

**NOTIFICATION****NO.SW/5/CDC-1/2018****Dated: Kohima, the 21<sup>st</sup> February, 2020**

In exercise of the power conferred under Section 101 (1) of 'The Rights of Person with Disabilities Act, 2016', The Governor of Nagaland is pleased to notify 'The Nagaland Rights of Person with Disabilities Rules 2019' with immediate effect.

This supersedes the Department's Notification of even dated number 16<sup>th</sup> August 2019.

**Sd/-****T. NUNGSANG SANGTAM, NCS**

Joint Secretary to the Government of Nagaland.

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**The Nagaland Rights of Persons with Disabilities Rules 2019**

In exercise of the power conferred under Section 101(1) of "The Rights of Persons with Disabilities Act, 2016, the State Government makes the following Rules namely: -

**CHAPTER - I**  
**PRELIMINARY**

**1. Short title and commencement-**

- (1) These rules may be called the Nagaland Rights of Persons with Disabilities Rules, 2019.
- (2) This rules shall extend to the whole State of Nagaland.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions –**

- (1) In these rules, unless the context otherwise requires -
  - (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016);
  - (b) "Central Government" means the Government of India;
  - (c) "Certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of section 57 of the Act;
  - (d) "Certificate of registration" means a certificate of registration issued by the competent authority under section 50 of the Act;
  - (e) "Certifying authority" means an authority designated under sub-section (1) of section 57 of the Act;
  - (f) "Form" means a form appended to these rules;
  - (g) "State Commissioner" means the State Commissioner for Persons with Disabilities appointed by the State Government under section 79 of the Act and in terms of these rules;
  - (h) "State Government" means the Government of the State of Nagaland;
  - (i) "Commission" means the Nagaland State Disability Commission;
  - (j) "Secretary" means ex-officio Secretary of the Nagaland State Disability Commission.
- (2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act

**CHAPTER II****RIGHTS AND ENTITLEMENTS****3. Establishments not to discriminate on ground of disability-**

- (1) The head of the establishment shall ensure that the provision of subsection (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.
- (2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he/she shall -
  - a) initiate action in accordance with the provisions of the Act; or
  - b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.
- (3) If the aggrieved person submits a complaint to the State Commissioner, as the case may be, the complaint shall be disposed of within a period of sixty days:  
Provided that in exceptional cases, the State Commissioner may disposed of such complaint within thirty days.

**4. Reasonable accommodation-**

- (1) Every establishment shall, within a period of 3 months of the notification of these rules, review its existing mechanisms and procedures adapted by it in discharge of entrusted responsibilities in relation to functional requirements of persons with benchmark disabilities and frame a detailed guideline for providing reasonable accommodation to them in terms of sub-section 5 of section 3 of the Act.
- (2) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

**5. State Committee for Research on Disability-**

- (1) The Committee for Research on Disability at the State Level shall consist of the following members, namely:-
  - (a) An eminent person having vast experience in the field of Science and Medical research to be nominated by the State Government, ex officio-Chairperson;
  - (b) Director of Health Services of the State Government Ex Officio Members;

- (c) Five members as representatives from persons with disabilities or registered State level organisations representing each of the five groups of specified disabilities in the Schedule of the Act to be nominated by the State Government. Members:  
Provided that at least one representative organizations is a woman of the registered
- (d) Director of Social Welfare Department. Member Secretary.
- (2) The Chairperson may invite any expert as special invitee.
- (3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office but the nominated members shall be eligible for re-nomination for one more term.
- (4) One half of the members shall constitute the quorum of the meeting.
- (5) The non- official members and special invitees shall be entitled for travelling allowance and dearness allowance as admissible to a Group A or equivalent officer of the State Government.
- (6) The State Government may provide the Committee with such clerical and other staff as the State Government considers necessary.
- 6. Person with disability not to be a subject of research-** No person with disability shall be considered to be a subject of research except when the research involves physical impact on his/her person. In this regard, prior permission of the Committee for Research on Disability must be obtained before undertaking any such research.
- 7. Protection and safety-**
- (1) Persons with Disability shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.
- (2) The State Disaster Management Authority shall take appropriate measures to ensure inclusion of Persons with Disability 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 person with disabilities.
- (3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of Persons with Disability in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.
- (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 Disability.

**8. Accessibility in voting**

The State Election Department shall ensure that the election process is made accessible to People with Disabilities. It will take all necessary measures on enrolment, accessibility of polling stations and all materials related to the electoral process.

**CHAPTER-III**

**LIMITED GUARDIANSHIP**

**9. Limited Guardianship-**

- (1) A District Court or any competent authority as designated by the State Government on its own or otherwise shall grant the support of limited guardianship to a person with disability to take a legally binding decision on his/her behalf.
- (2) The District Court or the competent authority, before granting limited guardianship for the person with disability, shall satisfy itself that such person is not in a position to take legally binding decision of his/her own.
- (3) The District Court or the competent authority shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to his/her notice of the need of such limited guardianship:  
Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship.
- (4) The validity of the limited guardianship as appointed under sub-rule (1) shall be initially for a period of five years which can be further extended by the District Court or the competent authority as the case may be.

Provided that the District Court or the competent authority shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship

- (5) While granting the support of such limited guardianship the Court or the competent authority shall consider a suitable person to be appointed as a limited guardianship in the following preferences of merits
  - a) The parents or adult children of the person with disability.
  - b) Immediate brother or sister.
  - c) Other blood relatives or care givers or prominent personality of the locality.

- (6) Only those individuals who are over the age of 18 years old who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (1 of 1974) shall be appointed.
- (7) The limited guardian appointed under sub-rule (1) shall consult the Person with Disability in all matters before taking any legally binding decisions on his/her behalf.
- (8) The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the Person with Disability are in the interest of the Person with Disability.

#### **CHAPTER IV**

#### **EDUCATION**

##### **10. Duty of Educational Institutions-**

- (1) The State Government shall ensure that all educational institutions funded or recognised by them provide inclusive education to children with disabilities in compliance with section 16 of the Act.
- (2) The terms and conditions for grant of recognition to educational institutions by the competent authority in the State may include the requirements to comply with the provisions of section 16 of the Act.

