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CODE NO.

P. I. L. BENCH 2020

DISTRICT-LUCKNOW

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW**

Writ Petition No.

(M/B) of 2020 (P.I.L.)

Rajanya Kumar Pal through its father Krishan Kanhaya Pal

—————Petitioner
(In Person)

Versus

State of U.P. and others

—————Opposite Parties

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LUCKNOW
DATED: 20.05.2020

RAJANYA KUMAR PAL

through its father

Krishan Kanhaya Pal

Advocate

Petitioner In Person

A.O.R. No. B/K0231

Mobile:- 8839321807, 9415839759

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
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Rajanya Kumar Pal through its father Krishan Kanhaya Pal

—————Petitioner
(In Person)

Versus

State of U.P. and others

—————Opposite Parties

LIST OF DATES AND EVENTS

Sl. No.	Dates	Events
1.	—	The Petitioner got admission in school in class I st in Amity International School Gomti Nagar, Lucknow and at present the petitioner is student of class III rd in Amity International School Gomti Nagar, Lucknow.
2.	—	That the petitioner is differently abled children, his speech and other developments are delayed due to autism which comes under the benchmark disability provider under the disability act, the petitioner are getting several therapies at different therapy centers for his speech and other developments,
3.	March	That due to Covid-19/Infection, the



	2020	government of India directed to close all the schools.
4.	—	That due to lockdown, the school of the petitioner started online classes to all the students and also added the name of the petitioner for the online classes.
5.	—	That due to the problems (Autism and the other development disorders, the petitioner couldn't attend the online classes.
6.	—	That the school sent several messages to the petitioner's parents mobile phone to deposit the fee from the month of lockdown till the closure period of the school
7.	—	That the petitioner submit here that there are thousands of the children in Lucknow City who are suffering from several disabilities related to developmental/ mental & they are unable to attend the online classes.
8.	—	That to resolve the problems of the differently abled children who comes under the definition of benchmark disability defined under the disability Act, the inclusive education act came into force which provides several facilities, like special educator and other aid to these kind of students at the school.
9.	—	That due to such type of problems the petitioner always accompanied with shadow

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		teacher at the school.
10.	—	That the petitioner couldn't attend any online classes due to his benchmark disability
11.	—	That there are thousands of students, who suffered with similar kind of disease/problem & couldn't attend the online classes.
12.	—	Keeping in view the aforesaid facts it would be expedient in the interest of Justice, that the fee of the petitioner and other similarly situated students during the period from the month of lockdown till the closure period of the school must be waive off
		Hence the present Writ Petition (PIL).

LUCKNOW

DATED: 20.05.2020

**RAJANYA KUMAR PAL**

through its father

Krishan Kanhaya Pal**Advocate****Petitioner In Person****A.O.R. No. B/K0231****Mobile:- 8839321807, 9415839759**

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW**

C.M. Application No. (M/B)/2020

In re:

Writ Petition No. (M/B) of 2020 (P.I.L.)

Rajanya Kumar Pal

..... Petitioner
(In Person)

Versus

1. State of U.P. Through its Principal Secretary Basic Education Civil Secretariat Lucknow.
2. Central Board of Secondary Education through its Secretary government of India. .
3. Amity International School through its principal Viraj Khand Lucknow.

..... Respondents

APPLICATION FOR INTERIM RELIEF

The applicant/petitioner, named above most respectfully

begs to submit as under:-

K. K. Pal

For the facts, reasons and circumstances revealed in the memo of writ petition, it is most respectfully prayed that this Hon'ble Court may graciously be pleased direct to opposite parties concerned, to waive off the school fee of the petitioner and other similarly situated students during the period of closure i.e. from the month of lockdown till the closure period of the school, during pendency of this writ petition in the interest of justice.

Any other order or direction which this Hon'ble Court may deem, fit and proper under the circumstances of the case may also be passed in favour of the petitioner.

LUCKNOW
DATED: 20.05.2020

 **RAJANYA KUMAR PAL**
through its father
Krishan Kanhaya Pal
Advocate
Petitioner In Person
A.O.R. No. B/K0231
Mobile:- 8839321807, 9415839759



**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW**

Writ Petition No. (M/B) of 2020 (P.I.L.)

Rajanya Kumar Pal :

..... Petitioner
(In Person)

Versus

1. State of U.P. Through its Principal Secretary Basic Education Civil Secretariat Lucknow.
2. Central Board of Secondary Education through its Secretary government of India. .
3. Amity International School through its principal Viraj Khand Lucknow.

..... Respondents

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

To,

The Hon'ble Chief Justice and his companion Judges of
this Hon'ble Court.

The petitioner named above most respectfully begs to
submit as under: -

1. That no notice, information or copy of caveat petition has been received to the petitioner from any one either by registered post or by any other means till today.
2. That legislature made a balance between public interest and private interest, and whenever private interest proceeds to supersede public interest then chaotic situation erupts out, that in compliance of the provisions of chapter XXII R.1 sub rule 3-A of the Allahbad High Court rules it submitted that the petitioner has no personal interest in the present matter, that the result of the litigation will not lead to any undue gain to the petitioner nor to anyone associated with him or undue loss to any person or body persons or state in the present writ petition, that there is no authoritative pronouncement in the present matter by Hon'ble Apex Court & High Court.
3. That the petitioner makes very clear that petitioner is filing the present writ petition for the welfare of public at large.
4. That by means of present writ petition in the nature of PIL filed by the petitioner against the arbitrariness of the opposite parties concerned whereby the opposite party no. 3 is adamant to charge the school fee for the period i.e. from the month of lockdown till the closure of the school from the petitioner and from other similarly situated students.

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5. That the brief facts of the Petitioner got admission in school in class Ist in Amity International School Gomti Nagar, Lucknow and at present the petitioner is student of class IIIrd in Amity International School Gomti Nagar, Lucknow.
6. That the petitioner is differently abled children, his speech and other developments are delayed due to autism which comes under the benchmark disability provider under the disability act, the petitioner are getting several therapies at different therapy centers for his speech and other developments, the copy of the assessment report dated 25.12.2019 and the copy of the therapy plan for occupational therapy and speech and language therapy plan and psycho metric report are being annexed here with as **ANNEXURE NO. 1, 2 & 3** with this writ petition.
7. That due to Covid-19/Infection, the government of India directed to close all the schools.
8. That due to lockdown, the school of the petitioner started online classes to all the students and also added the name of the petitioner for the online classes.

