SGC SERVICES PVT.LTD.

UPDATES ON LABOUR LAW – JUNE' 2017

S.No.	Statute (Act)	Type of Update.	Summary	Notification/Circular / Amendment Date
1.		Haryana e-services mandated for public services	Government of Haryana had mandated that henceforth the Public centric services of the Labour department shall be delivered to respective applicants /users through e-services in online mode as per **Annexure 1:-**	24th May'2017
2	ESIC Act	Amendment to Regulation 31 of the Employees state Insurance Regulations	The monthly contribution in respect of any employees shall be paid within 15 days from which it fall due .This shall come into force w.e.f the contrubtuion payable for the month of June'17 as per the **Annexure:-2**	3th July'2017
3	ESIC Act	ESI Act in Jalpaiguri district of West Bengal Effective 1 June 2017	Implementation of ESI Act 1948 in the entire district of Jalpaiguri in the state of West Bengal as per the **Annexure:-3**	2nd June'2017
4	Providend Fund Act	Employee's Retention & Aadhar Campaign from 1.07.17 to 30.09.2017	For facilitating quick and easy service delivery Employee's retention and Aadhar Campaign -2017 is lauched by EPFO for three months from 1st July'2017 as per the **Annexure:- 4**	28th June'2017
5	Providend Fund Act	EPF circular regarding disbursement of benefit to eligible members under PMRPY/PMPRPY Schemes	Disbursement of benefits to eligible members under the PMRPY/PMPRPY schemes as per the **Annexure:-5**	9th June '2017

6	*Minimum Wages Act,1948*	*West Bengal Revision in DA Effective from 1 July'2017*	*The notification of Minimum Wages of West Bengal had came into force effective from 1st July'2017 as per the* ***Annexure 6:-***	*13th June'2017*
7	*Minimum wages Act*	*Government proposes Universal Wage Code Bill*	*The central government is working on a proposal to introduce Wage Code Bill 2017 which will ensure universal minimum wages for all industries and workers.This bill would empower the Centre to set a minimum wage across all sectors in the country which state have to maintain. However the states will be able to provide for higher minimum wages.* *The other features are as below:-* *-Besides this minimum wages would be applicable for all the class of workers.* *-The proposed code will subsume the Minimum wages Act, Payment of Wages Act, Payment of Bonus Act and the Equal remuneration Act.*	
8.	*Rights of Persons with Disabilities Act,2016*	*Rights of Persons with Disabilities Rules, 2017*	*Ministry of Social Justice and Empowerment issued notification for Rights of Persons with Disabilities Rules, 2017. The Rules mandate each establishment to publish an equal opportunity policy for persons with disabilities. This policy is supposed to be published preferably on its website, and should include facilities & amenities to be provided and posts identified for such persons as per the* ***Annexure 7:-***	*15th June'2017*

Annexure1:-

Haryana Government
Labour Department
Notification

Dated: 24th May, 2017

No.:-6/37/2017-1Lab It is hereby ordered to mandate that henceforth the public centric services of the Labour Department as mentioned in Annexure A enclosed herewith, shall be delivered to respective intended applicants/users through e-services in online mode only at website www.hrylabour.gov.in in the manner and procedure available therein. These e-services were approved by the IT PRISM in its 28th meeting held on dated 21st March 2013 under the Chairmanship of Chief Secretary, Haryana while approving the IT Plan 2011-12 of the Labour Department, Haryana.

Dated: - 19.05.2017

Vijai Vardhan
Additional Chief Secretary to Government of Haryana,
Labour Department, Haryana

Endst. No. 6/37/2017-1Lab **Dated: -** 24.05.2017

A copy is forwarded to the following for information and necessary action: -

1. Labour Commissioner, Haryana, Chandigarh.
2. All the Presiding Officers, Labour Court- Tribunal, in the State.
3. Addl. Labour Commissioner, Haryana, Chandigarh.
4. Addl. Labour Commissioner, Haryana, Chandigarh.
5. Addl. Director, IS & H, Haryana, Chandigarh.
6. Joint Secretary, HBOCWW Board.
7. Joint Director, IS & H, NCR- Gurugram
8. All Deputy Directors, IS & H in the State.
9. All Deputy Labour Commissioner, in the State.
10. All the Assistant Director, IS & H in the State.
11. All the Assistant Director, IS & H, Chemical, in the State.
12. All the Assistant Director, IH, in the State.
13. All Assistant Labour Commissioner in the State.
14. All Welfare Officers, HLW Board in the State.
15. All Labour Inspectors in the State.

Superintendent,
For Additional Chief Secretary to Government of Haryana,
Labour Department, Haryana 24/5

Annexure A

The list of e-services to be delivered on www.hrylabour.gov.in

S.N.	Description
1	Registration / Licensing/ Renewal/ Amendment of factories license of factories under the Factories Act 1948 and other interaction.
2	Registration/ Renewal / Amendment of certificate of Shops and Commercial Establishments under the Shops and Commercial Establishments Act 1958 and other interaction.
3	Registration/ Amendment of certificate of establishments under the Building & Other Construction Workers (RE & CS) Act, 1996 and deposition of cess /cess assessment Orders and appeal thereof under the Building and Other Construction Cess Act, 1996.
4	Approval of Factory Building Plans under the Factories Act, 1948 and Rules framed there under.
5	Registration and Licensing/ Renewal / Amendment of certificate under the Contract Labour (Regulation & Abolition) Act, 1970.
6	Registration/ Renewal/ Amendment of certificate under the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
7	Registration and Licensing/ Renewal/ Amendment of certificate under the Motor Transport Workers Act, 1961.
8	Inspections of factories, Shop & Commercial Establishments under different Labour laws and their compliance reports in compliance of Transparent Inspection Policy.
09	Filing of Single Integrated Annual returns by the Management under different Labour Laws and compilation.
10	Standing Orders filling and their certification
11	Dissemination of information and management of documents like laws, rules, orders, publications etc. etc.