##### **11. Nodal Education Officer**

Nodal Officers shall be appointed in every District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

##### **12. Annual Report**

The District School Education Officer shall send an annual report before the end of October every year to the State Commissioner on matters relating to children with disabilities in the schools which will include total number enrolled, disability category, assessment, comments and recommendation.

##### **13. Survey**

Survey of school going children to be conducted in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met. The first survey shall be conducted within a period of two years from the date of commencement of these rules and the requirements given under section 17 of the Act complied with.

**CHAPTER V****SKILL DEVELOPMENT AND EMPLOYMENT****14. Vocational training and self-employment**

In pursuance of the provisions of section 19 of the Act, the State Government shall, within six months of the notification of these rules, review existing schemes, including arrangements for loans at subsidised rates and schemes for Persons with Disabilities especially for their vocational training and self employment, as well as inclusion of Persons with Disability in all mainstream formal and non-formal vocational and skill training schemes and programmes:

**15. Posting and transfer policy for employees with disability**

The State Govt. shall either frame a separate policy for posting and transfer of employees with disabilities or make special provisions in existing posting and transfer policy.

**16. Non discrimination in employment**

No Government establishment shall discriminate against any person with disability in any matter relating to employment as provided in section 20 of the Act.

**17. Equal opportunity policy-**

- (1) Every establishment shall publish equal opportunity policy for persons with disabilities.
- (2) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishment shall inter alia, contain the following:
  - a) facilities and amenities to be provided to Persons with Disabilities in the establishment;
  - b) list of posts identified suitable for Persons with Disabilities in the establishment;
  - c) manner of selection of Persons with Disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
  - d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
  - e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees.

Provided that such liaison officer shall be imparted training on disability equality and etiquettes.

- (3) The equal opportunity policy of private establishments having less than twenty employees shall contain facilities and amenities to be provided to

Persons with Disabilities to enable them to effectively discharge their duties in the establishment

**18. Manner of publication of equal opportunity policy**

The establishments shall display the equal opportunity policy preferably on their website or at conspicuous places in their premises.

**19. Maintenance of records by establishments-**

- (1) Every establishment shall maintain records in hard and soft copies which include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules. The records shall show the following particulars, namely: -

- a) the number of Persons with Disability who are employed and the date from when they are employed;
- b) the name, gender and address of such person who are employed;
- c) the kind of disability of such persons employed;
- d) the nature of work being rendered by such employed Persons with Disability; and
- e) the kinds of facilities being provided to such Persons with Disability.

- (2) Every establishment shall produce for inspection on demand records maintained under these rules to the authorities under this Act and shall supply such information as sought which it may require for the purpose of ascertaining whether the provisions have been complied with. Every establishment shall at the time of asking by the authorized person, verify the records which are being complied with

**20. Maintenance of records by the employment office**

Under sub-section (2) of section 22 of the Act, every special employment exchange of the State shall maintain the records of the persons with disability in accordance with their disabilities.

**21. Designation of Grievance Redressal Officer-**

- (1) Every Government establishment shall designate an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer, and shall inform the State Commissioner, as the case may be, about the designation of such Officer.

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

- (2) Any person aggrieved with the non-compliance of the provisions of section 20 of the Act, 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.

**22. Manner of maintenance of register of complaints by government establishments**

The Grievance Redressal Officer shall record the following particulars in the register, namely:

- a) date of complaint;
- b) name of complainant;
- c) name of the person who is enquiring the complaint;
- d) place of incident;
- e) the name of the establishment or person against whom the complaint is made;
- f) gist of the complaint;
- g) any additional information;
- h) documentary evidence, if any;
- i) date of disposal by the grievance Redressal officer;
- j) details of disposal of the appeal by the district level committee; and
- k) any other information.

**23. Appeal**

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 to be constituted by the State Government under section 72 of the Act.

**CHAPTER VI**  
**SOCIAL SECURITY, HEALTH, REHABILITATION AND**  
**RECREATION**

- 24. Social Security** In pursuance of the provisions of section 24 of the Act, the State Government shall 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.

Quantum of assistance to Persons with Disabilities under such schemes and programmes shall be at least twenty-five per cent higher than the similar schemes applicable to others.

**25. Healthcare-**

- (1) The State Government shall, in compliance with section 25 of the Act, take necessary measures for Persons with Disabilities to provide:
- a) free healthcare in the vicinity especially in rural area.
  - b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;
  - c) priority in attendance and treatment.

**26. Fixation of income ceiling for coverage of schemes and programmes under section 24 & 25 of the Act-**

- (1) While fixing income ceiling for the purpose of extending benefits under any scheme or programme formulated and notified under sections 24 & 25 of the Act, the State government shall consider the income of the Person with Disability and not his/her parents/guardian.
- (2) In case the benefit is to be given to a minor with disability, the income of the parent/guardian may be considered.

**27. Gender Equality/ equity to be ensured in schemes and programmes under sections 24 & 25 of the Act**

While devising schemes and programmes under sections 24 & 25 of the Act, separate allocation will be made for women with disability in such schemes and programmes to ensure gender equality and equity in the coverage of such programmes.

**28. Insurance Schemes**

The State Government shall, by notification, make insurance schemes for their employees with disabilities, if the resources of the State Government permit.

**29. Rehabilitation-**

- (1) The State Government shall undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all Persons with Disabilities.
- (2) For the purposes of sub-rule (1), the State Government and the local authorities may grant financial assistance to set up Disability Rehabilitation Centres or DDRCs in the existing DDRCs, preferably attached to the district hospitals and these Centres will provide Medical Rehabilitation, Aids and Appliances, Disability Certificates, vocational training, human resource development etc. to the PWDs to be run and sustained with the support of the State fund and various Schemes under the Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities.
- (3) The State Government, while formulating rehabilitation policies, shall consult disability experts and non-Governmental Organisations working for the cause of Persons with Disabilities.

**30. Recreation/Cultural life**

The State 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 in accordance to the provisions under section 29 of the Act.