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9. That due to the problems (Autism and the other development disorders, the petitioner couldn't attend the online classes.
10. That the school sent several messages to the petitioner's parents mobile phone to deposit the fee from the month of lockdown till the closure period of the school.
11. That the petitioner submit here that there are thousands of the children in Lucknow City who are suffering from several disabilities related to developmental/ mental & they are unable to attend the online classes.
12. That to resolve the problems of the differently abled children who

Under the disability Act, the inclusive education act came into force which provides several facilities, like special educator and other aid to these kind of students at the school, the copy of rights of persons with disabilities act 2016 and Circular of C.B.S.E. and notification dated 01.02.2018 issued by C.B.S.E. and letter dated 24.12.2009 issued by C.B.S.E. and the copy of the extracts of the right of children to free and compulsory education amendment act 2012 and circular dated 25.06.2015 issued by C.B.S.E. are being annexed herewith

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as ANNEXURE NO. 4, 5, 6, 7 & 8 with this writ petition.

13. That due to such type of problems the petitioner always accompanied with shadow teacher at the school.
14. That the petitioner couldn't attend any online classes due to his benchmark disability.
15. That there are thousands of students, who suffered with similar kind of disease/problem & couldn't attend the online classes.
16. Keeping in view the aforesaid facts it would be expedient in the interest of Justice, that the fee of the petitioner and

ckdown till the closure period of the school must be waive off.

17. That proper exercise of power conferred by legislature is also the main limb of democracy and it is being done then in differentness may hurt the inevitable interest of public at large and it is clear violation of Article 14 of the Constitution of India.
18. That petitioner has no any efficacious, speedy and adequate remedy so that petitioner is filing this writ petition on the following grounds amongst other:-

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GROUND S

- a. Because the Petitioner got admission in school in class Ist in Amity International School Gomti Nagar, Lucknow and at present the petitioner is student of class IIIrd in Amity International School Gomti Nagar, Lucknow.
- b. Because the petitioner is differently abled children, his speech and other developments are delayed due to autism which comes under the benchmark disability provider under the disability act, the petitioner are getting several therapies at different therapy centers for his speech and other developments.
- c. Because due to Covid-19/Infection, the government of India directed to close all the schools.
- d. Because due to lockdown, the school of the petitioner started online classes to all the students and also added the name of the petitioner for the online classes.
- e. Because due to the problems (Autism and the other development disorders, the petitioner couldn't attend the online classes.
- f. Because the school sent several messages to the petitioner's parents mobile phone to deposit the fee from the month of lockdown till the closure period of the school.

K. Ray

- g. Because the petitioner submit here that there are thousands of the children in Lucknow City who are suffering from several disabilities related to developmental/ mental & they are unable to attend the online classes.
- h. Because to resolve the problems of the differently abled children who comes under the definition of benchmark disability defined under the disability Act, the inclusive education act came into force which provides several facilities, like special educator and other aid to these kind of students at the school.
- i. Because due to such type of problems the petitioner always accompanied with shadow teacher at the school.
- j. Because the petitioner couldn't attend any online classes due to his benchmark disability.
- k. Because there are thousands of students, who suffered with similar kind of disease/problem & couldn't attend the online classes.
- l. Because keeping in view the aforesaid facts it would be expedient in the interest of Justice, that the fee of the petitioner and other similarly situated students during the period from the month of lockdown till the closure period of the school must be waived off.

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PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to: -

- i) to issue a writ, order or direction in the nature of Mandamus thereby Commanding/directing the opposite parties to waive off the school fee of the petitioner and other similarly situated students during the period of closure i.e. from the month of lockdown till the closure period of the school.
- ii) to issue a writ, order or direction in the nature of Mandamus thereby Commanding/directing the opposite parties to pass appropriate direction to all the schools affiliated with C.B.S.E. Board to wave off the fee of the special need children/the children covered under the benchmark disabilities provided under the disabilities Act, 2016, for the period of closure i.e. from the month of lockdown till the closure period of the school.
- iii) to issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- iv) to allow the sum

DATED: 20.05.2020



RAJANYA KUMAR PAL
through its father
Krishan Kanhaya Pal
Advocate

Petitioner In Person
A.O.R. No. B/K0231
Mobile:- 8839321807, 9415839759

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT
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Rajanya Kumar Pal through its father Krishan Kanhaya Pal
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ANNEXURE NO. 4

रजिस्ट्री सं. डी. एल.—(एन)04/0007/2003—16

REGISTERED NO. DL—(N)04/0007/2003—16

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भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 59] नई दिल्ली, बुधवार, दिसम्बर 28, 2016/पौष 07, 1938 (शक)

No. 59] NEW DELHI, WEDNESDAY, DECEMBER 28, 2016/PAUSHA 07, 1938 (SAKA)

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

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

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

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

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

(No. 49 of 2016)

[27th December, 2016]

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

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

AND WHEREAS the aforesaid Convention provides for the empowerment of persons with disabilities:

...

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

K.Pal

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(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

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

AND WHEREAS India is a signatory to the said Convention;

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

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

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

CHAPTER I

PRELIMINARY

Short title and commencement.

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

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

Definitions.

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

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

(b) "appropriate Government" means,—

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

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

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

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

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

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

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

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

41 of 2006.

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

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

18 of 2013.

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

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

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

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

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

41 of 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) persons with benchmark disability who seek employment;

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

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

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

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

CHAPTER II

RIGHTS AND ENTITLEMENTS

Equality and non-discrimination.

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

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

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

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

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

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

Women and children with disabilities.

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

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

Community life.

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

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

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

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

Protection from cruelty and inhuman treatment.

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

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

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

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

Protection from abuse, violence and exploitation.

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

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

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

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

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

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

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

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

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

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

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

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

(c) the right to free legal aid; and

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

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

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

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Protection and safety.

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

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

53 of 2005.

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

53 of 2005.

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

Home and family.

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

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

Reproductive rights.

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

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

Accessibility in voting.

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

Access to justice.

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

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

K. K. Ray



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

(4) The appropriate Government shall take steps to—

- (a) ensure that all their public documents are in accessible formats;
- (b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and
- (c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

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

Legal capacity.