Annexure2:-

HQRS.OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAVAN, CIG ROAD, NEW DELHI-110002
(ISO 9001: 2008 Certified)
www.esic.nic.in, e-mail: dir-pnd@esic.in,

No. N-12/13/01/2016-P&D

Date:- 03.07.2017

CIRCULER

Sub:- Amendment to Regulation 31 of the Employees' State Insurance (General) Regulations, 1950 - copy of Gazette Notification.

A copy of Gazette of India, Part – III, Section 4 containing notification no. N-12/13/1/2016 - P&D dated 01.07.2017 is circulated for information and compliance.

Regulation 31 stands amended whereby the contribution in respect of any employee shall be paid within 15 days of the last day of the calender month in which the contributions fall due. This shall come into force with effect from the contribution payable for the month of June, 2017 i.e. by 15th July, 2017.

Encl: a/a – 2 pages.

03/7/17.
(P.R. SINHA)
DY. DIRECTOR (P&D)

To,

All Regional Director/Director/Jt.Director I/C, ESI Corporation, R.O/SROs.

Copy to:-
Website Content Manager, ESIC Hqrs. Office, New Delhi with request to upload the enclosed notification on the Website of Hqrs. Office.

03/7/17.
DY. DIRECTOR (P&D)

रजिस्ट्री सं. डीएल—(एन)-04/0007/2003—05 REGISTERED No. DL—(N)-04/0007/2003—05

भारत का राजपत्र
The Gazette of India

साप्ताहिक/WEEKLY

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 26] नई दिल्ली, शनिवार, जुलाई 1—जुलाई 7, 2017 (आषाढ़ 10, 1939)

No. 26] NEW DELHI, SATURDAY, JULY 1—JULY 7, 2017 (ASADHA 10, 1939)

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)

भाग III—खण्ड 4

[PART III—SECTION 4]

[सांविधिक निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें कि अधिसूचनाएं, आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं]

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

कर्मचारी राज्य बीमा निगम

नई दिल्ली, दिनांक / /2017

सं. एन—12/13/1/2016—योज एवं वि.—जबकि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 में और संशोधन करने के कतिपय मसौदा विनियम कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 97 की उप—धारा (1) के अंतर्गत यथा अपेक्षित भारत के राजपत्र के भाग — 3 — खंड—4 में दिनांक 01 अप्रैल, 2017 जिनमें उक्त अधिसूचना प्रकाशित की गई थी, जनता को उपलब्ध कराने की तारीख से तीस दिन की अवधि की समाप्ति तक, इससे प्रभावित होने वाले सभी व्यक्तियों से, आपत्तियाँ और सुझाव आमंत्रित किये गये थे।

और जबकि उक्त राजपत्र की प्रतियां 01 अप्रैल, 2017 से सार्वजनिक उपयोग के लिए उपलब्ध करा दी गयी थीं;

और जबकि कर्मचारी राज्य बीमा निगम द्वारा उससे प्रभावित होने वाले संभावित व्यक्तियों से प्राप्त आपत्तियों तथा सुझावों पर विचार किया गया है;

अतः अब कर्मचारी राज्य बीमा निगम, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 97 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्मचारी राज्य बीमा (साधारण) विनियमावली, 1950 में पुनः संशोधन करने के लिए निम्नलिखित नियम बनाती है; अर्थात् :—

1. इन विनियमों को कर्मचारी राज्य बीमा (साधारण) संशोधन विनियम, 2017 कहे जाएंगे।

2. विनियम 31 में जहां कहीं भी "21 दिन" शब्द हों, उन्हें "15 दिन" से प्रतिस्थापित किया जाएगा।

3. ये जून, 2017 के महीने के लिए देय अंशदान की तिथि से अर्थात् 15 जुलाई, 2017 से लागू होंगे।

एस. के. गर्ग
बीमा आयुक्त (यो. एवं वि.)

EMPLOYEES' STATE INSURANCE CORPORATION

New Delhi, the / /2017

No. N-12/13/1/2016-P&D—Whereas draft regulation further to amend the Employees' State Insurance (General) Regulations, 1950 was published as required under sub-section (1) of section 97 of the Employees' State Insurance Act, 1948 (34 of 1948), in the Gazette of India, Part-III – Section – 4, dated the 1st April, 2017 for inviting objections and suggestions from all persons likely to be affected thereby till the expiry of the period of Thirty days from the date on which this notification was published, are made available to the public:—

And whereas, the said Gazette were made available to the public on 01.04.2017;

And whereas, objections and suggestions received from persons likely to be affected thereby have been considered by the Employees' State Insurance Corporation;

Now, therefore, in exercise of the powers conferred by Section 97 of the Employees' State Insurance Act, 1948 (34 of 1948), the Employees' State Insurance Corporation, hereby makes the following Regulations further to amend the Employees' State Insurance (General) Regulations, 1950, namely;

1. This Regulation may be called Employees' State Insurance (General) Amendment Regulation, 2017.
2. In Regulation 31, for the words within "21 days" as they Occur, the words within "15 days" shall be substituted.
3. They shall come into force with effect from the contribution payable for the month of June, 2017 i.e. by 15th July, 2017.

