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DEPARTMENT OF SOCIAL SECURITY & EMPOWERMENT OF PERSONS WITH DISABILITIES

NOTIFICATION

The 2nd February, 2018

No. 894–SSEPD-DA-II-MISC-0026/2017/SSEPD.— The following draft of certain rules which the State Government propose to make in exercise of the powers conferred by Section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) and in supersession of the notification of the Government of Odisha in the Department of Social Security and Empowerment of Persons with Disabilities No.6970, dated 30th August, 2017 published in the Extraordinary issue No.1432 of the *Odisha Gazette* dated the 31st August, 2017 is hereby published as required under sub-section (1) of the said section for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of fifteen days from the date of publication of this notification on the *Odisha Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before the expiry of the period so specified above will be considered by the State Government.

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CHAPTER I

Preliminary

1. Short title and Commencement:— (1) These rules may be called the Odisha Rights of Persons with Disabilities Rules, 2018.

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

2. Definitions:— (1) In these rules, unless the context otherwise requires, –

- (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
- (b) "Certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of Section 57 of the Act;
- (c) "Certificate of registration" means a certificate of registration issued by the competent authority appointed under section 50 of the Act.

- (d) "Form" means a form appended to these rules.
- (e) "Government" means the Government of Odisha;
- (f) "Notification" means notification published in the official gazette ;
- (g) "Rules" means rules made under the Act ;
- (h) "Section" means a section of the Act ;

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

- (i) An eminent person, having vast experience in the field of Rehabilitation Science or Medical Research, to be nominated by the State Government, *ex officio*-Chairperson;
- (ii) Director of Medical Education and Training, Odisha - *ex officio*- Member;
- (iii) Five members as representatives from registered State Level Organizations representing each of the five groups of specified disabilities in the Schedule to the Act to be nominated by the State Government - Members:

Provided that at least one representative of the registered organizations is a woman and two are Persons with Disabilities.

(iv) One member from any University dealing with rehabilitation education and one member from Research Institutions dealing with rehabilitation research;

(v) Director, Social Security and Empowerment of Persons with Disabilities- Member Secretary.

(2) The Chairperson may invite any expert as a special invitee from any National Institute dealing with different disabilities or their regional centres in the State.

(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 daily allowance as admissible to a Group A or equivalent officer of the State Government.

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

4. 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 body.

5. Procedure to be followed for protection from Abuse, Violence and Expectation:—for the purpose of the dealing with the complaints under section 7, the Executive Magistrate shall follow the procedure provided in Sections 133 to 143 of the code of criminal procedure, 1973 (2 of 1974).

6. Report of abuse, violence and exploitation complaints filed under section 7 of the Act shall be reported in **Form-I**.

7.Limited Guardianship:—(1) A District Court or any designated 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 behalf.

(2)The District Court or the designated 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 own.

(3)The District Court or the designated authority shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from, the date of coming to his notice of the need of such limited guardianship.

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 designated authority as the case may be:

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

(5) While granting the support of such limited guardian the Court or the designated authority shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:—

- (a) The parents or adult children of the person with disability
- (b) Immediate brother or sister
- (c) other blood relative or care giver or prominent personality of the locality

(6) Only those individuals who are over the age of 18 years and who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (1 of 1974) shall be appointed as the limited guardian.

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

(8) The limited guardian as appointed 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 III

Registration of Institutions for Persons with Disabilities and Grants to such Institutions

8. Application for grant of certificate of registration:—(1) A person desirous of establishing or maintaining an Institution for persons with disabilities may make an application in **Form-II** to the Competent Authority appointed under section 49 through the District Collector of the concerned District.