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

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

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

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

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

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

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

Provision for guardianship.

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

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

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

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

Designation of
authorities to
support.

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

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

CHAPTER III

EDUCATION

Duty of
educational
institutions.

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

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

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

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

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

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

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

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

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

Specific
measures to
promote and
facilitate
inclusive
education.

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

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

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

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

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

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

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

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

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

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

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

(j) to promote research to improve learning; and

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

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

Adult
education.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

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

Vocational
training and
self-
employment.

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

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

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

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

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

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

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

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

Non-
discrimination
in
employment.

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

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

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

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

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

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

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

Equal
opportunity
policy.

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

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

Maintenance
of records.

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

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

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

Appointment
of Grievance
Redressal
Officer.

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

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

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

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

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

Social security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) priority in attendance and treatment.

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

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

(b) promote various methods for preventing disabilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Research and
development.

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

Culture and
recreation.

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

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

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

(c) making art accessible to persons with disabilities;

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

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

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

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

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

Sporting
activities.

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

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

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

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

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

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

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

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

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

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CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

- 35 of 2009.
31. (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.
- (2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.
32. (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.
- (2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.
33. The appropriate Government shall—
- (i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;
- (ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and
- (iii) undertake periodic review of the identified posts at an interval not exceeding three years.
34. (1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—
- (a) blindness and low vision;
- (b) deaf and hard of hearing;
- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- (d) autism, intellectual disability, specific learning disability and mental illness;
- (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities;
- Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:
- Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.
- (2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability;

Free education for children with benchmark disabilities.

Reservation in higher educational institutions.

Identification of posts for reservation.

Reservation.

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

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

Incentives to employers in private sector.

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

Special employment exchange.

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

Special schemes and development programmes.

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

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

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

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

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

Special provisions for persons with disabilities with high support.

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

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

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

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

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

Awareness campaigns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

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

(i) all contents available in audio, print and electronic media are in accessible format; Access to information and communication technology.

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

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

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

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

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

45. (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules; Time limit for making existing infrastructure and premises accessible and action for that purpose.

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

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

Time limit
for
accessibility
by service
providers.

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

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

Human
resource
development.

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

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

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

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

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

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

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

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

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

Social audit.

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

CHAPTER IX

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

Competent
authority.

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

Registration.

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

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

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

Application and grant of certificate of registration.

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

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

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

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

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

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

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

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

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

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

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

Revocation of registration.

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

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

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

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

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

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

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

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

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

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

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

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

Appeal.

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

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

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

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

Assistance to registered institutions.

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

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

Guidelines for assessment of specified disabilities.

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

Designation of certifying authorities.

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

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

Procedure for certification.

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

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

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

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

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

Appeal against a decision of certifying authority.

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

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

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CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE.

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

Constitution
of Central
Advisory
Board on
Disability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) Directors of the following Institutes:—

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

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

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

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

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

Members, *ex officio*;

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

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

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations;

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

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

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

Terms and conditions of Service of members.

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

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

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

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

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

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

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

Disqualifications.

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

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

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

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

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

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

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

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

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

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

65. (1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

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

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

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

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

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

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

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

(2) The State Advisory Board shall consist of—

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

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

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

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

Vacation of seats by Members.

Meetings of the Central Advisory Board on disability.

Functions of Central Advisory Board on disability.

State Advisory Board on disability.

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

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

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

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

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

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

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

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

Terms and
conditions of
service of
Members.

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

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

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

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

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

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

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

Disqualification.

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

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

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

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

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

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

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

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

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

Vacation of seats.

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

Meetings of State Advisory Board on disability.

71. (1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

Functions of State Advisory Board on disability.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

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

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

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

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

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

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

District-level Committee on disability.

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

Vacancies not to invalidate proceedings.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

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

Appointment of Chief Commissioner and Commissioners.

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

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

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

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

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

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

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

Functions of
Chief
Commissioner.

75. (1) The Chief Commissioner shall—

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

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

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

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

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

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

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

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

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

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

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

Action of
appropriate
authorities on
recommendation
of Chief
Commissioner.

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

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

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- 5 of 1908. 77. (1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—
- Powers of Chief Commissioner.
- (a) summoning and enforcing the attendance of witnesses;
 - (b) requiring the discovery and production of any documents;
 - (c) requisitioning any public record or copy thereof from any court or office;
 - (d) receiving evidence on affidavits; and
 - (e) issuing commissions for the examination of witnesses or documents.
- 45 of 1860. (2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
- 2 of 1974. 78. (1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.
- Annual and special reports by Chief Commissioner.
- (2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.
 - (3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.
79. (1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.
- Appointment of State Commissioner in States.
- (2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.
 - (3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.
 - (4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.
 - (5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.
 - (6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.
 - (7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.
80. The State Commissioner shall—
- Functions of State Commissioner.
- (a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;
 - (b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

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

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

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

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

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

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

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

Action by appropriate authorities on recommendation of State Commissioner.

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

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

Powers of State Commissioner.

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

5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

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

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

(d) receiving evidence on affidavits; and

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

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

45 of 1860.

2 of 1974.

Annual and special reports by State Commissioner.

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

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

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

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CHAPTER XIII

SPECIAL COURT

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

Special Court.

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

Special Public Prosecutor.

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

CHAPTER XIV

NATIONAL FUND FOR PERSONS WITH DISABILITIES

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

National Fund for persons with disabilities.

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDI1, dated the 21st November, 2006, under the Charitable Endowment Act, 1890.

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

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

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

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

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

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

Accounts and audit.

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

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

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

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CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

State Fund for persons with disabilities.

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

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

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

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

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

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

CHAPTER XVI

OFFENCES AND PENALTIES

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

Offences by companies.

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

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

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

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

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Explanation.—For the purposes of this section,—

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

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

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

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

92. Whoever,—

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

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

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

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

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

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

Punishment for offences of atrocities.

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

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

Punishment for failure to furnish information.

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

Previous sanction of appropriate Government.

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

Alternative punishments.