**31. Sports**

The State Government shall take measures to ensure effective participation in sporting activities of the Persons with Disabilities and accord due recognition to the right of Persons with Disabilities to participate in sports in accordance to the provisions under section 30 of the Act.

**32. Tourism-**

- (1) The State Government and the local authorities shall endeavor to ensure tourist destinations, products and services are accessible to all people, regardless of their physical limitations, disabilities or age.

To this end, the State Government shall formulate accessible tourism policies.

- (2) The State Government and the local authorities shall provide incentives to privately owned tourist locations to ensure accessibility in their environment and services.
- (3) The State Government, while formulating accessible tourism policies shall consult Disability/Accessibility experts or Non-Governmental Organisations working for the cause of Persons with Disabilities

#### **CHAPTER VII**

#### **SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES**

##### **33. Free Education for Children with Benchmark Disabilities**

The State Government shall ensure that every child with benchmark disability has access to free education in a neighbourhood school or in a special school, of his/her choice, in an appropriate environment till he/she attains the age of eighteen years in compliance with section 31 (1) & (2) of the Act.

##### **34. Reservation in Higher Educational Institutions**

The State Government shall ensure that Institutions of higher education and other higher education institutions receiving aid from Government shall reserve not less than 5% (five percent) seats for persons with benchmark disabilities in compliance with section 32(1) of the Act.

##### **35. Exemption of age limit in higher education institutions for people with benchmark disabilities**

The State Government shall ensure that Institutions of higher education and other higher education institutions receiving aid from Government shall be given an upper age relaxation of five years for admission for persons with benchmark disabilities in compliance with section 32(2) of the Act

##### **36. Reservation of posts for persons with disabilities-**

- (1) In compliance with section 34(1) of the Act, the State Government shall appoint in every Government establishment, not less than 4 % (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 percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e), namely:

- 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 disability.
- (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 vacancy will be filled by appointment of a person, other than a person with disability.

**37. Reservation in posts identified for one or more categories**

- a) If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only;
- b) Reservation of 4% (four cent) shall not be reduced in such cases and total reservation in the post will be given to persons with the disability for which it has been identified;
- c) If in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories equally, as far as possible.

**38. Age limit relaxation for persons with benchmark disability**

The State Government shall, by notification, provide for relaxation of upper age limit for employment of persons with benchmark disability.

**39. Identification of posts for reservation-**

- (1) Government establishments shall identify posts which can be held by respective category of person with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34 of the Act

- (2) **Expert Committee:** In compliance with section 33 (ii) of the Act, the State Government shall constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts.
- (3) The State Government shall undertake periodic review of the identified posts.

#### **40. Computation of vacancies-**

- (1) For the purposes of computation of vacancies, 4% of the total number of vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in each group of posts shall be taken into account by the State Government for the persons with benchmark disabilities:
- (2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the Central/State Government from time to time.
- (3) While issuing advertisement to fill up vacancies every Government establishment shall indicate the number of reserved vacancies for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.
- (4) The reservation for Persons with Disability, in accordance with the provisions of section 34 of the Act, shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class

#### **41. Interchange of vacancies**

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

#### **42. State Level Committee for disputes/objections concerning reservations within departments**

A State Level Committee with representation from all departments shall be constituted to deal with disputes/objections concerning reservations within departments. In case of any dispute/objection arising on the issue of reservations under section 34 of the Act, the matter will be referred to the State Level Committee.

**43. Incentive to Private Sector**

In compliance with section 35 of the Act, the State Government shall provide incentives to employers in private sector, where possible, to ensure that at least 5% (five per cent) of their work force is composed of persons with benchmark disability. A policy may be framed in this regard.

**44. Schemes in favour of persons with Benchmark Disabilities**

The State Government shall, by notification, make schemes in favour of persons with benchmark disabilities as laid down in section 37 (a), (b) and (c) of the Act.

**CHAPTER VIII****PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS****45. Assessment Board-**

- (1) The State Government shall constitute an Assessment Board in compliance with sub-section (2) of section 38 of the Act. The State Government shall follow the guidelines issued by Central Government regarding constitution of Assessment Board and manner of assessment from time to time.
- (2) The State Government shall notify an authority under sub-section (1) of section 38 to receive application for high support needs and refer to Assessment Board.
- (3) The Assessment Board shall assess the case referred to it 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, the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the State Government in this behalf.

**CHAPTER IX****ACCESSIBILITY****46. Standards of Accessibility-**

- (1) The State Government shall comply with laid down 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.
- (2) The respective Departments shall ensure compliance of the standards of accessibility through their regulators or otherwise.

**47. Accessibility measures-**

- (1) The State Government shall take suitable measures to provide:
- a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;
  - b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design, subject to availability of the same in the market.
  - c) accessible roads to address mobility necessary for persons with disabilities.

**48. Media/Information & Communication**

The State Government shall take measures to ensure that:

- a) all contents available in audio, print and electronic media are in accessible format;
- b) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;
- c) electronic goods and equipment which are meant for everyday use are available in universal design subject to its availability in the market.

**49. Mandatory Accessibility Norms-**

- (1) No establishment shall be granted permission to build any structure in the building plan does not adhere to the standard accessibility norms formulated by the Central Government
- (2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the standard norms.

**50. Existing buildings**

All existing public buildings shall be made accessible in accordance with the rules within a period not exceeding five years from the date of notification of these rules:

CHAPTER X**CERTIFICATE OF REGISTRATION OF INSTITUTIONS****51. Competent Authority**

In pursuance of the purpose of section 49 of the Act, the Director, Department of Social Welfare Nagaland shall be the competent authority for the purpose of registration of Institutions for Persons with Disabilities.