(2) Every application made under sub-rule (1) shall be accompanied with,

- (a) documentary evidence of work in the area of disability;
- (b) the Constitution or bye-laws governing the institutions;
- (c) audited statement and details of the grant received in the last three years;
- (d) a statement regarding total number of persons employed in the institutions along with their respective duties;
- (e) the number of professionals employed in the institution;
- (f) a statement regarding qualifications of professional employed in the institution; and
- (g) the proof of resident of the applicant;

(3) Every application made under sub-rule 1 shall comply with the following requirement in respect of the concerned Institution, namely:—

- (a) that the Institution had been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which application is made.
- (b) that the Institution is registered under the Indian Societies Registration Act, 1860(XXI of 1860) or under any other law for registration certificate along with bye laws and memorandum of association of the society shall accompany the application.
- (c) that the Institution has not been running to profit to any individual or a body of individuals.
- (d) that the Institution has employed professionals registered with the Rehabilitation Council of India or other appropriate body.
- (e) that the Institution has adequate infrastructure, equipment, teaching and learning materials for the persons with disabilities.
- (f) that the Institution has submitted its audited accounts and annual reports for the last three years.

(4) On receipt of an application, the concerned Collector of the district shall make an inquiry of the Institution through District Social Security Officer (DSSO) and give his recommendation or comments for rejection to the Director, Department of Social Security and Empowerment of Persons with Disability within 30 days of receipt of application.

9. Certificate of Registration:—On receipt of an application, the Competent Authority, 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 within 15 days of receipt of such completed application from the concerned District Collector or may make an enquiry of the Institutions within 15 days before granting a certificate of registration to the applicant.

The certificate of Registration issued shall be displayed by the Institution in a conspicuous place.

10. Refusal of certification:—The Competent Authority 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.

11. Validity of Certificate:—The certificate of registration issued under these rules, unless revoked under section 52 shall remain in force for a period of ten years with effect from the date it is granted or renewed.

Provided that:

(1) An application for the renewal of certificate of registration shall, be made in **Form-III**, before sixty days of expiry of the period of validity of such certificate. Provided further that the Competent Authority may consider application for renewal of the certificate of registration after 60 days but not later than 120 days, if he is satisfied that sufficient reasons has been provided for such delay.

(2) If the application for renewal of certificate of registration is made before its expiry, the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired if application for its renewal is not made within sixty days.

(3) The Competent Authority if satisfied that the requirements for grant of renewal of certificate of registration under the Act and these rules have been complied with shall allow renewal of registration within a period of ninety days thereafter.

12. De-recognition of the Institution:—The competent authority, if necessary, may order for an enquiry about the activities of the organization 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 de-recognition of the organisation and cancellation of the Certificate after observing the procedure prescribed in these rules.

13. Revocation of the Certificate:—The Certificate of Registration can be revoked on the following grounds, if :

- (i) the Organisation had furnished misleading and incorrect information or 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;
- (iv) the organization submits an application for revocation.

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.

14. Appeal against the order of Competent Authority:— (1) Any person aggrieved by the order of the Competent Authority referred to in subsection (1) of Section 51, refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order in **Form-IV** to the appellate authority referred to in sub-section (1) of Section 53.

(2) The appellate authority may, after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearings, make such order as it thinks fit within three months from the date of appeal.

CHAPTER IV

Certification of Specified Disabilities

15. Appeal Regarding Certificate of Disability:—(1) Any person aggrieved with the decision of the authority issuing the certificate of disability may within ninety days from the date of the decision, prefer an appeal in **Form-V** to the appellate authority designated under sub-section 1 of Section 59 in the following manner, namely: —

- (a) the appeal shall contain brief background and the grounds for making the appeal,
- (b) the appeal shall be accompanied by a copy of the certificate of disability or letter of rejection issued by the certifying authority:

Provided that where a person with disability is a minor or suffering from any disability which renders him unfit to make such an appeal himself, the appeal on his behalf may be made by his legal or limited guardian as the case may be.

(2) On receipt of such appeal, the appellate authority shall provide the appellant an opportunity to present his case before Medical Assessment Board and on the basis of report of the said Board, 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 as and not later than a period of sixty days from the date of receipt of the appeal.

(4) The Medical Assessment Board referred to in sub-rule (2) shall consist of at least three members taking senior specialists from the medical colleges, rehabilitation or other institutions as the case may be to assist the appellate authority.

CHAPTER V

State Advisory Board on Disability and District Committee

16. Nomination of District members to the State Board:— Five members to be nominated by the State Government by rotation to represent the district under sub-clause (ii) of clause (e) of sub-section (2) of Section 6b shall be in the alphabetical manner in which the name of the District shall appear.