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CHAPTER XVII

MISCELLANEOUS

Application of other laws not barred.	96. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.
Protection of action taken in good faith.	97. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.
Power to remove difficulties.	98. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act. (2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.
Power to amend Schedule.	99. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly. (2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.
Power of Central Government to make rules.	100. (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6; (b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21; (c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22; (d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23; (e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36; (f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38; (g) rules for person with disabilities laying down the standards of accessibility under section 40; (h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58; (i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61; (j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

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

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

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

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

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

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

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

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

Power of State Government to make rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Repeal and
savings.

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

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

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THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

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

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

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

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

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

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

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

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

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

B. Visual impairment—

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

(i) total absence of sight; or

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

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

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

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

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

C. Hearing impairment—

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

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

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

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

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

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

3. Mental behaviour,—

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

4. Disability caused due to—

(a) chronic neurological conditions, such as—

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

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

(b) Blood disorder—

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

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

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

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

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

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

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

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW**

Rajanya Kumar Pal through its father Krishan Kanhaya Pal
Versus State of U.P. and others

CBSE/Coord/AS(C)/2017/

ANNEXURE NO. 5

Dated: 01.02.2018

NOTIFICATION

In pursuance of the recommendations of the Examination Committee at its Meeting held on 07.12.2017, duly approved by the Governing Body at its meeting held on 15.12.2017, the following amendments have been made in the Examination Bye-Laws :

A. Rules regarding PERSONS WITH DISABILITIES :

Rule No.	EXISTING RULE	AMENDED RULE
17(c)	Physically and Visually Impaired students who have obtained minimum Grade D in at least five subjects (excluding the 6 th additional subject) under Scholastic Area A as per the Scheme of Studies Grades in subjects under Scholastic Area B and in Co-Scholastic Areas under the Continuous and Comprehensive Evaluation scheme in the Secondary School Examination conducted by the school affiliated to the Board or an equivalent examination conducted by any recognised Board in India at least two years before appearing at the Senior School Certificate Examination on producing reasonable evidence of having deficiency to attend normal institutions for the purpose of studies	Candidates with disabilities as defined in THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016 who have obtained minimum Grade D in at least five subjects (excluding the 6 th additional subject) in the Secondary School Examination or an equivalent examination conducted by any recognised Board in India at least two years before appearing at the Senior School Certificate Examination on producing reasonable evidence of having deficiency to attend normal institutions for the purpose of studies
23(d)	EXEMPTION FROM EXAMINATION IN THE THIRD LANGUAGE: Visually impaired students, those suffering from speech or hearing defects, Dyslexic and candidates with disabilities as defined in the Persons with Disabilities Act, 1995.	Candidates with disabilities as defined in THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016 will be exempted from third language.

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24(i)	Spastic Visually impaired Physically Handicapped Dyslexic, Autistic and Candidates with disabilities as defined in the Persons with Disabilities Act 1995 appearing for the Secondary School Examination or Senior School Certificate Examination is permitted to use a scribe or allowed compensatory time as given below or both	Candidates with disabilities as defined in THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016 appearing for the Secondary School Examination or Senior School Certificate Examination is permitted to use a scribe or allowed compensatory time as given below or both
	For paper of 3 hours duration 60 minutes	For paper of 3 hours duration 60 minutes
	For paper of 2½ hours duration 50 minutes	For paper of 2½ hours duration 50 minutes
	For paper of 2 hours duration 40 minutes	For paper of 2 hours duration 40 minutes
	For paper of 1½ hours duration 30 minutes	For paper of 1½ hours duration 30 minutes
24(iii) & 46	Candidates with visual and hearing impairment Spastic Dyslexic Autistic and candidates with disabilities as defined in the Persons with Disabilities Act, 1995 have the option of studying one compulsory language as against two. This language should be in consonance with the overall spirit of the Three Language Formula prescribed by the Board. Besides one language any four of the following subjects be offered Mathematics Science Social Science another language, Music Painting Home Science, Foundation of Information Technology, Commerce (Elements of Business) Commerce (Elements of Book Keeping and Accountancy), E-Typewriting(English), E-Typewriting(Hindi), Introduction to Computer Technology, any out of Retail(NSQF) and Information Technology(NSQF)	Candidates with disabilities as defined in THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016 have the option of studying one compulsory language as against two. This language should be in consonance with the overall spirit of the Three Language Formula prescribed by the Board. Besides one language any four subjects from amongst the following groups can be offered Group 1 Mathematics Science Social Science another language, Music Painting Home Science, Commerce (Elements of Business) Commerce (Elements of Book Keeping and Accountancy) Group 2 Any one of the following: e-Publishing & e-Office Introduction to Computer Technology Foundation of Information Technology

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Group 3

NSQF Subjects for Regular Candidates Only
(except Automobile Technology)

Dynamics of Retailing Information Technology,
Security, Introduction to Financial Markets,
Introduction to Tourism, Beauty & Wellness, Basic
Agriculture, Food Production, Front Office
Operations, Banking & Insurance, Marketing &
Sales, Health Care Services

Note: Information Technology from Group 3 cannot
be offered if any subjects from Group 2 is opted

25(i) Use of Scribe and Appointment of scribe

(i) Scribe may be allowed in the following cases

(a) To a Visually impaired Physically Handicapped Spastic and candidates with disabilities as defined in the Persons with Disabilities Act, 1995. Autistic candidate is permitted to use the services of a Scribe or an Adult Prompter.

(b) On sudden illness rendering the candidate unable to write as certified by a Medical Officer of the rank not lower than Asstt. Surgeon.

(c) In the case of an accident rendering the candidate unable to write the examination as certified by a Medical Officer of the rank not lower than Asstt. Surgeon.

Use of Scribe and Appointment of scribe

(i) Scribe may be allowed in the following cases

(a) To a Candidate with disabilities as defined in THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016. Autistic candidate is permitted to use the services of a Scribe or an Adult Prompter.

(b) On sudden illness rendering the candidate unable to write as certified by a Medical Officer of the rank not lower than Asstt. Surgeon.

(c) In the case of an accident rendering the candidate unable to write the examination as certified by a Medical Officer of the rank not lower than Asstt. Surgeon.

25(ii) A person to be appointed as scribe should not have obtained his/her qualifications in the same subject(s) in which the candidate shall be appearing for the examination

There will be no restriction on educational qualifications, marks scored, age or scribe/reader/ lab assistant/adult prompter.