S. K. GARG
Insurance Commissioner (P&D)

मुद्रण निदेशालय द्वारा, भारत सरकार मुद्रणालय, एन.आई.टी. फरीदाबाद में अपलोड एवं प्रकाशन नियंत्रक, दिल्ली द्वारा ई-प्रकाशित, 2017
UPLOADED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, N.I.T. FARIDABAD AND E-PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2017
www.dop.nic.in

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LAZAR SAGAYA F
Date: 2017.07.01
12:16:13 +05'30'

Annexure3:-

HQRS.OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAVAN, CIG ROAD, NEW DELHI-11
(ISO 9001: 2008 Certified)
www.esic.nic.in, e-mail: dir-pnd@esic.nic.in,

No. N-16/ 2/ WB/2016-P&D Dated: 02 -6-2017

To

The Regional Director,
ESI Corporation,
Regional Office
West Bengal
Kolkata.

Sub: Implementation of ESI Act 1948 in the entire District of Jalpaiguri, in the State of West Bengal-reg.

Sir,

In continuation of this office endorsement of even number dated 22.05.2017 on the above cited subject, please find enclosed herewith the copy of notification No.S-38013/01/2017-SS-I dated 29.05.2017 issued by the Ministry of Labour & Employment, Government of India.

Further necessary action may please be taken immediately for implementation of Scheme in above areas.

Yours faithfully,

Encl: As above

(AKHILESH KUMAR)
ASSTT.DIRECTOR (P&D)

Copy to:- Web Site Content Manager Hqrs Office with the request to upload the enclosed notification on the Website of Hqrs Office.

2/6/17

ASSTT. DIRECTOR (P&D)

Sl. No. 5 (R)

To be published in Gazette of India, Part-II, Section-3, Sub-Sec.(ii)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
NEW DELHI

Dated: 29/05/2017

NOTIFICATION

S.O._____ : In exercise of the powers conferred by Sub-Section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2017 as the date on which the provisions of Chapter IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Section 77,78,79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of **West Bengal** namely:-

"**All the areas of the district Jalpaiguri, West Bengal.**"

(No.S-38013/01/2017-SS.I)

(AJAY MALIK)
Under Secretary to the Govt. of India

TO,

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

Copy forwarded for information to:
1. The Director General, ESI Corporation, New Delhi.
2. The Secretary, Govt. of West Bengal, Labour Department, Writers Building, Kolkata.
3. The Regional Director, ESI Corporation, Kolkata.
4. Guard File

(A.U.K. Khaldy)
Section Officer

Annexure4:-

कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
(Ministry of Labour & Employment, Govt. Of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली - 110 066
Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066
www.epfindia.gov.in www.epfindia.nic.in

File No. R 1/CDAC/Aadhar/2014/Vol II/ 5498

Date: 28 JUN 2017

To,

All Addl. Central P.F. Commissioners (HQ) Zones/Headquarters'
All Addl. Central P.F. Commissioner Zones/Headquarters'
All RPFC's –incharge of RO's

Subject: Employees' Retention & Aadhar Campaign from 1.07.17 to 30.09.17-Reg.

Sir/Madam,

The extended Employees' Enrolment Campaign-2017 (EEC-17) is ending on 30th June 2017 which has facilitated substantial addition of active members to EPFO's Social Security net. To continue the momentum of this expansion, by facilitating quick and easy service delivery, **Employees' Retention and Aadhar Campaign-2017** is being launched for three months from 1st July 2017.

2] The main features of Employees' Retention and Aadhar Campaign are as below:

a) The campaign is aimed at reducing the premature closure of accounts and retain the employees with the EPFO by improving service delivery. Easy service delivery requires that the accounts are seeded with Aadhar number.

b) Retention of employees will be achieved by improving ease of advance Provident fund withdrawals and other services. Requirement of documentation has already been replaced by self-certification by Employee in such cases and simplified claim forms have been introduced. Online services have also been introduced for the purpose.

c) Employees need to be made aware of the benefits of retention of membership of EPFO, namely that the member gets the facility of Employees Pension Scheme -1995 at superannuation with a minimum of 10 years contributory service and will also become eligible for other social security benefits of EPFO including death insurance, housing etc.

Contd...

d) Ease of the account transfer process on change of job or place is also critical in retention of employees. Members need to be advised to seed their Aadhar number with the Universal Account Number database so that accounts are transferred easily on change of job or place in an automatic mode. The cases for merger/ transfer of accounts via Form-13 will be given top priority by EPFO and grievances in this regard will be strictly monitored for early settlement.

e) The benefits available under Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) and Pradhan Mantri Paridhan Rojgar Protsahan Yojana (PMPRPY) shall be brought to the notice of grassroot level to ensure that employers avail these benefits to incentivize in the scheme of Employment generation.

f) Real time default management will be utilized to encourage employers to make timely remittance and avoid penal payments. Timely receipt of contributions is key to the success of employee retention campaign.