17. Allowances for the members of the State Advisory Board:— (1) The non-official Members of the State Advisory Board on disability shall be paid an allowance of Rs.2000/- per day for each day of the actual meetings of the said Board.

(2) The non-official Members of the State Advisory Board on disability residing outside the State Capital Region shall be paid daily and travelling allowances for each day of the actual meetings of the said Board at the rates admissible to a Group A or equivalent Officer of the State Government:

18. Notice of the Meeting:— (1) The meetings of the State Advisory Board on disability constituted under sub-section (1) of Section 66 of the Act (hereinafter in this Chapter referred to as 'the Board') shall ordinarily be held in the Capital of the State on such dates as may be fixed by its Chairperson:

Provided that it shall meet at least once in every six 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 time and the place at which such meeting to be held and the business to be transacted thereof 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 discretion, permit him 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 was 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 the members of the Board in the manner as specified in sub-rule(4).

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

20. 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 may fix.

(3) 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) 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 necessary to give notice of the adjourned meeting to other members; and

(6) Where a meeting of the Board is adjourned under sub-rule(2) for want of quorum not to the following day 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 19.

21. Minutes:— (1) Record shall be kept of the names of all the members of the Board who attended the meeting of the Board and of the proceedings at the meetings in a book to be maintained for that purpose by the Member-Secretary of the Board.

(2) The 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 at such meeting.

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

22. 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 19 shall be transacted at any meeting of the Board.

23. Agenda for the meeting of the State Advisory Board:—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.

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

25. 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.

26. District-level Committee:—The District-Level Committee on disability referred to in Section 72 shall consist of the following members, namely:—

- (i) The Collector & District Magistrate of the District concerned shall be the *ex officio* Chairperson;
- (ii) Superintendent of Police of the District..... Member;
- (iii) Chief District Medical Officer of the District.....Member;
- (iv) District Officers of any concerned departments as notified by the Government to be members;
- (v) One senior specialist preferably a Psychiatrist of the District Hospital.....Member;
- (vi) Government Pleader of the DistrictMember;
- (vii) Three members from Banking and Insurance sector including the Lead Bank Manager to be nominated by the Government.....Member;
- (viii) Two members from Chamber of Commerce or Association of Enterprises to be nominated by the Government.....Member;
- (ix) One Representative of a Registered Organization as nominated by the Government.....Member;
- (x) a Person with disability as defined in clause(s) of Section 2 being nominated by the CollectorMember;
- (xi) One senior rehabilitation professional preferably from District Disability Rehabilitation Centre (DDRC) Member; and
- (xii) Any other member as invited by the ChairpersonMember;
- (xiii) District Social Security Officer.....Member-Secretary;

27. 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 thereunder.
- (c) assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities.
- (d) To 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) To look into the appeal made by the employees of Government establishment aggrieved with the action taken by the District level establishments under sub-section (4) of Section 23 of the Act and recommend appropriate measures.

- (f) monitor performance of all limited guardians and facilitate best interest of the persons with disabilities placed under limited guardians;
- (g) any other functions as may be assigned by the State Government.

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

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

29. Resignation and removal:— (1) The State Commissioner may, by notice in writing, under his hand, addressed to the State Government, resign from his post.

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

- (a) becomes an undercharged insolvent; or
- (b) engages himself during his term of office in any paid employment or activity outside the duties of his office; or
- (c) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
- (d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act; or
- (e) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the State Government, so abused the position of the State Commissioner as to render his continuance in the office detrimental to the interest of persons with disability:

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

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

30. Advisory Committee to the State Commissioner:— (1) The State Government shall, on the recommendation of the State Commissioner for persons with disabilities, appoint an Advisory Committee comprising the following members, namely:—

- (a) three experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act by rotation of whom one shall be woman and one shall be person with disability;
- (b) One expert or senior officer of the Government to be nominated by the State Government.
- (c) One legal expert preferably a person who has been dealing with legal matters related to disability.

(2)The tenure of the members of the Advisory Committee shall be for a period of three years.