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- 25(iii) The candidate shall have the discretion of opting for his own scribe and shall have the flexibility in accommodating change in scribe in case of emergency. Candidate shall also have the option of meeting the scribe a day before the examination. The Centre Superintendent of the examination centre concerned shall forward to the Regional Officer concerned of the Board a report giving full particulars of the candidate and of the scribe. NO CHANGE
- 25(iv) The Superintendent shall arrange a suitable room for the candidate for who as scribe is allowed and appoint one special Assistant Superintendent to supervise his examination. NO CHANGE
- 25(v) The services of amanuensis shall be provided free of cost. NO CHANGE
- 25(vi) The scribe shall be paid by the Board remuneration as prescribed from time to time. NO CHANGE

B. Rules regarding Secondary School Examination :

Result criteria: Category of result will be reflected as Pass/Fail/Compartment

Existing Rule	Amended Rule w.e.f. 2018 Exams onwards
Rule 53 (iv) The 'Result' shall indicate the factual position of the candidate with the marks/grades obtained by a candidate alongwith his/her status i.e. Pass/Fail/Comppt. in respect of Senior School Certificate Examination and Eligible for Qualifying Certificate/Qualified for Admission to Higher Classes/Eligible for Improvement of Performance in respect of Secondary School Examination in a 'Gazette' kept in the office of the Board.	Rule 53 (iv) The 'Result' shall indicate the factual position of the candidate with the marks/grades obtained by a candidate alongwith his/her status i.e. Pass/Fail/Comppt. in respect of Senior School Certificate Examination and Pass/Fail/Comppt. in respect of Secondary School Examination in a 'Gazette' kept in the office of the Board

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For Compartment:

Existing Rule	Amended Rule w.e.f. 2018 Exams onwards
41.2 Eligibility for Improvement of Performance in Secondary Examination	41.2 Eligibility for Compartment in Secondary Examination
A candidate obtaining Grades E1 or E2 in any or all the five subjects (excluding the 6th additional subject) under Scholastic Area A as per the scheme of studies jointly examined by the School and Board shall be eligible for improvement of performance in any or all the five subjects	i. <u>Candidate offering 5 subjects:</u> For candidate offering 5 subjects and failing in two of the five subjects of external examination shall be placed in compartment in those subjects provided he/she qualifies in all the subjects of internal assessment ii. <u>Candidate offering additional NSQF Vocational subject</u> (a) A candidate failing in two of the six subjects of external examination shall be placed in compartment in those subjects provided he/she qualifies in all the subjects of internal assessment. (b) For a candidate who has offered a vocational subject as 6th subject and fails in any one of the three compulsory subjects i.e. Science, Mathematics and Social Science, the Vocational subject (offered as 6th additional subject) will replace one of the subjects and result of Class X Examination will be computed accordingly iii. <u>Candidate offering other Academic Elective as additional subject</u> a) A candidate failing in two of the six subjects of external examination shall be placed in compartment in those subjects provided he/she qualifies in all the subjects of internal assessment b) A language offered as an additional subject may replace a language in the event of a candidate failing in the same provided after replacement the candidate has English/Hindi as one of the languages and The replacement shall satisfy the conditions as laid down in the Scheme of Studies There will not be any replacement facility of other academic elective subjects offered by such candidates

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42. Improvement of Performance/Compartment Examination for Secondary/Senior School Certificate Examination

42. Compartment Examination for Secondary/Senior School Certificate Examination

42 (i) (b) & (c) 42 (ii) (b) 42 (v)

(i) (b) A candidate who has appeared for the Secondary School Examination and obtained Grades E1 or E2 in any or all the five subjects (excluding the 6th additional subject) under Scholastic Area A as per the Scheme of Studies shall be eligible for improving his/her performance in any or all the five subjects and may reappear at the only chance of Improvement of Performance to be conducted by the Board in July/School by July as per the option exercised for the Main examination held in March the same year. The candidates will be issued Statement of Subject wise Performance/Grade sheet cum Certificate of Performance provided she/he obtains minimum Grade D in atleast five subjects (excluding the 6th additional subject) under Scholastic Area A as per the Scheme of Studies and grades in the subjects under Scholastic Area B and Co-scholastic Areas.

(ii) (b) At the Secondary School Examination a candidate who does not obtain minimum Grade D in the five subjects (excluding the 6th additional subject) under Scholastic Area A at the only chance of Improvement of Performance shall be treated to have not qualified the examination and shall be required to reappear in all the subjects at the examination to be held in March of the subsequent year in order to qualify the examination. The syllabi and courses shall be as laid down for Summative Assessment II for the year of examination concerned. The candidates' grades obtained in all the Formative Assessments and Summative Assessment I at the Main examination shall be carried over for

(i) A candidate placed in compartment may reappear at the compartmental examination to be held in July/August same year and may avail himself/herself for the second chance in March/April next year and may further avail himself/herself for the third chance at the compartmental examinations to be held in July/August of that year.

(ii) A candidate who does not appear or fails at one or all the chances of compartment shall be treated to have failed in the examination and shall be required to reappear in all the subjects at the subsequent annual examination of the Board as per syllabi and courses laid down for the examination concerned in order to pass the examination.

(iii) Syllabi and Courses for the Compartmental candidates in March Examination shall be the same as applicable to the regular candidates of full subjects appearing in the March examination.

(iv) For subjects involving Internal Assessment in case the candidate has passed in Internal Assessment he/she shall appear only in theory part and previous Internal Assessment marks will be carried forward.

(v) The candidate who is placed in Compartment in the Secondary School Examination (Class-XI) shall be admitted provisionally to class XI till he passes the first chance Compartmental Examination to be held in July/August of that year. His/her admission shall be cancelled if he/she fails to pass at the first chance Compartmental Examination.

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the only chance of improvement of Performance

(iv) A candidate who fails to obtain minimum Grade D in the five subjects (excluding the 6th additional subject) under Scholastic Area A at the Secondary School Examination conducted by the School Board shall be provisionally admitted to class XI till he takes in the only chance Improvement of Performance to be held that year. His/her admission shall be treated as cancelled if he fails to obtain minimum Grade D in the five subjects (excluding the 6th additional subject) under Scholastic Area A at the Improvement of Performance Examination.