**52. Application for and grant of Certificate of Registration-**

- (1) A person desirous of establishing or maintaining an institution for persons with disabilities may make an application in **Form 'A'** to the Director, Social Welfare Department.
- (2) No person shall establish or operate any institution for Persons with Disabilities without obtaining registration certificate in compliance with section 50 of the Act.
- (3) Every application made under sub-rule (1) shall be accompanied with:
  - a) documentary evidence of work in the area of disability;
  - b) constitution or bye laws or regulation governing the institution;
  - c) audited statement and details of grants received in the last three years, preceding the date of application;
  - d) statement regarding total number of persons employed in the institution along with their respective duties;
  - e) number of professionals employed in the institution;
  - f) statement regarding qualifications of the professionals employed by the institution; and
  - g) proof of residence of the applicant.
- (4) Every application made under sub-rule (1) shall comply with the following requirement in respect of the concerned institution, namely:
  - a) that the institution has been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which the application is made;

- b) that the institution is duly registered under the Indian Societies Registration Act, 1860 (XXI of 1860) or under any other law for the time being in force in the State and a copy of such registration certificate along with the byelaws and memorandum of association of the society shall accompany the application;
  - c) that the institution has not been running to profit any individual or a body of individuals;
  - d) that the institution has employed professionals registered with the Rehabilitation Council of India to cater to the special needs of children with disabilities;
  - e) that the institution has adequate teaching and learning material for the persons with disabilities; and
  - f) that the institutions have submitted its audited accounts and annual reports of last three years with competent authority.
- (5) On receipt of an application under sub-rule (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 the Act and the rules made there under, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, it 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.

### 53. **Validity**

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

### 54. **Renewal**

An application for the renewal of certificate of registration shall be made in the same manner as the application for grant of certificate under sub-rule (1) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate so accompanied:

Provided that such application shall be made before one month of the expiry of the validity of such certificate:

Provided further that the competent authority may consider application for renewal of the certificate of registration after 30 days but no later than 60 days, if he is satisfied that sufficient reasons has been provided for such delay there under, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, it 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.

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

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An application for the renewal of certificate of registration shall be made in the same manner as the application for grant of certificate under sub-rule (1) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate so accompanied:

Provided that such application shall be made before one month of the expiry of the validity of such certificate:

Provided further that the competent authority may consider application for renewal of the certificate of registration after 30 days but no later than 60 days, if he is satisfied that sufficient reasons has been provided for such delay.

**55. Revocation of registration-**

- (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 of the Act has,
- 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-rule (1) of rule 55, 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 rule shall, immediately after such revocation, surrender such certificate to the competent authority.

**56. Appeal**

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 90 days from the date of the order, appeal against that order to the AHO/Secretary, Social Welfare who shall function as appellate authority. The Secretary, Social Welfare may, after such enquiry into the matter as is considered necessary and after giving the appellant an opportunity of hearings, make such order as deemed fit within 30 days.

57. **Central or State Government Institutions:**

Nothing contained in this rule shall apply to institutions established or maintained by the Central Government or State Government.

58. **Assistance to Registered Institutions**

The State 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 the Act.

**CHAPTER XI**

**CERTIFICATION OF SPECIFIED DISABILITIES**

59. **Competent Authority**

The Department of Health & Family Welfare, Nagaland shall notify the certifying authorities who shall be competent to issue a certificate of disability at each district and terms and conditions subject to which the certifying authority shall perform its certification functions as per the provisions of subsections (1) and (2) of section 57 of the Act and Rule 17 of the Central Rules under the Act.

60. **Application for issuance of Disability Certificate-**

- (1) The person desirous of obtaining a certificate will submit his/her application in **Form-B** and submit the application to-
- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or
  - (b) the concerned medical authority in a government hospital where he/she may be undergoing or may have undergone treatment in connection with his/her disability;
- (2) the application shall be accompanied by
- a) residence - proof of place
  - b) two coloured photographs of recent passport size
  - c) Aadhaar Card or Aadhaar enrolment number, if any

**NOTE -**

No other proof of residence shall be demanded from the applicant who has Aadhaar or Aadhaar enrolment number.

- (2) Where a Person with Disability is a minor or is a person with intellectual disability or any other disability which renders him/her unfit or unable to make such an application himself/herself, the application on his/her behalf may be made by his/her legal guardian or by any organisation registered under the Act having the minor or person under its care.

**61. Issuance of Disability Certificate-**

- (1) On receipt of an application under rule 60, the notified certifying authority shall verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government (MSJ&E, Department of Empowerment of Persons with Disabilities Guidelines for Evaluation and procedure for certification of various specified disabilities, Notification No. S.O.76(E) dated 4th January 2018), and after satisfying himself/herself that the applicant is a person with disability, issue a certificate of disability in his/her favour in **Form-C**, **Form-D**, and **Form-E** as the case may be.
- (2) The medical certifying authority shall issue the certificate of disability within a month from the date of receipt of the application.
- (3) The medical certifying authority shall, after due examination, issue
- a) a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or
  - b) a temporary certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.
- (4) If an applicant is found ineligible for issue of certificate of disability, the medical certifying authority shall convey the reasons to him in writing under **Format-F** within a period of one month from the date of receipt of the application.

**62. Procedure for maintenance of records**

The competent certifying authority/medical authority, physician or any other specialist shall keep the record of applicants and disability certificates issued in electronic format or in the register. These records will be submitted to the Member Secretary of the District Level Committee by the Chief Medical Officer of the district once in every six months.

**63. Certificate issued to be generally valid for all purposes**

A person to whom the certificate is issued under rule 61 shall be entitled to apply for facilities, concessions and benefits admissible for Persons with Disabilities under schemes of the Government and of non-Governmental organisations funded by the Government. No other document as proof of disability will be asked.

**64. Validity of certificate of disability issued under the repealed Act**

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

**65. Appeal-**

- (1) Any person aggrieved with the decision of the authority issuing the certificate of disability may himself/herself or by the guardian appeal to the District Level Committee within 99 days from the date of the decision in the following manner.
  - a) The appeal shall contain brief background and the grounds for making the appeal.
  - b) With the appeal, a copy of the Disability Certificate or letter of rejection issued by the Certification Authority will be attached.
- (2) On receipt of such appeal, the District Level Committee shall provide the appellant an opportunity to present his/her case and thereafter pass such reasoned and detailed order as it may deem appropriate.
- (3) Every appeal preferred under sub-rule (1) shall be decided as expeditiously as possible and not later than a period of sixty days from the date of receipt of the appeal.