3] Operational aspects of the Campaign would further include:

a) All the offices of EPFO will undertake awareness creation among the stakeholders regarding the benefits available to them, namely pension, housing, timely withdrawals in case of need, insurance benefits etc.

b) Services of Common Service Center's (CSC's) will be utilized for Aadhar seeding of EPF accounts in addition to the facilities at all the EPF offices in the country.

c) Employee grievance reduction and quick redressal will be focused by all the EPFO offices.

d) Involvement of stakeholders including employees and employers representatives will be ensured by seminars, workshops, employee contact programs etc.

e) Publicity Division will carry out publicity of these activities through various media.

4] Finance, Customer Service, Compliance and Information Systems Division will monitor the activities of the campaign in their respective domains.

(Dr. V.P. Joy)
Central Provident Fund Commissioner

Annexure5:-

BY WEB CIRCULATION

कर्मचारीभविष्य निधि संगठन
(श्रम मंत्रालय भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)
मुख्य कार्यालय/**Head Office**
भविष्य निधि भवन, 14–भीकाजी कामाप्लेस, नई दिल्ली–110066
BhavishyaNidhi Bhawan, 14- BhikajiCama Place, New Delhi – 110066
www.epfindia.gov.in/www.epfindia.nic.in
(CENTRAL ANALYSIS & INTELLIGENCE UNIT)

No.CAIU/011(71)2016/MOT/3553 Date: 08.06.2017

09 JUN 2017

To

All Addl. Central P.F. Commissioners (Zones)
All RPFCs(I)& All RPFCs(II) (Incharge of Regions)

Sub: - Disbursement of benefits to eligible members under the PMRPY/PMPRPY Schemes- reg.
Ref:- This office letter No. CAIU/011(71)2016/MOT/3606 dated 07.06.2017

Sir,

You are aware that PMRPY/PMPRPY schemes have been launched by Government of India to incentivize creation of new jobs in formal sector wherein the Government of India will pay the Employees' Pension Scheme contribution of 8.33% for all new employees enrolling in EPFO for the first three years of their employment.

2. EPFO has been nominated as the nodal organisation for implementation of the PMRPY/PMPRPY Scheme vis-à-vis verification of the credentials of the eligible beneficiaries and payment of benefits to them in accordance with the guidelines of PMRPY/PMPRPY schemes besides creating awareness for maximum outreach of the PMRPY/PMPRPY Scheme.

3. Instructions have been issued vide circular mentioned above to analyse reasons for incommensurate benefit delivery under the PMRPY/PMPRPY Scheme vis-à-vis enrolment of employees under the Employees' Enrolment Campaign 2017.

4. You are aware that one of the eligibility criteria for the members under the EPF & MP Act, 1952 to avail benefit under the PMRPY/PMPRPY Scheme, is that they should have a Universal Account Number generated on/after 01.04.2016 and seeded with Aadhar details.

5. Accordingly, while processing claims for benefits under the PMRPY/PMPRPY Schemes, the Aadhar details of the intended beneficiaries are matched with the Member's Master details of EPFO database and payment is released in case of match.

6. However as per available data on 08.06.2017, it is seen that claims of 1,05,591 EPF members have failed due to information mismatch, as detailed above, thereby preventing a large number of intended beneficiaries to avail the benefits.

7. In order, therefore, to enable a large number of eligible intended beneficiaries to avail benefits by rectifying mismatch as above, all the Regional Offices are directed tocomplete the following to ensure that benefits reach to all the intended eligible beneficiaries:-

(a) All the RPFCs-I/RPFCs-II In-charge of Regional Offices shall verify and analyse the establishment-wise/member-wise details of mismatch in respect of their office which is sent to them through their official email-ids.

(b) They shall initiate all possible steps including contacting the employer/employee and get the Aadhar Card details physically verified vis-à-vis relevant records.

(c) All the Officers-in-Charge will then arrange to get the mismatch in member data base vis-à-vis name, date of birth etc and Aadhar details rectified by following the laid down procedures issued by Head Office in this regard.

(d) Wherever there are such gross mismatch in Member's Master details & Aadhar details which can not be rectified by following laid down procedure in this regard by Head Office, such cases shall be finally rejected and reported to this office in the enclosed performa.

8. It is further directed that the exercise shall be completed by 30.06.2017 so that the intended benefits reaches to all the eligible beneficiaries at the earliest and a report through ACC (Zones) will be submitted to this office by 03.07.2017.

9. All the ACCs (Zones) are requested to ensure the completion of task, as above, in respect of their zones and send consolidated report in respect of their zone by due date.

Yours faithfully,

(M.Narayanappa)
Addl. Central P.F. Commissioner (HQ)

ok

जारी किया
ISSUED.

PROFORMA

NAME OF THE ZONAL OFFICE:

S.No.	Name of Regional Office	No of members for the mismatch intimated by Head Office	No of member for the mismatched rectified	No. of member for the mismatch falling in point No. 7(d) of this circular	Action initiated in pursuance to point No.7(d) of this circular	Remarks
1	2	3	4	5	6	7

Annexure6:-

Government of West Bengal
Office of the Labour Commissioner
6, Church Lane, 4th floor, Kolkata – 700 001.