C. Rules regarding change in limitation period of cases pertaining to correction in name (C/N, M/N, F/N)/Date of Birth from one year to five year :

Existing Rule	Amended Rule
69.1 (i)	69.1 (ix)
(Change in Candidate Name, Mother Name & Father Name)	(Change in Candidate Name, Mother Name & Father Name)
Applications regarding changes in name of surname of candidates may be considered provided the changes have been admitted by the Court of law and notified in the Government Gazette before the publication of the result of the candidate	Applications regarding changes in name of surname of candidates will be considered provided the changes have been admitted by the Court of law and notified in the Government Gazette before the publication of the result of the candidate. In cases of change in documents after the court orders caption will be mentioned on the document "CHANGE ALLOWED IN NAME/ FATHER'S NAME/ MOTHER'S NAME/ GUARDIAN'S NAME FROM ____ TO ____ ON (DATED) ____ AS PER COURT ORDER NO. ____ DATED ____."

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फैक्स: 26100000, 26100001, 26100002, 26100003, 26100004, 26100005, 26100006, 26100007, 26100008, 26100009, 26100010, 26100011, 26100012, 26100013, 26100014, 26100015, 26100016, 26100017, 26100018, 26100019, 26100020, 26100021, 26100022, 26100023, 26100024, 26100025, 26100026, 26100027, 26100028, 26100029, 26100030, 26100031, 26100032, 26100033, 26100034, 26100035, 26100036, 26100037, 26100038, 26100039, 26100040, 26100041, 26100042, 26100043, 26100044, 26100045, 26100046, 26100047, 26100048, 26100049, 26100050, 26100051, 26100052, 26100053, 26100054, 26100055, 26100056, 26100057, 26100058, 26100059, 26100060, 26100061, 26100062, 26100063, 26100064, 26100065, 26100066, 26100067, 26100068, 26100069, 26100070, 26100071, 26100072, 26100073, 26100074, 26100075, 26100076, 26100077, 26100078, 26100079, 26100080, 26100081, 26100082, 26100083, 26100084, 26100085, 26100086, 26100087, 26100088, 26100089, 26100090, 26100091, 26100092, 26100093, 26100094, 26100095, 26100096, 26100097, 26100098, 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**69.1 (ii)**

(Correction in Candidate Name, Mother Name & Father Name)

Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/ Surname, Father's name / Mother's name or Guardian's name to make it consistent with what is given in the school record or list of candidate (LOC) submitted by the school may be made.

Application for correction in name of Candidate/Father's/Mother's/ Guardian's name will be considered only within one year of the date of declaration of result provided the application of the candidate is forwarded by the Head of Institution with the following attested documents

- True Copy of Admission form(s) filled in by the parents at the time of admission duly attested by the Head of the concerned institution
- True Copy of the School Leaving Certificates of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution
- True Copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate duly attested by the Head of the concerned institution.

69.1 (iii)

(Correction in Candidate Name, Mother Name & Father Name)

Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/ Surname, Father's name / Mother's name or Guardian's name to make it consistent with what is given in the school record or list of candidate (LOC) submitted by the school may be made

Application for correction in name of Candidate/Father's/Mother's/ Guardian's name will be considered only within **Five years of the date of declaration of result** provided the application of the candidate is forwarded by the Head of Institution with the following attested documents

- True Copy of Admission form(s) filled in by the parents at the time of admission duly attested by the Head of the concerned institution
- True Copy of the School Leaving Certificates of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution
- True Copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate duly attested by the Head of the concerned institution
- The Board may effect necessary corrections after verification of the original records of the school and on payment of the prescribed fee**

This rule will be applicable to all cases after Class X/XII 2015 examination onwards.

The Board may effect necessary corrections after verification of the original records of the school and on payment of the prescribed fee

Already covered in 69.1 (iii)

69.2 (i)

No change in the date of birth once recorded in the Board's records shall be made. However corrections to correct typographical and other errors to make the certificate consistent with the school

69.2**Change in Date of Birth**

No change in the date of birth once recorded in the Board's records shall be made

"शिक्षा केंद्र", 2, सामुदायिक केंद्र, प्रीत विहार, दिल्ली - 110092

"Shiksha Kendra" 2, Community Centre, Preet Vihar, Delhi - 110092

फोन : 011-2610223, 2610224, 2610225, 2610226, 2610227, 2610228, 2610229, 2610230, 2610231, 2610232, 2610233, 2610234, 2610235, 2610236, 2610237, 2610238, 2610239, 2610240, 2610241, 2610242, 2610243, 2610244, 2610245, 2610246, 2610247, 2610248, 2610249, 2610250, 2610251, 2610252, 2610253, 2610254, 2610255, 2610256, 2610257, 2610258, 2610259, 2610260, 2610261, 2610262, 2610263, 2610264, 2610265, 2610266, 2610267, 2610268, 2610269, 2610270, 2610271, 2610272, 2610273, 2610274, 2610275, 2610276, 2610277, 2610278, 2610279, 2610280, 2610281, 2610282, 2610283, 2610284, 2610285, 2610286, 2610287, 2610288, 2610289, 2610290, 2610291, 2610292, 2610293, 2610294, 2610295, 2610296, 2610297, 2610298, 2610299, 2610300, 2610301, 2610302, 2610303, 2610304, 2610305, 2610306, 2610307, 2610308, 2610309, 2610310, 2610311, 2610312, 2610313, 2610314, 2610315, 2610316, 2610317, 2610318, 2610319, 2610320, 2610321, 2610322, 2610323, 2610324, 2610325, 2610326, 2610327, 2610328, 2610329, 2610330, 2610331, 2610332, 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69.2 (Correction in Date of Birth)

69.3 (Correction in Date of Birth)