**66. Maintenance of data of the disabled person in the State**

Identity Card for the Disabled Person shall be issued by the respective District Welfare Officers (DWOs) of the Social Welfare Department on the basis of Certificate issued by the competent/authorised medical authority concerned and a separate roll of such record shall be separately maintained by the concerned DWO and the database of the same shall be centrally maintained by the Directorate of Social Welfare Department, save the UDID is maintained on all India basis by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment.

**CHAPTER XII****STATE ADVISORY BOARD**

67. The State Government shall constitute a State Advisory Board in compliance with the sub-section (1) of section 66 of the Act, whose office bearers and members will be elected according to sub-section (2) of section 66 of the Act as far as practicable/ at the discretion of the State Government.
- 68. Allowances for Members of the State Advisory Board-**
- (1) The non-officials Members of the State Advisory Board shall be paid a daily allowance of Rs. 2000 (rupees two thousand) only per day for each day of the actual meetings of the said Board.
  - (2) The non-official Members of the State Advisory Board residing outside the State capital region shall be paid the daily allowance as well as travelling allowances for each day of the actual meetings of the Board at the rates admissible to a Group A or equivalent Officer of the State Government.
- 69. Notice of the meeting-**
- (1) The meeting of the State Advisory Board on disability constituted under sub-section (1) of section 66 of the Act (hereinafter in this Chapter referred to as 'the Board) shall ordinarily be held in the Capital of the State on such dates as may be fixed by its Chairperson:  
Provided that it shall meet at least once in every six months.
  - (2) The Chairperson of the Board shall, upon the written request of not less than ten members of the Board, call a special meeting of the Board.
  - (3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the date, time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by Member-Secretary of the Board to the members of the Board.
  - (4) Notice of a meeting may be given to the members of the Board by delivering the same to them by messenger or sending it by registered post to their respective last known places of residence or business or by email or in such other manner as the Chairperson of the Board may, in the circumstances of the case, think fit.

- (5) No member of the Board shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member Secretary of the Board, unless the Chairperson of the Board, in his/her discretion, permits him/her to do so.
- (6) The Board may adjourn its meeting from day to day or to any particular day as under:
  - a) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given, to the members of the Board available at the place where the meeting which was adjourned to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members;
  - b) Where a meeting of the Board is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all members of the Board in the manner as specified in sub-rule (4).

**70. Presiding Officer:**

The Chairperson of the Board shall preside at every meeting of the Board and in his/her absence, the Vice-Chairperson thereof shall preside, but when both the Chairperson and the Vice-Chairperson of the Board are absent from any meeting, the members of the Board present shall elect one of the members to preside at that meeting.

**71. Quorum-**

- (1) One-third of the total members of the Board shall form the quorum for any meeting.
- (2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members of the Board are present, the Chairperson thereof may adjourn the meeting to such hours on the following or on some other future date as he/she may fix.
- (3) No quorum shall be necessary for the adjourned meeting of the Board.
- (4) No matter which had not been on the agenda of the ordinary or the special meeting of the Board, as the case may be, shall be discussed at its adjourned meeting.
- (5) (a) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members of the Board available at the place where the meeting which was adjourned was to be held

and it shall not be the meeting which was adjourned meeting to other members; and (b) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum not to the following, but on a date with sufficient gap, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in sub-rule (4) of rule 69.

**72. Minutes-**

- (1) Record shall be kept of the names of all the members of the Board who attended the meeting of the Board and the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary of the Board.
- (2) The minutes of the previous meeting of the Board shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding officer of the Board.
- (3) The proceeding shall be open to inspection by any member of the Board at the office of the Member Secretary of the Board during office hours.

**73. Business to be transacted at meeting:**

Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 69 shall be transacted at any meeting of the Board

**74. Agenda for the meeting of the State Advisory Board-**

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

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

**75. Decision by majority**

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

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

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

**CHAPTER XIII****DISTRICT LEVEL COMMITTEES**

77. (1) As stated in section 72 of the Act, the State Government shall constitute District-Level Committees on disability in every district to perform such functions as may be prescribed by it.
- (2) **The District-Level Committees shall consist of:**
- (a) EX OFFICIO CHAIRPERSON - Deputy Commissioner
  - (b) MEMBER SECRETARY - District Social Welfare Officer
  - (c) MEMBERS:
    - i) Civil Surgeon or Chief Medical Officer
    - i) District Education Officer
    - iii) District Transport Officer
    - iv) Member Secretary, District Legal Services Authority
    - v) District Child Protection Officer
    - vi) APMR Specialist/Rehabilitation Specialist/ a Psychiatrist, ENT, EYE or Orthopedic Surgeon of the district whichever is available.
    - vii) Tribal Hoho/Organisation representative
    - viii) Representative of a Registered Organisation working for People with Disabilities
    - ix) A Person with Disability as defined in clause (s) of section 2 of the Act
    - x) Any other member as invited by the Chairperson.

- (3) The members referred to in clauses (VIII) and (IX) shall be nominated every three years by rotation and shall be on the recommendation of the Deputy Commissioner concerned.

**78. Functions of the Committee:**

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

- a) Advise the District authorities on matters relating to rehabilitation and empowerment of Persons with Disabilities.
- b) Monitor the implementation of the provisions of the Act and the rules made there under by the district authorities.
- c) Assist the District authorities in implementation of schemes and programmes of the Government for empowerment of Persons with Disabilities.
- d) Look into the complaints relating to non-implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authority to redress such complaints.
- e) Look into appeals made by the employees of Government establishments aggrieved with action taken by the District level establishments under sub-section (4) of section 23 of the Act and recommend appropriate measures.
- f) Any other functions as may be assigned by the State Government

**CHAPTER XIV**

**STATE COMMISSIONER FOR PERSONS WITH  
DISABILITIES**

- 79.** The State Government shall appoint a State Commissioner for Persons with Disabilities in compliance with sub-section (1) of section 79 of the Act
- (1) The State Commissioner shall discharge duties according to section 80 of the Act.
  - (2) The authority and powers of the State Commissioner shall be as prescribed under sections 81 and 82 of the Act.