No. 477/703/Stat/2RW/29/2016/LCS/JLC Dated: 13.06.2017

CIRCULAR

The Government of West Bengal in the Labour Department has fixed minimum rates of wages in the employment of **Establishment as defined under the Shops & Establishments, Act, 1963** in the State of West Bengal as per notification number Labr/650/(Law)/MW/2W-32/13 Dated 29.12.2016, as published in the Kolkata Gazette Extraordinary dt. 30.12.2016.

(a) Now, with reference to the said notification, the following shall be the minimum rates of wages in the said employment for the period from **1st July, 2017 to 31st Dec., 2017.**

Categories of Employees	Monthly Minimum Rates of Wages	
	Zone A	Zone B
Unskilled	Rs.7488.00	Rs.6774.00
Semi-Skilled	Rs.8238.00	Rs.7450.00
Skilled	Rs.9062.00	Rs.8196.00
Highly Skilled	Rs.9967.00	Rs.9016.00

(a) **Implementing areas**: **Zone 'A'**=(i) Areas under Municipal Corporations, Municipalities, notified Areas/ Authorities, Development Authorities, Thermal Power Plants Areas including Industrial Township Areas;
Zone 'B'=Rest of the West Bengal.

(b) The classification of employees in the above employment is as follows:-
Unskilled: Peon, Cleaner, Sweeper, Security Guard, Bearer, Messenger;
Semi-skilled: Duftry, Assistant Accountant,
Skilled: Clerk, Typist, Office Assistant, Office Maintenance and Inventory Management Staff, Data Entry Operator, Accountant;
Highly Skilled: Head Assistant, Senior Accountant, Computer Operator, Research And Development Staff/Executive, Market Research Staff/Executive, Godown-in-Charge, Office Supervisor, Sales Representative/Sales Promotion Employees.

Contd. P/2.

(c) To arrive at daily rates, monthly rates shall have to be divided by 26 and to be rounded off to the nearest rupee and to arrive at weekly rates, daily rates shall have to be multiplied by 6.

(d) A normal working day shall consist of eight and half hours of work including interval for half-an-hour for rest.

(e) One day in any period of seven days as may suit the local convenience shall be the day of weekly rest.

(f) The minimum rates of wages include the wages for weekly day of rest. Payment for work done on the day of weekly rest and for work done beyond the normal working hours shall be double the ordinary rate of wages.

(h) Where the existing rates of wages of any employee based on contract or agreement or otherwise are higher than the rates notified herein, the higher rates shall be protected and treated as minimum rates of wages applicable for the purpose of this notification to such employees.

(i) The minimum rates of wages are applicable to employees employed by contractors also.

(j) The minimum rates of wages for disabled persons shall be same as payable to the workers of appropriate category.

(k) The men and women employees shall get the same rates of wages for same work or work of similar nature.

(l) The minimum rates of wages and Variable Dearness Allowance, if any, both together shall constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948 (11 of 1948).

This is issued with due approval of the Labour Commissioner, West Bengal.

(Samir Kumar Basu)
Joint Labour Commissioner,
West Bengal.

MEMO. NO. 477/1(4)/703/Stat/2RW/29/2016/LCS/JLC **Dated:** 13.06.2017

1. The Additional Chief Secretary, Labour Department, New Secretariat Buildings, 12th floor, 1, K.S. Roy Road, Kolkata – 700 001.
2. The Labour Commissioner, West Bengal, N. S. Buildings, 11th Floor, Kolkata-1.This has reference to his kind approval dated 12.06.2017.
3. The Secretary (Central Trade Unions/ All Chambers of Commerce), ……..with the request to circulate this among his constituents.
4. The Joint/Deputy/Assistant Labour Commissioner……..With the request to circulate this among the Inspectors, M.W. under his jurisdiction.

(Samir Kumar Basu)
Joint Labour Commissioner,
West Bengal.

Annexure7:-

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 15th June, 2017

G.S.R. 591(E).—Whereas a draft of the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) *vide* number G.S.R. 398 (E), dated the 21st April, 2017, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 22nd April, 2017;

And whereas objections and suggestions received from the public on the said draft rules were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules, namely:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Rights of Persons with Disabilities Rules, 2017.

(2) They extend to the whole of India.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);

(b)"certificate" means a certificate of disability issued under section 57 of the Act;

(c) "Form" means a form appended to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

RIGHTS AND ENTITLEMENTS

3. Establishment not to discriminate on the ground of disability.- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall -

(a) initiate action in accordance with the provisions of the Act; or

(b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.

(3) If the aggrieved person submits a complaint to the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the Chief Commissioner or State Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

4. Central Committee for Research on Disability.- (1) The Central Committee for Research on Disability shall consist of the following persons, namely:-

(i) an eminent person having vast experience in the field of science or medicine, to be nominated by the Central Government, *ex officio*-Chairperson;

(ii) nominee of the Director General of Health Services not below the rank of Deputy Director General –Member;

(iii) four persons drawn from National Institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government – Members;

(iv) five persons as representatives of the registered organisations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members:

Provided that at least one representative of the registered organizations is a woman;

(v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary.

(2) The Chairperson may invite any expert as a special invitee.

(3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, and the nominated member shall be eligible for re-nomination for one more term.

(4) One half of the members shall constitute the quorum for the meeting.

(5) The non-official members and special invitees shall be entitled for travelling allowance and daily allowance as admissible to a Group "A" officer of the Central Government.

