scheduled Castes will claim the vacancy reserved for Scheduled Castes; belonging to Scheduled Tribe; will claim the vacancy reserved for the Scheduled Tribes and so on. Thus the Ex-Servicemen/Physically Handicapped Persons/Sports Persons, who do not belong to either of the reserved categories (i.e. S.C/S.T./S.E.B.C.) would claim the unreserved vacancies.

4. All Departments of Government are requested to intimate the above instructions to Heads of Department/Public Sector Undertakings and other appointing authorities under their control for taking necessary action while filling up the vacancies.

ORDER - Ordered that the Resolution be published in the extraordinary issue of the *Orissa Gazette*. Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of departments/Secretary to Governor/all Collectors/Registrar, Orissa High Court/Secretary, Orissa Public Service

By order of the Governor
SANTOSH KUMAR
Special Secretary to Government

ANNEXURE E

(See Rule 35)

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
CORRIGENDUM**

Bhubaneswar, dated the 13th October 1997

No. 2R/1-28/97-27375/Gen. - Para. 3 of the General Administration Department Resolution No. 15338/Gen., dated the 4th May 1981 relating to reservation of vacancies for rehabilitation of Physically Handicapped Persons in Class III (Group C) and Class IV (Group D) posts/Services under the State Government and in Public Sector Undertaking shall be read as follows :-

“Accordingly it has been decided by the State Government that the reservations for filling the Group ‘C’ and Group ‘D’ posts and services under the State Government and Public Sector Undertakings should be made for rehabilitation of Physically Handicapped Persons of the above categories at the initial stage of recruitment. The categorization of the physically Handicapped Persons for employment will be on the basis of definition as per Annexure”.

ORDER - Ordered that this corrigendum be published in the extraordinary issued of *Orissa Gazette* and copies of the Corrigendum be forwarded to all Departments of Government / all Heads of Departments / Secretary to Governor / all Collectors / Registrar, Orissa High Court/Secretary, OPSC/ Orissa Administrative. Tribunal.

By order of the Governor

H.S. CHAHAR

Special Secretary to Government

ANNEXURE F

(See Annexure B)

Definitions of the categories of the handicapped for purpose of reservation in employment

THE BLIND

The Blind are those who suffer from either of the following conditions:

- (a) Total absence of sight
- (b) Visual acuity not exceeding 6/60 or 20/200 (Snellan) in the better eye with correcting lenses
- (c) Limitation of the field of vision subtending an angle of 20 degree or worse.

THE DEAF

The Deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life, They do not hear / understand sounds at all events with amplified speech. The cases included in this category will be those having hearing loss more than 90 decibels in the better ear (Profound impairment) or total loss of hearing in both ears.

THE ORTHOPEDICALLY HANDICAPPED

The ORTHOPEDICALLY Handicapped are those who have a physical defect or deformity, which causes an interference with the normal functioning of the bones muscles and joints

JOBS IN THE GROUP CLASS III AND CLASSIV POSTS & SERVICES SUITABLE FOR THE PHYSICALLY HANDICAPPED

Sl. No	Category for Handicapped	Occupations	Groups
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I. ORTHOPEDICALLY HANDICAPPED

(a) Upper Extremities

- (i) Major Defects : Accounts Clerks (U) Copyholders (U) Office Clerk (U-A Office Superintendents (U) Peon (U) Proof readers (U) Receptionists (II), Stamp Vendors (Postal) Water men (U),
- (ii) Minor Defects : Caretaker (A), Choukidars (A), Copyholder Messengers, Daftaries Documentation, Assistants (A), Editorial Asst. (A) Gardeners Farasis Gestener Operators Junior Engineers (Civil), Key Punch Operators (A), Laboratory Asst. (Chemical), Laboratory (Clinical), Library Clerk (A), Liftmen (A) Metreaders Office Clerk., Office Superintendents Peons, Photographic Retouches Peons, Proof Readers, Receptionists, Research Investigators Retiring Room Attendants Salemen (Shop) (A) Scientific Assistants Security Guards (A), Store Keepers (A) Statistical Assistants, Sub-post Master, Sweepers Teachers (Primary,) Telegraph Messengers Technical Assistants Telephone Operators (A), Time Keepers, (A), Translators (A), Typists (A), Waiting Room Attendants Water men Ward Boy/ Ayahs (A), Wireless Operators (A),