**80. Qualification for appointment of State Commissioner**

A person shall not be qualified to be appointed as a State Commissioner unless:

- (a) he/she has special knowledge or practical experience in respect of the matters relating to disability rights and empowerment and rehabilitation of persons with disabilities;
- (b) he/she has not attained the age of sixty years on the 1st January of the year in which the last date for receipt of applications occurs, as specified in the advertisement inviting applications for appointment of the State Commissioner;
- (c) if in service under the Central Government or a State Government, he/she shall seek retirement from such service before appointment to the post; and
- (d) possesses the following educational qualifications and experience, namely:

**(A) Educational Qualifications:**

- (a) Essential: Graduate from a recognized University
- (b) Desirable: recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of disabled persons.

**(B) Experience:**

At least twenty years experience in a Group 'A' level or equivalent post:

- (a) in Central or State Government or
- (b) Public Sector Undertaking or Semi Government or Autonomous Bodies dealing with disability related matters or social sector or
- (c) works in the capacity of a senior level functionary in a registered State or national or international level voluntarily organization working in the field of disability or social development;

Provided that out of the total twenty years experience mentioned in this subclause, at least three years of experience in the recent past had been in the field of Empowerment of Persons with Disabilities.

**81. Mode of appointment of the State Commissioner-**

- (1) At least three months before the post of State Commissioner for Persons with Disabilities is due to fall vacant, an advertisement shall be published in at least two State level daily English newspapers, inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 80.

- (2) A Search-cum-Selection Committee shall be constituted by the State Government to recommend to it a panel of three suitable candidates for the post of the State Commissioner.
- (3) Composition of the Search-cum-Selection Committee referred to in sub-rule
- (2) Shall be governed by relevant instructions issued by the concerned administrative department of the State Government.
  - a) The panel recommended by the Search-cum-Selection Committee under sub-rule (2) may consist of persons from amongst those who have applied in response to the advertisement made under sub-rule (1) as well as from other willing eligible persons in the employment of Central or State Government whom the Committee may consider suitable.
  - b) The State Government shall appoint one of the candidates recommended by the Search-cum-Selection Committee.

**82. Terms of the State Commissioner-**

- (1) The State Commissioner shall be appointed on full time basis for a period of three years from the date on which he/she assumes office, or till he/she attains the age of sixty-five years, whichever is earlier.
- (2) A Person may serve as State Commissioner for Persons with Disabilities for a maximum of two terms, subject to the upper age limit of sixty-five years.

**83. Salary and Allowances of State Commissioner-**

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

**84. Other terms and conditions of service**

The other terms and conditions of service of State Commissioner shall be such as specified below, namely:

- a) LEAVE: The State Commissioner for Persons with Disabilities shall be entitled to such leave as is admissible to Group 'A' officer under the relevant provisions of State Civil Service Rules applicable on them.
- b) LEAVE TRAVEL CONCESSION: The State Commissioner shall be entitled to such Leave Travel Concession as is admissible to Group 'A' officers under relevant provisions of the State Civil Rules applicable on them.
- c) MEDICAL BENEFITS: The State Commissioner shall be entitled to such medical benefits as is admissible to Group 'A' officers under the relevant provisions of the State Civil Service Rules applicable on them.

**85. Resignation and removal-**

- (1) The State Commissioner may, by notice in writing, under his/her hand, addressed to the State Government, resign from his/her post.
- (2) The State Government shall remove the State Commissioner from his/her office, if he/she -
  - a) becomes an undischarged insolvent; or
  - b) engages himself during his/her term of office in any paid employment or activity outside the duties of his/her office; or
  - c) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
  - d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his/her functions as laid down in the Act; or
  - e) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of fifteen days or more; or
  - f) has, in the opinion of the State Government, so abused the position of the State Commissioner as to render his/her continuance in the office detrimental to the interest of persons with disability: Provided that no State Commissioner shall be removed from office under this rule except after following the procedure, mutatis mutadis, applicable for removal of Group 'A' officer of the State Government.

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

**86. Residuary provision**

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

**87. Advisory Committee to assist the State Commissioner**

- (1) The State Government shall appoint an Advisory Committee comprising five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act to advise the State Commissioner in the exercise of the duties of his/her office.
- (a) the members of the Advisory Committee will be appointed for a term of 3 years from their date of appointment.
- (b) the appointment will be made based on their expertise and experience in the field of disability rehabilitation/affairs, including one legal expert.
- (c) two seats of the committee will be reserved for experts/senior officers of the Government nominated by the State Government.
- (d) the Advisory Committee shall meet at least once in six months.
- (e) the members will be given daily allowance at the rate notified by the State Government from time to time.
- (2) The State Commissioner may invite subject or domain expert as per the need who shall assist him/her in meeting or hearing and in preparation of the report.
- (3) The non-official members of the Advisory Committee, residing in the State capital, shall be paid allowance of rupees two thousand per day for each day of the actual meeting.
- (4) Non-official members of the Advisory Committee, not residing in the State Capital shall be paid daily allowance as well as travelling allowances for each day of the actual meeting at the rate admissible to a Group 'A' officer of the State Government.

**88. Secretary of the Commission-**

- (1) The State Government shall appoint an Ex-Officio Secretary of the Commission on honorary basis to assist the State Commissioner and the establishment of the Commission in its day to day functioning from amongst the senior members of either the Central Service or State Civil Service cadres serving in the administrative department of Social Welfare. If the senior members from either the cadre are not available, an officer not below the rank of Deputy Secretary to the Government of Nagaland serving in the administrative department of Social Welfare shall be appointed as Ex-Officio Secretary of the Commission.
- (2) The Secretary shall also act as a channel between the State Government and the State Commissioner, the Advisory Body, the Governing Body, Public Prosecutor and any other Competent Authority specified under the State Rules, 2019.
- (3) The Secretary shall act as the Drawing and Disbursing Officer (DDO) of the Commission. Hence, all financial transaction of the Commission shall be done under the name and seal of the Secretary.
- (4) The tenure of the Secretary shall be as notified or prescribed by the State Government from time to time.

**89. Complaints procedure to be followed by State Commissioner-**

- (1) A complainant may present a complaint containing the following particulars in person or by his/her agent to the State Commissioner, namely:
  - a) the name, description and the address of the complainant;
  - b) the name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
  - c) the facts relating to complaint and when and where it arose;
  - d) documents in support of the allegations contained in the complaint;
  - e) the relief which the complaints claims.
- (2) The State Commissioner, on receipt of a complaint, shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him/her to give his/her version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the State Commissioner.