A. Correction as per the school records:

- i. Corrections to correct typographical and other errors to make the certificate consistent with the school records can be made provided that corrections in the school records should not have been made after the submission of application form for admission to Examination to the Board.
- ii. Such correction in Date of Birth of a candidate in case of genuine clerical errors will be made under orders of the Chairman where it is established to the satisfaction of the Chairman that the wrong entry was made erroneously in the list of candidates application form of the candidate for the examination.
- iii. Request for correction in Date of Birth shall be forwarded by the Head of the School along with attested Photostat copies of:
 - a) application for admission of the candidate to the School
 - b) Portion of the page of admission and withdrawal register where entry in date of birth has been made along with attested copy of the Certificate issued by the Municipal Authority, if available as proof of Date of Birth submitted at the time of seeking admission and
 - c) the School Leaving Certificate of the previous school submitted at the time of admission
- iv. The application for correction in date of birth duly forwarded by the Head of school along with documents mentioned in byelaws 69.2(iii) shall be entertained by the Board only within **Five Years of the date of declaration of result**. No correction whatsoever shall be made on application submitted after the said period of Five Year
- v. ***This rule will be applicable to all cases after Class X/XII 2015 examination onwards.***

B. Correction as per Courts Orders.

Applications regarding correction in date of birth of candidates will be considered provided the

शिक्षा केंद्र", 2. सामुदायिक केंद्र, प्रीत पिनार, दिल्ली-110092

* 'Sukha ke-dra' 2, Community Centre, Prost viha., Daini - 110092

को. सं. १०४३ : २२७७२३६ : ०१ ११२३६७२३७ वेबसाइट : www.yashwantrao.com

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entertained by the Board only within one years of the date of declaration of result. No correction whatsoever, shall be made on application submitted after the said period of one year.

correction have been admitted by the Court of law. In cases of correction in date of birth in documents after the court orders caption will be mentioned on the document "CORRECTION ALLOWED IN DATE OF BIRTH FROM _____ TO _____ ON (DATED) _____ AS PER COURT ORDER NO. _____ DATED _____."

For details of various provisions the Examination Bye-Laws and the subsequent amendments issued from time to time which are available on the CBSE Website under title Examination may be referred.

(K.K. CHOUDHURY)
CONTROLLER OF EXAMINATIONS

"सिद्धांत केंद्र", 2. सामुदायिक केंद्र, फ्रीट विहार, दिल्ली - 110052

"Siddhant Kendra" 2. Community Centre, Freeet Vihar, Delhi - 110052

फोन : 011-26109259 - 63 11-26109257 ज्यसाइट / वेबसाइट : www.cbse.nic.in

KK

~~WWW.MERAW.JI~~
**IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW**
Rajanya Kumar Pal through its father Krishan Kanhaya Pal
CENTRAL BOARD OF SECONDARY EDUCATION
ANNEXURE NO. 72
"Shiksha Kendra", 2, Community Center,
Preet Vihar, Delhi-110092

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CM/CBSE/ACAD/HEALTH/2009

December 24, 2009
Circular No. 65

All the Heads of Independent Schools
Affiliated to the CBSE

Subject : Children with Special Needs (CWSN) – Integration.

Dear Principals,

Further to our Circular No. 45 dated 29th Oct., 2008 where schools were advised vide Annexure (enclosed) to ensure that no child with special needs is denied admission in main stream schools, it has been observed that there are many schools affiliated to CBSE who are not abiding by this directive.

There seems to be a misconception among schools and school authorities on various issues pertaining to children with special needs. The children with special needs face challenges in learning as they may not be able to focus on the teacher during classroom interaction or their pace of learning may vary. Moreover social skills and emotional skills may need to be further strengthened.

To overcome these problems generally an aid is given to the child. An aid is an adult sitting along with the special child encouraging and motivating the child to move along with the class.

Schools are advised to allow parents when they make a request to provide an aid so that individual attention is possible for the child and enables the student to grow and learn along with the other peers in the class.

Further inclusive education also needs to be done with an Individual Evaluation Program. Specific goals should be set for each child with special need based upon the appraisal. For this purpose the schools need to have a special educator as has already been recommended earlier.

It is being reiterated that any school which fails to provide attention to a child with special needs or makes a pretext of denying admission to any category of a differently abled child will be liable to stringent action even to the extent of disaffiliation.

The Guidelines on Inclusive Education of Children with Disabilities is once again enclosed for dissemination to all stakeholders which includes parents of the school.

KK/1

Yours sincerely

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(VINEET JOSHI)
SECRETARY & CHAIRMAN

Encl : Guidelines on Inclusive Education of Children with Disabilities

Copy with a request to respective Heads of Directorates/KVS/NVS/CTSA as indicated below to also disseminate the information to all concerned schools under their jurisdictions:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
2. The Commissioner, Navodaya Vidyalaya Samiti, A-28, Kailash Colony, New Delhi.
3. The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110 054.
4. The Director of Public Instructions (Schools), Union Territory Secretariat, Sector 9, Chandigarh-160 017.
5. The Director of Education, Govt. of Sikkim, Gangtok, Sikkim - 737 101.
6. The Director of School Education, Govt. of Arunachal Pradesh, Itanagar-791 111
7. The Director of Education, Govt. of A&N Islands, Port Blair-744 101.
8. The Secretary, Central Tibetan School Administration, ESS ESS Plaza, Community Centre, Sector 3, Rohini, Delhi-110 085.
9. All the Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board in their respective regions.
10. The Education Officers/AEOs of the Academic Branch, CBSE.
11. The Joint Secretary (IT) with the request to put this circular on the CBSE website.
12. The Library and Information Officer, CBSE
13. PA to CE, CBSE
14. DO to Secretary, CBSE
15. PA to Director (Acad.)
16. PA to HOD (AIEEE)
17. PA to HOD (Edusat)
18. PRO, CBSE

SECRETARY & CHAIRMAN

K. P. Joshi

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Annexure

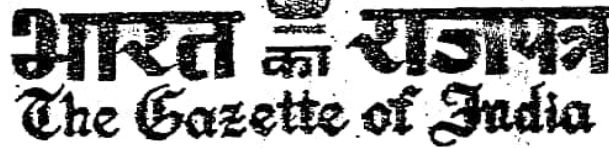
Guidelines of Inclusive Education of Children with Disabilities (IECD) each school is advised :

1. to ensure that no child with special needs is denied admission in Mainstream Education
2. to monitor the enrollment in schools of disabled children
3. to provide support through assistive devices and the availability of trained teachers
4. to modify the existing physical infrastructure and teaching methodologies to meet the needs of all children including Children with Special Needs
5. to ensure that 3% reservation of persons with disabilities is done in all institutions receiving funds from Government (Under The Persons with Disabilities Act, 1995)
6. to ensure that all schools are made disabled friendly by 2020 and all educational institutions including hostels, libraries, laboratories and buildings will have barrier free access for the disabled
7. to ensure availability of Study material for the disabled and Talking Text Books, Reading Machines and computers with speech software
8. to ensure an adequate number of sign language interpreters, transcription services and a loop induction system will be introduced for the hearing handicapped students
9. to revisit classroom organization required for the education of Children with Special Needs
10. to ensure regular in-service training of teachers in inclusive education at the elementary and secondary level.