(3)The State Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

(4)State Commissioner shall be *Ex Officio* Chair-Person of the Advisory Committee;

(5)The Committee shall continue to work for a period of three years from the date of its constitution, or till such time it is reconstituted by the State Government;

(6)The Committee shall meet at such frequency as would be required by State Commissioner;

(7)The Committee shall deliberate on the issues brought before it by the State Commissioner and give its opinion;

(8)Private Secretary to the State Commissioner or any other Officer working in that capacity under the State Commissioner shall keep record of the proceedings of the Committee;

(9)The Committee and its members shall perform any other function assigned by the State Commissioner.

(10)The members of Advisory Committee shall be paid sitting allowance as may be approved by the Government from time to time.

31. Procedure to be followed by State Commissioner:— (1) A complainant may present a complaint containing the following particulars in person or by his agent to the State Commissioner or send it by registered post or by email addressed to the State Commissioner, namely:—

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

- (c) the facts relating to complaint and when and where it arose;
- (d) documents in support of the allegations contained in the complaint;
- (e) the relief which the complainant claims.

(2) The State Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the State Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the State Commissioner. Wherever necessary State Commissioner may take the assistance of a Sign Language Interpreter during hearing.

(4) Where the complainant or his agent fails to appear before the State Commissioner on such days, the State Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing, the State Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

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

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

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

32.Submission of annual reports(1)The State Commissioner shall as soon as may be possible after the end of the financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government an annual report giving a complete account of his activities during the said financial year.

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

- (a) names of officers and employees in the office of the State Commissioner and a chart showing the organizational set up;
- (b) the functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard;
- (c) the main recommendations made by the State Commissioner;
- (d) progress made in the implementation of the Act in the State; and
- (e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

Chapter VIII

Special Court

33. Appointment of Public Prosecutor:— The fee and other remunerations of the Special Public Prosecutor appointed under sub-section (1) of section 85 shall be the same as that of Public Prosecutor appointed by the State Government under the Code of Criminal Procedure, 1973 (1 of 1974) for conducting the cases before a court of session.

Chapter VIII

State Fund for Persons with Disabilities

34. State Fund for Persons with Disabilities and its management:— There shall be credited to the State Funds for Persons with Disabilities hereinafter referred to as 'the State Fund':—

- (a) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
- (b) all sums received from the State/Central Government including Grants-in-Aid; and
- (c) all sums from such other sources as may be decided by the State Government.

35. (1) There shall be consisting of following members to manage State Fund, namely:—

- (a) Principal Secretary or Commissioner-cum- Secretary, Social Security and Empowerment of Persons with Disabilities Department Government of Odisha shall be the Chairperson;
- (b) Financial Advisor, Social Security and Empowerment of Persons with Disabilities Department- Member
- (c) two representatives from the Department of Health & 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
- (d) two persons representing different types of disabilities to be nominated by the State Government, by rotation - Members;
- (e) Director Social Security and Empowerment of Persons with Disabilities Department, Government of Odisha shall be the Convener and Chief Executive Officer.

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

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

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

(5) The nominated non-official members shall be eligible for payment of travelling allowance and daily allowance as admissible to a Group 'A' officer of the State Government for attending the meetings of the governing body.

(6) No person shall be nominated under clause (c) and (d) of sub-rule (1) as a member of the governing body if he —

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

(b) is, or at any time has been, adjudicated as an insolvent.

36. Utilization of the State Fund:—(1) The State Fund shall be utilized for the following purposes, namely:—

(a) financial assistance in the areas which are not specifically covered under any scheme and programme of the State 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 invested in such manner as may be decided by the governing body.

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

38. 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.