- (3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the State Commissioner.
- (4) Where the complainant or his/her agents fail to appear before the State Commissioner on such days, the State Commissioner may either dismiss the complaint on default or decide on merits.
- (5) **Where the opposite party or his/her agents fail to appear on the date of hearing, the State Commissioner may take such necessary action under section 82 of the Act as he/she deems fit for summoning and enforcing the attendance of the opposite party.**
- (6) The State Commissioner may dispose of the complaints ex-parte, if necessary.
- (7) The State Commissioner may on such terms as he/she deems fit and at any stage of the proceeding, adjourn the hearing of the complaint.
- (8) The State Commissioner shall decide the complaints as far as possible within a period of three months from the date of receipt of notice by the opposite party.

**90. Submission of Annual Reports-**

- (1) The State Commissioner shall, as soon as may be possible after the end of the financial year, but not later than the 30th day of the September in the next year ensuing, prepare and submit to the State Government an Annual Report giving a complete account of his/her activities during the said financial year.
- (2) In particular, the Annual Report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing therein information in respect of each of the following matters, namely:
  - a) names of officers and employees in the office of the State Commissioner and a chart showing the organizational set up;
  - b) the functions which the State Commissioners has been empowered under the Act and the highlights of the performance in this regard;
  - c) the main recommendation made by the State Commissioner;
  - d) progress made in the implementation of the Act in the State; and
  - e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

**CHAPTER XV**  
**SPECIAL COURT**

- 91. Special Court** In pursuance of section 84 of the Act, the State Government shall by notification, specify for each district, a Special Court to try the offences under this Act.
- 92. Appointment of Public Prosecutor-**
- (1) The Public Prosecutor to be appointed by the State Government in every Special Court shall have: -
- a) Practical experience of handling cases of Persons with Disabilities.
  - b) Experience at the Bar of not less than three years.
  - c) Shall be well versed with local language and customs.
- (2) The fee and other remunerations of the Special Public Prosecutor specified or appointed under sub-section (1) of section 85 of the Act shall be the same as that of Public Prosecutor appointed by the State Government under the code of criminal procedure, 1973 (1-1974) for conducting the cases before a court of session.

**CHAPTER XVI**  
**STATE FUND FOR PERSON WITH DISABILITIES**

- 93. State Fund and its management-**
- (1) There shall be a constituted Fund to be called the State Fund for Persons with Disabilities and there shall be credited thereto:
- a) all sums received by way of grant, gifts, donation, benefactions, bequests or transfers;
  - b) all sum received from the State Government including grants-in-aid; and
  - c) all sum from such other sources as may be decided by the State Government.
- (2) There shall be a Governing body consisting of following members to manage the State fund, namely: -
- a) Administrative Head of Social Welfare Department—Chairperson;

- b) Two representative from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Finance, Department of Rural Development in the State Government, not below the rank of a Joint Secretary, by rotation in alphabetical orders – members;
  - c) Two persons representing different types of disabilities to be nominated by the State Government, by rotation – members;
  - d) Director of Social Welfare Department – Convener and Chief Executive Officer.
- (3) The governing body shall meet as often as necessary, but at least once in every financial year.
- (4) The nominated members shall hold office for not more than three years.
- (5) No members of the governing body shall be a beneficiary of the Fund during the period such Member holds office.
- (6) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group 'A' officer of the State Government for attending the meetings of the governing body.
- (7) No persons shall be nominated under clause (b) and (c) of sub-rule 2 as a member of the governing body if he/she
- a) is, or has been, convicted of an offence, which in the opinion of the State Government, involves moral turpitude; or
  - b) is, or at any time has been, adjudicated as an insolvent.

**94. Utilisation of the State Fund-**

- (1) The State Fund shall be utilised for the following purposes, namely:
- a) financial assistance in the areas which are not specifically covered under any scheme and programme of the State Government;
  - b) administrative and other expenses of the fund, as may be required to be incurred by or under the Act; and
  - c) such other purposes as may be decided by the governing body.

- (2). Every proposal of expenditure shall be placed before the governing body for its approval.
- (3). The governing body may appoint Secretarial staff including accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the State fund based on need based requirement.
- (4). The State fund shall be utilised/invested in such manner as may be decided by the governing body.

#### **95. Budget**

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

#### **96. Annual Report**

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

### **CHAPTER XVII** **MISCELLANEOUS**

- 97. Provisions in addition to** The provisions specified in these rules shall be in addition to all other provisions in the Rights of Persons with Disabilities Act, 2016 and also not in derogation of the provisions of any other law in force.

**98. Protection of Action Taken in good faith:**

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any officer or employee of the State Commissioner for anything which is in good faith done or intended to be done under the Rights of Persons with Disabilities Act, 2016 or the rules made there under.

**Form-A**

## Application for a Certificate of Registration

[See rule 52 (1)]

- (1) Name of applicant and his address: \_\_\_\_\_
- (2) Institution in respect of which application is made:
  - a. Name : \_\_\_\_\_
  - b. Address (Office/Project) : \_\_\_\_\_
  - c. Phone/Fax/Telex/ (Office): \_\_\_\_\_  
(Project)
- (3) (i) Name of the Act under which the institution is already registered: \_\_\_\_\_  
(ii) Registration No. and date of registration: \_\_\_\_\_  
(Please attach a photocopy)
- (4) Memorandum of Association and Bye-laws of the institution:
- (5) Name, address, occupation and other particulars of the members of the Board of Management/Governing Body of the institution:
- (6) Present Activities of the institution: \_\_\_\_\_
- (7) Present membership strength and categorization of the institution. List of documents to be attached:
  - (a) A copy of the annual report for the previous year,
  - (b) Audited Statement of account duly certified by Chartered Accountant for the last two years

- (i) Receipt and Payment Account (by Chartered Accountant for the last two years)
- (ii) Income and Expenditure Account (by Chartered Accountant for the last two years)
- (iii) Balance sheet for the last two years (by Chartered Accountant for the last two years)
- (c) Details of staff employed by the institution.
- (d) Details of beneficiaries to be covered by the \_\_\_\_\_ of the institution
- (e) If the hostel is maintained, then number of hostellers.
- (f) Other terms if any.
- (g) Whether the institution is located on its own/Rented building (necessary evidence to be attached).