KKL /

Versus State of U.P. and others

विषय: सं. डी. एन. (फा) 04/0067/2003-12. REGISTERED NO. DL (N) 4/0067/2003-12. ANNEXURE NO. 7



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Amendment
of section 2

3. In the principal Act, in section 2,—

(a) in clause (d), after the word "means", the words "a child with disability or" shall be inserted;

(b) after clause (e) the following clause shall be inserted, namely:—

(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1995

(B) a child, being a person with disability as defined in clause (i) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

44 of 1999

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

44 of 1999

Amendment
of section 3.

4. In section 3 of the principal Act,—

(a) for sub-section (I), the following sub-section shall be substituted, namely:—

(I) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (Z), the proviso shall be omitted;

(c) after sub-section (Z), the following sub-section shall be inserted, namely:—

(Z) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:

1 of 1995

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.

44 of 1999

Amendment
of section 21.

5. In section 21 of the principal Act, in sub-section (Z), the following proviso shall be inserted, namely:—

"Provided that the School Management Committee constituted under sub-section (I) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only."

Amendment
of section 22.

6. In section 22 of the principal Act, in sub-section (I), for the words "School Management Committee, constituted", the words "School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted" shall be substituted.

K. K. Ray

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7. In section 25 of the principal Act, in sub-section (1), for the words "Within six months", the words "Within three years" shall be substituted.

Amendment
of section 25.

8. After section 38 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
39.

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

Power of
Central
Government
to remove
difficulties.

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

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

V. K. BHASIN,
Secretary to the Govt. of India.

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GMGIPMRND—1604GI (S3)—20-06-2012.

K. K. /



CENTRAL BOARD OF SECONDARY EDUCATION

(An Autonomous Organization under the Union Ministry of Human Resources Development, Govt. of India)
"Shiksha Sadan", 17 Institutional Area, Rouse Avenue, New Delhi-110002.

CBSE/ACAD/JS & IC (A & T)/2015
2015

Dated: 25th June,

Circular No.Acad-31/2015

All Heads of Schools
Affiliated to the Board

Subject: "Mandatory appointment of a special educator in all the schools affiliated to CBSE"

Dear Principal,

The Central Board of Secondary Education in its continued effort to ensure quality education for all children, including children with special needs covered under section 3, 8 (c) and 9 (c) of the Right to Education (2009) Act, providing guidelines to its affiliated schools periodically about exemptions and support services essential for inclusion of children with special needs.

This is in continuation to our Circular No.45 dated 29.10.2008, Circular no. 65 dated 24.12.2009, Circular no.25 dated 12.04.2012, Circular no.20/2014 and affiliation byelaws rule no.23(18), rule no.13.11 and rule no. 11 regarding inclusive practices in CBSE schools.

A special educator is specifically required in schools to work with children and young adults who require additional support in order to complete their learning successfully. These teachers may work with children with physical disabilities, sensory impairments, developmental disabilities such as **Autism, Mental Retardation, Cerebral Palsy and Specific Learning Disabilities**, as they are emotionally vulnerable and have behavioral difficulties. A special educator can also work with gifted and talented children. The qualifications of a special educator are enclosed at Annexure 'A'.

Therefore, in pursuance of the recommendations and approval of curriculum committee held on 02.08.2014 and subsequently ratified by governing body meeting held on 06.08.14, it is made mandatory to appoint special educators in all schools to ensure effective and meaningful inclusion of children with disabilities in schools.

The Board will appreciate the cooperation of the schools in implementation of the above.

Yours sincerely,

Sd/-

(D.T. Sudharsan Rao)
Joint Secretary & IC (Academic & Training)

Page 1 of 2

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Copy with a request to respective Heads of Directorates/KVS/NVS/CTSA as indicated below to also disseminate the information to all concerned schools under their jurisdiction:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, N D-16
2. The Commissioner, Navodaya Vidyalaya Samiti, B-15, Sector-62, Institutional Area, Noida-201309.
3. The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110 054.
4. The Director of Public Instructions (Schools), Union Territory Secretariat, Sector 9, Chandigarh-160 017.
5. The Director of Education, Govt. of Sikkim, Gangtok, Sikkim – 737101.
6. The Director of School Education, Govt. of Arunachal Pradesh, Itanagar – 791 111
7. The Director of Education, Govt. of A&N Islands, Port Blair - 744101.
8. The Director of Education, S.I.E., CBSE Cell, VIP Road, Junglee Ghat, P.O. 744103, A&N Island
9. The Secretary, Central Tibetan School Administration, ESSESS Plaza, Community Centre, Sector 3, Rohini
10. The Additional Director General of Army Education, A –Wing , Sena Bhawan, DHQ, PO, New Delhi-110001.
11. The Secretary AWES, Integrated Headquarters of MoD(Army),FDRC Building No. 202,Shankar Vihar (Near
12. APS),Delhi Cantt-110010
13. All Regional Directors/Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board in their respective regions.
14. All Associate Professor & Additional Directors/Advisors/Consultants
15. All Additional Director/Joint Director/Deputy Director/Assistant Director, Vocational Cell, CBSE
16. Incharge IT Unit with the request to put this circular on the CBSE Academic website.
17. All Assistant Professor & Joint Directors, CBSE
18. All Assistant Professor & Deputy Directors, CBSE
19. The Deputy Director (Examination & Reforms), CBSE
20. The Assistant Librarian. CBSE
21. The Public Relations Officer, CBSE
22. The Hindi Officer, CBSE
23. PS to Chairman. CBSE
24. PS to Secretary, CBSE
25. SO to Controller of Examinations, CBSE
26. PA to Director (Special Exams and CTET), CBSE
27. PA to JS & IC (A & T)
28. PA to Director (Information Technology)

Sd/-
(Joint Secretary and Incharge (Academics and Training))

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