(6) The Central Government may provide the Committee with such clerical and other staff as it deems necessary.

5. Person with disability not to be a subject of research.- No person with disability shall be a subject of research except when the research involves physical impact on his body.

6. Procedure to be followed by Executive Magistrate.- For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER III

NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

7. There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

CHAPTER IV

EMPLOYMENT

8. Manner of publication of equal opportunity policy.- (1) Every establishment shall publish equal opportunity policy for persons with disabilities.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall *inter alia*, contain the following, namely:-

(a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;

(b) list of posts identified suitable for persons with disabilities in the establishment;

(c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;

(d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;

(e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities

and provisions of facilities and amenities for such employees.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

9. Form and manner of maintaining records by the establishments.- (1) Every establishment covered under sub-rule (3) of rule 8 shall maintain records containing the following particulars, namely:-

(a) the number of persons with disabilities who are employed and the date from when they are employed;

(b) the name, gender and address of persons with disabilities;

(c) the nature of disability of such persons;

(d) the nature of work being rendered by such employed person with disability; and

(e) the kind of facilities being provided to such persons with disabilities.

(2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

10. Manner of maintenance of register of complaints by the Government establishments.- (1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer:

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

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

(a) date of complaint;

(b) name of complainant;

(c) name of the person who is enquiring the complaint;

(d) place of incident;

(e) the name of establishment or person against whom the complaint is made;

(f) gist of the complaint;

(g) documentary evidence, if any;

(h) date of disposal by the Grievance Redressal Officer;

(i) details of disposal of the appeal by the district level committee; and

(j) any other information.

CHAPTER V

VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES

11. Computation of vacancies.- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

(2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time.

(3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.

(4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.

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

13. Submission of Returns on Vacancies.- (1) Every Government establishment shall furnish to the local special employment exchange returns in Form - I once in every six months for the period from 1st April to 30th September and from 1st October to 31st March, and in Form -II once in every two years.

(2) The six monthly return shall be furnished within thirty days of the respective dates which is, 31st March and, 30th September of every financial year.

(3) The two yearly return shall be furnished within thirty days of the closing of every alternate financial year:

Provided that the first two yearly returns shall be furnished for the financial year closing on 31st March, 2019.

14. Form in which record to be kept by an employer.- Every Government establishment shall maintain the record of employees with disabilities in Form - III.

CHAPTER VI

ACCESSIBILITY

15. Rules for Accessibility.- (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

(a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;

(b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, *vide* number G.S.R. 895(E), dated the 20th September, 2016;

(c) Information and Communication Technology-

(i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;

(ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

16. Review of Accessibility Standards.- The Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

CHAPTER VII

CERTIFICATE OF DISABILITY

17. Application for certificate of disability.- (1) Any person with specified disability may apply in Form -IV for a certificate of disability and submit the application to -

(a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or

(b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

(a) proof of residence;

(b) two recent passport size photographs; and

(c) aadhaar number or aadhaar enrollment number, if any.

Note.- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability.- (1) On receipt of an application under rule 17, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination -

(i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or

(ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under rule 18 to be generally valid for all purposes.- A person to whom the certificate issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

20. Validity of certificate of disability issued under the repealed Act.-

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

CHAPTER VIII

CENTRAL ADVISORY BOARD ON DISABILITY

21. Allowances for the members of the Central Advisory Board.- (1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) The official member of the Central Advisory Board shall be paid daily allowance and travelling allowance, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.- (1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.

(3) The Member -Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.

(4) The Member-Secretary may give notice to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or by email or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting, any matter of which he has not given ten clear days' notice to the Member- Secretary, unless the Chairperson may permit him to do so.

(6) The Central Advisory Board may adjourn its meeting from day to day or to any particular day.

(7) Where a meeting of the Central Advisory Board is adjourned from day to day, the Member-Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(8) Where a meeting of the Central Advisory Board is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).

23. Presiding officer.- The Chairperson shall preside over every meeting of the Central Advisory Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside over that meeting.

24. Quorum.- (1) One-third of the total members of the Central Advisory Board shall form the quorum for any meeting.

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

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

(4) No matter, which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.

25. Minutes.- (1) The Member-Secretary shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

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

26. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22 shall be transacted at any meeting.

27. Agenda for the meeting of the Central Advisory Board.- (1) The business of the meeting shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(2) At the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

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

29. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Central Advisory Board shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

CHIEF COMMISSIONER AND COMMISSIONER FOR PERSONS WITH DISABILITIES

30. Qualification for appointment of Chief Commissioner.– No person shall be eligible for appointment as Chief Commissioner, unless -

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) he is having experience of at least twenty-five years in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as a senior level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

(c) he has not attained the age of sixty years as on 1st January of the year of recruitment.

Note.- If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post.

31. Qualification for appointment of Commissioner. – No person shall be eligible for appointment as Commissioner, unless-

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.

(b) he is having at least twenty years experience in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development; and

(c) he has not attained the age of fifty-six years as on 1st January of the year of recruitment.

32. Method of appointment of the Chief Commissioner and Commissioner.– (1) The Central Government shall, six months before the post of Chief Commissioner is due to fall vacant, advertise in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the qualifications specified in rules 30 and 31.

(2) A search-cum-selection committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner or the Commissioner.