(b) Lower Extremities

- (i) Major Defects : Accounts Clerks, Computers, Copyholders, Editorial Assts., Head compositors (A), Junior Engineers (Civil) (Only designations) Key Punch Operators, Lift men office clerks, Office Superintendent Pain cars Projectionists (A-MNR) Proof Readers, Radio Technicians Receptionist Stenographers Stamp Vendors (Postal) Sub-post Masters, Telephone Operators, Telex Operators, Translators Typists.
- (ii) **Minor Defects** Architectural Assistants (A-MNR), Book Binders Caretakers (A-MNR), Documentation Assistants (A-MNR), Carpenter (A) , Cashier (A) Compounder, Choukidars (A-MNR), commercial Artists, Daftaries (A-MNR) Dressers Draftsmen, Ferro Printers, Farashs, Gestener Operators, Instrumentationist Staff Artists (MNR), Laboratory Assistants

(Chemical), Laboratory Assistants (Clinical) Librarians (Junior) (A-MNR), Library Clerks (A-MNR), musicians (Staffartists) (MNR), Packers, Peons (MNR), Photographers (MNR) Photographic Retouches.

Retiring Room Attendant (MNR), Salesman (Shop)(MNR), Statistical Assistants (MNR), Sweepers (MNR), Teachers (DEAF), Teachers (Primary) Technical Assistants (MNR) , Time-Keepers, (A), Tracers, Vehicle Cleaner (MNR), Waiting Room Attendants (MNR), Waterman, Wireless Operators.

II. DEAF AND

DEAF & DUMB : Accounts Clerks, Book Binders, Canteen Boys, Carpenters, computers, Commercial Artist, Daftaries, Feera-Printers, Hatfrmrts, hrdymor Operators, Hand Compositors, Key-punch Operators, Motor Readers, Office Clerks, Packers, Painters Photographers, Photographic Retouches, Statical Assistants, Store keepers, Sweepers Telex Operators, Translators, Tracers, Typists, Vehicle Typists, Vehicle cleaners, Waterman.

III. DEAF : Postmen, Telegraph Messengers

IV. Partially DEAF : Architeftural Assistant (A), Cashiers Compounders, Choukidars (A) Das Messenger Drafts men (A) Dressers, Editorial Assistants; Electricians, Juniors Engineers (Civil) (A) Laboratory Assistant (Chemical) Laboratory Asst. (Clinical) Laboratory Attendants, Librarians Juniors (A) Library Clerks 9A) Peons, Postman Projectionists (A) Research Investigators, Retiring Room Attendants, Scientific Assistants Salesmen Shop (A) Stenographers (A) Security Guards (A) Stamp Vendors (A) Sub-post Masters (A) Technical Asst. Teachers (Deaf) (A) Teachers (Primary) – (A) Time Keepers (A) Waiting Roll Attendants Ward Boys/Ayahs.

V.BLIND : Announers at Railway Stations, Bus Stops And Airports (T) Cane Weavers (T) Instrumentalists (Staff Artists) (T) Messengers (T) Musicians (T) Music Teachers (T) Officers Superintends (H) Packers (T) Stenographers (With Distaphone and Digital Type Writers) Teachers (Primary T & A) Telephone Operators (Small Board Lathe Operators Press Operators, Styampers Weavers Packers Driller, Filors Chippers teachers in Social Science with Electronic Boop and Embossed Digits)

PARTIALLY BLIND : Dak Messengers Despatch Clerk (T) Gardeners (T) Gesterner operators (T& A) Liftmen (T & Digit) controls) Peons Receptionists (R&A) Retiring Room Attendants Sweepers, Watermen (T) Waiting Room Attendants, Lottery Ticket sellers.