Signature of the Applicant

Name:

Designation:

Address:

Date:

Office Stamp



- (9) Identification marks (i) \_\_\_\_\_ (ii) \_\_\_\_\_
- (10) Nature of disability:
- (11) Period since when disabled: From Birth//since year \_\_\_\_\_
- (12) (i) Did you ever apply for issue of a certificate of disability in the past  
\_\_\_\_\_ yes/no
- (ii) If yes, details:
- (a) Authority to whom and district in which applied  
\_\_\_\_\_
- (b) Result of the Application \_\_\_\_\_
- (13) Have you ever been issued a certificate of disability in the past? If  
yes, please enclose a true copy.

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

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

Date:

Place:

**Enclosures:**

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

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(For office use only)

Date:

Place:

Signature of issuing authority  
Stamp

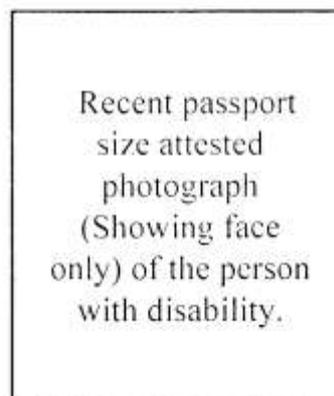
**Form-C**

## Certificate of Disability

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

[See rule 61 (I)]

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



Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

This is to certify that I have carefully examined Shri/ Smt./ Kum. \_\_\_\_\_ Son/wife/ daughter of Shri. \_\_\_\_\_ date of birth (DD/MM/YY) \_\_\_\_\_ Age \_\_\_\_\_ years, male/female registration No \_\_\_\_\_ permanent resident of House No. \_\_\_\_\_ Ward/Village/Street \_\_\_\_\_ Post Office \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_, whose photograph

is affixed above, and am satisfied that:

- (A) He/she is a case of:
- \* locomotor disability
  - \* dwarfism
  - \* blindness
- (Please tick as applicable)

- (B) The diagnosis in his/her case is \_\_\_\_\_
- (C) He/She has \_\_\_\_\_ % (in figure) \_\_\_\_\_ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her \_\_\_\_\_ (part of body) as per guidelines (.....number and date of issue of the guidelines to be specified).
2. The applicant has submitted the following documents as proof of residence: -

Nature of Document	Date of Issue	Details of authority issuing certificate

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

Signature/Thump impression of Person in whose favour certificate of disability is issued
--

**Form-D**

Certificate of Disability  
(In cases of Multiple disabilities)  
[See rule 61 (I)]

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

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

Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

This is to certify that we have carefully examined Shri/ Smt./ Kum.  
\_\_\_\_\_ Son/wife/daughter  
of Shri. \_\_\_\_\_ date of birth  
(DD/MM/YY) \_\_\_\_\_ Age \_\_\_\_\_ years, male/female \_\_\_\_\_  
Registration No. \_\_\_\_\_ permanent resident of House No. \_\_\_\_\_  
Ward/Village/Street \_\_\_\_\_ Post Office \_\_\_\_\_  
District \_\_\_\_\_ State \_\_\_\_\_, whose photograph  
is affixed above, and am satisfied that:

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

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

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

In figures: \_\_\_\_\_ percent

In words: \_\_\_\_\_ Percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.
3. Reassessment of disability is:
  - (i) Not necessary, or
  - (ii) Is recommended/after ..... Years ..... months, and therefore this certificate shall be valid till

.....  
 (DD) (MM) (YY)

@ e.g. Left/Right/botharms/legs

# e.g. Single eye

£ e.g. Left/Right/botheears

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

Name of document	Date of issue certificate	Details of authority issuing

5. Signature and seal of the Medical Authority.

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

Signature/Thump impression of Person in whose favour certificate of disability is issued
--

**Form-E**

## Certificate of Disability

(In cases other than those mentioned in forms C and D)

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

[See rule 61 (I)]

<p>Recent passport size attested photograph (Showing face only) of the person with disability.</p>
--

Certificate No

Date:

This is to certify that I have carefully examined Shri/Smt/Kum.

\_\_\_\_\_ son/wife/daughter of Shri.

\_\_\_\_\_ Date of Birth (DD/MM/YY) \_\_\_\_\_

Age \_\_\_\_\_ years, male/female \_\_\_\_\_ Registration No.

permanent resident of House No. \_\_\_\_\_ ward/village/street \_\_\_\_\_

post office \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_, whose

photograph is affixed above, and am satisfied that he/she is a case of

evaluated as per guidelines (... number and date of issue of the

guideline to be specified) and is shown against the relevant disability in

the table below:-

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

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non- progressive/  
likely improve/not likely to improve.
3. Reassessment of disability is: -
  - (i) Not necessary, or
  3. (ii) Is recommended/after \_\_\_\_\_ years \_\_\_\_\_ months, and  
therefore this certificate shall be valid till (DD/MM/YY)  
\_\_\_\_\_.

@ - e.g. Left/Right/both arms/legs

# - e.g. Single eye/both eyes

C - e.g. Left/Right/both ears

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

Name of document	Date of issue	Details of authority issuing certificate

(Authorised signatory of notified Medical Authority)

(Name and Seal)

Countersigned

(Countersigned and seal of the

Chief Medical Officer/ Medical

Superintendent/ Head of Government

Hospital, in case the Certificate is issued

by a medical authority who is not a

Government servant (with seal))

Signature/Thumb impression of Person in whose favour certificate of disability is issued
--

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

**Form-F**

Intimation of rejection of Application for Certificate of Disability

See rule 61 (4)

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

To,

(Name and address of applicant for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/Madam,

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

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

- (i)
- (ii)
- (iii)

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

Yours faithfully,

(Authorized Signatory of the notified Medical Authority)

(Name and Seal