(3) The search-cum-selection committee shall be constituted in accordance with the instructions issued by the Government from time to time.

(4) The panel recommended by the committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) and other eligible persons whom the Committee may consider suitable.

(5) The Central Government shall appoint one of the candidates recommended by the search-cum-selection committee as the Chief Commissioner or the Commissioner.

33. Term of the Chief Commissioner and Commissioner.- (1) The term of office of Chief Commissioner shall be for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

(2) The term of office of the Commissioner shall be for a period of three years and may be extended for a period of another two years or till he attains the age of sixty years, whichever is earlier.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms subject to the condition that he has not attained the age of sixty-five years, or sixty years, respectively.

34. Salary and allowances of the Chief Commissioner and Commissioner- (1) The Chief Commissioner shall be entitled for the salary and allowances as admissible to a Secretary to the Government of India.

(2) The Commissioner shall be entitled for the salary and allowances as admissible to a Additional Secretary to the Government of India.

(3) Where a Chief Commissioner or the Commissioner being a retired Government servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.

35. Other terms and conditions of service of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner and the Commissioner shall be entitled to such leave as is admissible to a Government servant under the Central Civil Service (Leave) Rules, 1972.

(2) The Chief Commissioner and the Commissioner shall be entitled to such leave travel concession as is admissible to a Group "A" officer under the Central Civil Services (Leave Travel Concession)Rules, 1988.

(3) The Chief Commissioner and the Commissioner shall be entitled to such medical benefits as is admissible to a Group "A" officer under the Central Government Health Scheme.

36. Resignation and removal.- (1) The Chief Commissioner and the Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the office:

Provided that he shall continue in the office till his resignation is accepted.

(2) The Central Government may remove a person from the office of the Chief Commissioner and the Commissioner, if he -

(a) becomes an undischarged insolvent;

(b) engages during his term of office in any paid employment or activity outside the duties of his office;

(c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;

(e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or

(f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, *mutatis mutandis*, applicable for removal of a Group "A" employee of the Central Government.

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

37. Residuary provision.– The conditions of service of the Chief Commissioner and the Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to the Secretary and Additional Secretary to the Government of India, as the case may be.

38. Procedure to be followed by Chief Commissioner and Commissioner.- (1) An aggrieved person may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or the Commissioner or send it by registered post or by email addressed to the Chief Commissioner or the Commissioner, namely:-

(a) the name, description and the address of the aggrieved person;

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

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

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

(e) the relief which the aggrieved person claims.

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

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.

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

(5) Where the opposite party or his agent fails to appear on the date of hearing, the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

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

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

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

39. Advisory Committee to assist the Chief Commissioner.- (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-

(a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of

whom two shall be women;

(b) three experts in the field of barrier-free environment-

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from information and communication technology or other services and facilities provided to the public;

(c) one expert in the area of employment of persons with disabilities;

(d) one legal expert; and

(e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.

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

(3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.

(4) The non-official members of the Advisory Committee, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(5) The non-official members of the Advisory Committee, not residing in Delhi, shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government.

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

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

(a) names of its officers and staff and a chart showing the organisational set up;

(b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;

(c) the main recommendations made by the Chief Commissioner;

(d) the progress made in the implementation of the Act; and

(e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

NATIONAL FUND FOR PERSONS WITH DISABILITIES

41. Management of National Fund.- (1) There shall be a governing body consisting of following members to manage the National Fund, namely:-

(a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;

(b) Chairperson, Board of National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

(c) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;

(d) two representatives from the Ministry of Health and Family Welfare, Department of School Education and Literacy, Department of Higher Education, Ministry of Labour and Employment, Department of Financial Services and Department of Rural Development in the Central Government, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members;

(e) two persons representing different types of disabilities to be nominated by the Central Government, by rotation – Members;

(f) Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Central Government – Convener and Chief Executive Officer.

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

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

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

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

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

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

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

42. Utilisation of the National Fund.- (1) The amount available under the Trust Fund for empowerment of persons with disabilities and the National Fund for people with disabilities, as on the date of the commencement of the Act, shall form the National Fund.

(2) All monies available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.

(3) All monies belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body, may, subject to the general guidelines of the Central Government, decide.

(4) The Fund shall be invested in such manner as may be decided by the governing body.

(5) The Fund shall be utilized for the following purposes, namely:-

(a) financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government or are not adequately funded under any scheme or programme of the Central Government;

(b) for the purpose of implementation of the provisions of the Act;

(c) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and

(d) such other purposes as may be decided by the governing body.

(6) Every proposal of expenditure shall be placed before the governing body for its approval.

(7) The governing body may appoint secretarial staff including accountants, with such terms and conditions, as it may think appropriate, to look after the management and utilisation of the Fund.

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

44. Annual Report.- The annual report of the Department of Empowerment of Persons with Disabilities shall include a chapter on National Fund.

FORM–I

(Persons with Disabilities Employer's Return)

[See rule *13* (1)]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended……

Name and Address of the Employer……

Whether - Head Office……

Branch Office……

Nature of business/principal activity:……

1. Employment

(a) Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Government establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the Government establishment).

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women with disability

Total ----------

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.

2. Vacancies.- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (Separate figures may be given for men with disability and women with disability).

Number of vacancies which come within the purview of the Act.