EXPLANATIONS : U = Unialteral=with aids, T=With training, H=With a helper MNR- Mobility not restricted.

NOTE 1-Jobs which can also be performed by those having deformities can be performed by these having minor deformities, job which can be performed by Deaf can be performed by partially Deaf also, jobs which can be performed by Blind can be performed by partially blind also.

NOTE - 2- There would be upper of jobs in each occupational group- These have not been given separately. For example, Office Clerks includes Lower Division Clerks includes and Upper Division Clerks, Stenographers include Junior and Senior Stenographers.

ANNEXURE G

(See Annexure A)

Combined Report of the three Committees recommending Uniform set of definitions, authorities for certification and standard tests for Visual, Hearing and Speech & Locomotor disabilities

List of the Members of the Committees at Annexure H

Introduction

India is a vast country with variable, social, cultural geographical and economic background. Despite breakthrough in health services, a number of disabilities continue to appear due to polio communicable and congenital diseases, increased industrialization and mechanization, vehicular traffic leading to locomotor disabilities; vitamin-A deficiency, cataract and infections injuries, nutritional deficiency leading to visual loss, ear infection, external injuries, noise pollution contributing to hearing loss. These are the three major disabilities which manifest themselves as a result of one or more of such factors.

2. Government of India are providing a large number of facilities and concessions to disabled person. In order to provide these facilities and concessions it is imperative that standard definition of these disabilities is decided upon. Consequent to recommendation of the National Council for Handicapped Welfare the Committees under the Chairmanship of Director General of Health Services met for the adoption of standard set of definition, which should be uniformly applicable throughout the country.

The exercise of evolving a uniform set of definition should not be however, to constructed to mean that no definition have been set forth at present, definitions of these three major disabilities which are prevalent at present for extending various concessions and facilities to handicapped are given in Annexure I.

Recommended Definitions

Physical impairment leads to functional limitation and functional limitation leads to disability. Physical impairment functional limitation and disability have been defined by WHO and this Committee would recommend adoption this classification, which is as follows :-

(i) **Impairment** - An impairment is a permanent or transitory or psychological, or anatomical loss and/or abnormality. For example a missing or effective part, tissue organ or "Mechanism" of the body, such as an amputated limb, paralysis after polio, myocardial infraction, cerebrovascular thrombosis, restricted pulmonary capacity, diabetes myopia, disfigurement, mental retardation, hypertension, perceptual disturbance.

(ii) **Functional limitation** - Impairment may cause functional limitations which are to partial or total inability to perform those activities necessary for motor sensory, or mental functions within the range and manner of which a human being is normally capable such as walking, lifting loads, acing, speaking, hearing, reading, writing, counting taking interest in and making contact with surrounding. A functional limitation may last for a short time a long time be permanent or reversible. It should be quantifiable whenever possible, limitations may be described, as "progressive" or "regressive".

(iii) **Disability** - Disability is defined as an existing difficulty in performing one or more activities which, in accordance with the subjects sex and mortuaries social role, are generally accepted as essential, basis components of daily living such as self-care social relations and economic activity. Depending in part on the duration of the functional limitation disability may be short-term, long-term or permanent.

Medically disability is physical impairment and inability to perform physical functions normally. Legally, disability is a permanent injury to body for which the person should or should not be compensated.

The disability can be divided into 3 periods :

(i) Temporary total disability is that period in which the affected person is totally unable to work. During this time he may receive orthopaedic, ophthalmologic auditory or speech or any other medical treatment.

(ii) Temporary partial disability is that period when recovery has reached the stage of improvement so that person may begin some kind of gainful occupation.