By Order of the Governor

NITEN CHANDRA

Principal Secretary to Government

FORM - I
(See Rule 6)
REPORTS OF COMPLAINTS ON ABUSE, VIOLENCE &
EXPLOITATION OF PERSONS WITH DISABILITIES

Sl. No.	Number of Cases	Up to Last Month	During the Reporting Month	Total
1	Registered			
2	Investigated			
3	Counseled			
4	Mutually Settled			
5	Filed with Police			
6	Investigated by police			
7	Closed after Police Investigation			
8	Charge Sheeted by police			
9	Pending with Police			
10	Filed in Court			
11	Disposed off by Court			
12	Pending in the Court			

Signature of Reporting Authority

FORM - II
(See Rule 8(1))
APPLICATION FOR REGISTRATION OF INSTITUTION
WORKING IN THE FIELD OF DISABILITIES
(To be submitted in duplicate)

1. Name of Applicant Organization :
2. Complete Postal Address with Website, e Mail ID, Contact Telephone Number. :
3. Registration Details (Act under which registered with number and date) (enclose copies of Certificates and Byelaws) :
 - a) An Organization registered under the Societies Registration Act, 1860 (Act XXI of 1860) :
 - b) A public trust registered under any law for the time being in force. :
 - c) Indian Red Cross Society or its branches :
 - d) Company registered under Section 25 of the Companies Act, 1956; :
 - e) Any other organization (Details of registration with the name of the Act) which may be recognized by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act.) :
4. Date of establishment of the Organization :
5. If Registration under Income Tax Act 1961 (PAN number, 12 AA, 80G etc.) give details thereof :
6. If registered under Foreign Contribution Regulation Act (FCRA) 2010, registration number, date and validity period :
7. Nature of the Organization. (Please indicate precisely whether it is educational or training institution or a workshop for the blind, the deaf and dumb, the orthopedically handicapped vocational or mentally retarded persons etc.) :
8. Brief history of the organization and of its objects and activities. :
9. Whether recognized by the State Government. :
10. Whether the organization is of an All India Character. If so, give the nature of its All India Activities :
11. Whether located in its own/ rented building :
12. Present number of Persons with Disabilities beneficiaries :
13. Likely dates of commencement and completion of project. :
14. Whether the project is likely to be assisted by some other official or non-official source :
15. Whether necessary land for the proposed building is available. If so, give details. (Please indicate the location of the plot and enclose permission certification for construction from the Competent Authority etc.) :
16. a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details. :
 - b) In case new staff is to be appointed, give details of the qualification, academic, professional and experience prescribed for the purpose. :
 - c) Number of the employees working in the Organization :
17. List of papers/statements to be attached:
 - a) Prospectus or a brief descriptive note giving aims and objects/activities of the Organization; :
 - b) Constitution of the Organization: :
 - c) Constitution of the Board of Management with particulars of each Member; :
 - d) PAN Card, Registration Certificate under Section 12 AA and 80G of Income Tax Act 1961; :

- e) FCRA Registration Certificate;
 - f) Latest available annual report :
 - g) Income and Expenditure accounts and Receipt and Payment :
accounts duly audited by a Chartered Accountant or a Government
Auditor for the last two years for the Organization as a whole (Along
with a copy of the certified balance sheet from the previous financial
year for the Organization as a whole):
 - h) A statement giving details (year, purpose, amounts, etc.) of :
assistance received during the last five years from the Central/State
Government, Central Social Welfare Board, Local Bodies or any other
quasi-Government institution including requests made thereof to
any one of those or any other Organization for the projects under
considerations or for any other project
 - i) A statement giving item wise and year wise details of estimated :
recurring and non-recurring expenditure on the project
 - j) A copy each of the plan of the proposed building (Rough sketch :
giving broad indication of the building to be constructed and area to
be covered) and estimated cost of construction; and
 - k) A statement indicating the equipments, apparatus, furniture library :
books, etc. (By number of details whichever is possible) already
available; and separately a statement indicating the above items
purchased year wise with financial assistance from the Ministry of
Socials Justice and Empowerment; and
 - l) Details budget estimated of the Organization as a whole exhibiting :
the estimated receipts and expenditure during the year for which
grant sought for.
16. List of additional papers, if any :
17. List of additional information, if any :

DECLARATION

I have read the provisions of the Rights of Persons with Disabilities Act, 2016 and Rules there under and undertake to abide by all the conditions of the Act/Rules. My Organization will be responsible to provide such facilities and maintain such standard as may be prescribed by the State Government from time to time. The Competent Authority declared by the State Government for the purpose may de-recognize and cancel certificate of registration of my institution in case of any deviation of provisions of the Act and Rules thereunder.