Occurred Notified Filled Source

(Describe the source from which filled)

Local/Special Employment Exchange General Employment Exchange

(b) Reasons for not notifying all vacancies occurred during the half year under report vide 2(a) .....

3. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts essential qualification	essential experience	disability wise experience not necessary
1	2	3	4

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated.....

To

The Employment Exchange

Note.- This return relates to half yearly ending 31st March/30th September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

Form -II

(Persons with Disabilities Employer's Return)

[See rule *13* (1)]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer……

Nature of business_____

(describe what the Government establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the Government establishment on

(Specify date)…… (This figure should include every person whose wage or salary is paid by the Government establishment)(Separate figures for men with disability and women with disability may be given).

2. Occupational classification of all employees as given in item -1 above.

(please give below the number of employees in each occupation separately)

Occupation	Number of Employees			
Use exact terms	Men with disability	Women with disability	Total	
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter); Supervisor(tailor); Fitter(internal Combustion engine); Inspector Sanitary); Superintendent Office; apprentice Electrician).				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
Total				

Dated……

Signature of employer

To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 5 under item 2 should correspond to the figure given against item-1.

FORM–III

(Persons with Disabilities Employer's Return)

[See rule *14*]

Name and Address of the Employer……

Whether - Head Office……

Branch Office……

Nature of business/principal activity: ……

Total number of persons on the pay rolls of the Government establishment (This figure should include every person whose wage or salary is paid by the Government establishment).

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment(This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately.

Occupation	Number of Employees			
Use exact terms	Men with disabilities	Women with disabilities	Total	
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
Total				

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year……..

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year.

Number of vacancies which come within the purview of the Act				
Occurred	Notified		Filled	Sources (Describe the source form which filled
	Local Special Employment Exchange	General employment		
1	2	3	4	5
Total				

(b) Reasons for not notifying all vacancies occurred during the half year under report *vide* (a) 2……above.

3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicantions			
Name of the occupation or Designation of the posts	Number of unfiled vacancies/posts		
	Essential qualification	Essential experience	Experience Not necessary
1.	2.	3.	4.

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated....

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 17(1)]

(1) Name : _____ _____ _____

(Surname) (First Name) (Middle Name)

(2) Father's Name : _____ Mother's Name: _____

(3) Date of Birth : _____/_____/_____

(Date) (Month) (Year)

(4) Age at the time of application : _____ years

(5) Sex: Male/Female/Transgender_____

(6) Address:

(a) Permanent address (b) Current Address (i.e. for communication)

_____ _____

_____ _____

(c) Period since when residing at current address _____

(7) Educational Status (please tick as applicable)

(i) Post Graduate
(ii) Graduate
(iii) Diploma
(iv) Higher Secondary
(v) High School
(vi) Middle
(vii) Primary
(viii) Non-literate

(8) Occupation _____

(9) Identification marks (i) _____ (ii) _____

(10) Nature of disability :

(11) Period since when disabled: From Birth//since year _____

(12) (i) Did you ever apply for issue of a certificate of disability in the past ___ yes/no

(ii) If yes, details:

(a) Authority to whom and district in which applied _____

Certificate No. Date:

This is to certify that I have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ registration No. _____permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
- dwarfism
- blindness

(Please tick as applicable)

(B) the diagnosis in his/her case is _____

(A) he/she has _____ % (in figure) _____ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her _____ (part of body) as per guidelines (……number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

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

Signature/thumb impression of the person in whose favour certificate of disability is issued

Form - VI

Certificate of Disability

(In cases of multiple disabilities)

[See rule 18(1)]

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

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

Certificate No. Date:

This is to certify that we have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____.

Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

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

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

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

In figures : - ---------- percent

In words :- ---------- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after ..... years ..... months, and therefore this certificate shall be valid till
----- ----- ------
(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

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

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

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

Signature/thumb impression of the person in whose favour certificate of disability is issued.

Form – VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

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

[See rule 18(1)]

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

Certificate No. Date:

This is to certify that I have carefully examined

Shri/Smt/Kum _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY)_____ _____ _____ Age _____ years, male/female _____ Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that he/she is a case of _____ disability. His/her extent of percentage physical impairment/disability has been evaluated as per guidelines (……..number and date of issue of the guidelines to be specified) and is shown against the relevant disability in the table below:-

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

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after _____ years _____ months, and therefore this certificate shall be valid till (DD/MM/YY) _____ _____ _____

@ - eg. Left/Right/both arms/legs

- eg. Single eye/both eyes

€ - eg. Left/Right/both ears

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

Nature of document	Date of issue	Details of authority issuing certificate

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

Countersigned
{Countersignature and seal of the
Chief Medical Officer/Medical Superintendent/
Head of Government Hospital, in case the
Certificate is issued by a medical authority who is
not a Government servant (with seal)}

Signature/thumb impression of the person in whose favour certificate of disability is issued

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

FORM - VIII

[Intimation of rejection of Application for Certificate of Disability]

[See rule *18* (4)]

No. _____ Dated :

To,

(Name and address of applicant
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated_____ for issue of a Certificate of Disability for the following disability:

_____

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

(i)

(ii)

(iii)

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

Yours faithfully,

(Authorised Signatory of the notified Medical Authority)

(Name and Seal)

[F. No. 03-01/2017-DD-III]

DOLLY CHAKRABARTY, Jt. Secy.

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