SIGNATURE OF THE APPLICANT

Name:
Address:
Date:

(SEAL OF THE ORGANISATION)

FORM - III
(See Rule 11(1))
APPLICATION FOR RENEWAL OF REGISTRATION OF INSTITUTION
WORKING IN THE FIELD OF DISABILITIES
(To be submitted in duplicate)

1. Name of Applicant Organization :
2. Complete Postal Address with Website, e Mail ID, Contact Telephone Number :
3. Name of the Act under which the organisation is registered with registration No. and date of registration. (Photo copy to be attached) :
4. If registered under Foreign Contribution Regulation Act with registration No, and date. (Photo copy to be attached) :
5. If registered under Rule 45 of PWD Rules with registration No. and date. (Photo copy to be attached) :
6. If the Institution is running in its own building/rented building or Govt. building. :
7. If the organisation has its own memorandum and bye-laws. (Photo copy to be attached) :
8. Name, Address, Occupation and other particulars of the members of the board of management and term of the office etc. :
9. Activities in brief undertaken by the organisation (separate sheet may be attached) :
10. Grant-in-Aid received from State/Central Govt. or any other source (details be given in separate sheet) :
11. List of documents to be furnished: :
 - a) Annual report for previous year :
 - b) Audited statement of accounts duly certified by the C.A. for last 3 years, (i.e. Receipt and Payment, Income and Expenditure, and Balance Sheet) :
 - c) Utilization Certificate duly certified by departmental auditor in case of GIA from W&.CD Department :
 - d) Utilization Certificate duly certified by C.A. in case other than grant received from W&CD Department :
12. Details of staff employed (Separate sheet be attached) :

DECLARATION

I have read the provisions of the Rights of Persons with Disabilities Act, 2016 and Rules there under and undertake to abide by all the conditions of the Act/Rules. My Organization will be responsible to provide such facilities and maintain such standard as may be prescribed by the State government from time to time. The Competent Authority declared by the State Government for the purpose may de-recognize and cancel certificate of registration of my institution in case of any deviation of provisions of the Act and Rules thereunder.

SIGNATURE OF THE APPLICANT

Name:
Address:
Date:

(SEAL OF THE ORGANISATION)

FORM - IV
(See Rule 14(1))
FORM OF APPEAL AGAINST
ORDER OF COMPETENT AUTHORITY

From

 (Appellant's Name & Address)

Before the Appellate Authority

1	Date of Appeal	:	
2	Name of the Appellant	:	
3	Name of the Institution	:	
4	Address	:	
5	Particulars of Order Number and Date	:	
6	Refusal/ Revocation/ Cancellation of Certificate	:	
7	Reasons for which Refused/ Revoked/ Cancelled	:	
8	The Grounds of Appeal (Details of any to be enclosed in separate sheet)	:	

Verification

I, _____ (Name of the Appellant), Son/ Daughter/ Wife of _____
 holding _____ position of _____ (Designation) of the
 _____ (Name & Address of the Institution)
 hereby declare that the particulars furnished in the appeal are to the best of my knowledge and belief, true and correct and that I have not suppressed any material fact.

Signature of the Appellant

Place:

Date:

To

 (Name and Address of Appellate Authority)

FORM - V
(See Rule 15(1))
FORM OF APPEAL REGARDING
CERTIFICATE OF DISABILITY

From

_____ (Appellant's Name & Address)

Before the Appellate Authority

1	Date of Appeal	:	
2	Name of the Appellant	:	
3	Address with E Mail ID, Contact Telephone Number	:	
4	Name and Address of the Aggrieved Person (If the Appellant and the Aggrieved Person are different)	:	
5	Particulars of Certificate/ Rejection Letter along with name of the Board, Number and Date of Issue (Enclose Copy)	:	
6	The Grounds of Appeal (Details of any to be enclosed in separate sheet)	:	

Verification

I, _____ (Name of the Appellant), Son/ Daughter/ Wife of _____ resident of _____ (Address) hereby declare that the particulars furnished in the appeal are to the best of my knowledge and belief, true and correct and that I have not suppressed any material fact.

Signature of the Appellant

Place:

Date:

To

_____ (Name and Address of Appellate Authority)