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EXTRAORDINARY

Hkkx II—[k.M 3—mi&[k.M (i)

PART II—Section 3—Sub-section (i)

izkf/dkj ls izdkf'kr

PUBLISHED BY AUTHORITY

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ubZ fnYyh] lkseokj] ekpZ 11] 2019@iQkYxqu 20] 1940

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NEW DELHI, MONDAY, MARCH 11, 2019/ PHALGUNA 20, 1940

Lkkekfkd U;k; vkSj vf/kdkfjrk ea=ky;

 $\frac{1}{4}$ fnO;kaxtu l'kfDrdj.k foHkkx $\frac{1}{2}$

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ve blfy, dsUnzh; ljdkj fnO;kaxtu vf/kdkj vf/kfu;e] 2016 $\frac{1}{4}$ 2016 dk 49 $\frac{1}{2}$ dh /kkjk 100 vkSj mi /kkjkvksa $\frac{1}{4}$ 1 $\frac{1}{2}$ vkSj $\frac{1}{4}$ 2 $\frac{1}{2}$ }kjk iznÜk “kfDr;ksa dk iz;ksx djrs gq, ,rn~}kjk fuEufyf[kr fu;e cukrh gS] uker%&

1. y?kq] 'kh"kZ ,oa lhek.- $\frac{1}{4}$ 1 $\frac{1}{2}$;g fu;e fnO;kaxtu vf/kdkj $\frac{1}{4}$ la'kks/ku $\frac{1}{2}$ fu;e] 2019 dgs tk ldrs gSa A $\frac{1}{4}$ 2 $\frac{1}{2}$;g fu;ekoyh buds vf/kdkfjd jkti= esa izdk'ku dh frfFk ls ykxw dh tk,xhA

2- fnO;kaxtu vf/kdkj fu;e] 2017 es]a v/k; 5 ds lk”pkr] fuEufyf[kr v/k; “kkfey fd;k tk,xk] uker% “v/k; 5 $\frac{1}{4}$ d $\frac{1}{2}$

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(i)]

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fo”ks’kK] lkekU; fpfdRld ¼;fn izkFkhZ 18 o’kZ dk gS vFkok mlls T;knkgS½ vFkok cky
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¼?k½ v,D;wis’kuyFksjsfiLV vFkok okd~ FksjsfiLV vFkok uSnkfud euksoSKkfud vFkok
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¼M-½ dksbZ vU; fo”ks’kK] fls v/;{k mi;qDr le>s & lnL;

¼4½ mi&fu;e ¼1½ esa vafdr vf/klwfr izkf/kdkjh ewY;kadu gsrq izR;sd ekeyk mldk@mldh mPp lgk;rk
vko”;drk

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¼5½ fu/kkZj.k cksMZ mPp lgk;rk vko”;drk okys izkFkhZ dks ewY;kadu ds fy, vkeaf=r djsxk vkSj ;fn
vko”;d gks] rks

uSnkfud fu/kkZj.kdj ldrk gS A

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¼8½ fu/kkZj.kcksMZ vf/klwfr izkf/kdkjh dks ewY;kadu ds fy, dfFkr izkf/kdkjh ls izkIr vuqjks/k dh rkjh[k ls 90 fnuksa dh vof/k esa viuh flQkfj”k tek djsxk A

¼9½ jkT; ljdkj@la?k jkT; {ks= ,sls cSapekdZ fnO;kaxtuksa dks vf/kd lgk;rk iznku djus ds fy, lefiZr ;kstuk,a fodflr djl原因 gSaA

¼10½ mi&fu;e ¼1½ esa vafdr fd, vuqlkj vf/klwfr izkf/kdkjh jkT; ljdkj vFkok la?k jkT; iz”kklu dh ;kstukvksa@dk;Zdzeksa dks /;ku esa j[krs gq.] tks Hkh ekeyk gks] fu/kkZj.kcksMZ dh flQkfj”kksa ds vk/kkj ij vkosnuksa ij mPp lgk;rk dh vko”;drk ds fy, fopkj djsaxs A”

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MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Empowerment of Persons with Disabilities)

NOTIFICATION

New Delhi, the 8th March, 2019

G.S.R.209(E).—Whereas a draft of certain rules to amend 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. 1053(E), dated the 22nd October, 2018 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the day on which the copies of the Official Gazette containing the said notification was 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 23rd October, 2018;

And whereas the objections and suggestions received from the public 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, to amend the Rights of Persons with Disabilities Rules, 2017, namely:-

1. Short title and extent.- (1) These rules may be called the Rights of Persons with Disabilities (Amendment) Rules, 2019.

2. In the Rights of Persons with Disabilities Rules, 2017, after Chapter V, the following Chapter shall be inserted, namely:-

“CHAPTER VA

14A. (1) The State Governments or Union Territory Administrations shall notify the authority to whom a person with benchmark disability can apply for the high support requirement as per sub-section (1) of Section 38 of the Act.

(2) Only the persons with benchmark disabilities having permanent certificate of disability shall be eligible for applying for high support requirement.

(3) The State Governments shall constitute Assessment Board at the District level or Division level based on the number of persons with benchmark disabilities comprising the following:-

(a) District Chief Medical Officer or Civil Surgeon or Medical Superintendent.....Chairperson;

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[PART II—SEC. 3(i)]

(b) District Social Welfare Officer.....Member;

(c) Five rehabilitation specialists [Physical Medicine and Rehabilitation or Orthopaedic specialist, ENT specialist, Ophthalmologist, General Physician (if the applicant is 18 years or above) or Pediatrician (if the applicant is less than 18 years), Psychiatrist].....Members;

(d) Occupational therapist or speech therapist or Clinical Psychologist or Physiotherapist (as per requirement).....Member;

(e) Any other expert as the Chairperson deems appropriate.....Member.

- (4) The authority notified under sub-rule (1) shall refer every case to the Assessment Board for assessment of applicant's high support requirement.
- (5) The Assessment Board shall invite the applicant of high support requirements for assessment and may, if necessary, seek clinical assessment.
- (6) The Assessment Board shall assess the applicant on the basis of the six parameters (a) to (f) and assign scores on the basis of the 100 point graded weightage indicated below:-

Parameters		Weightage
(a)Severity of physical disability (Max. weightage – 25)	(a)40% - 59%	15
	(b)60% - 79%	20
	(c)80% - 100%	25
(b)Severity of mental/developmental disability (which restricts the person to take any informed decision) (Max. weightage – 25)	(a)40% - 59%	15
	(b)60% - 79%	20
	(c)80% - 100%	25
(c)The extent to which daily activities in a person is hampered (Max. weightage – 35)	(i) Bathing, Brushing, combing, Dressing	10
		10
	(ii)Toilet hygiene (getting to the toilet, cleaning oneself, getting backup etc)	10
		5
(d)Cognitive Abilities like ability to take safety measures to use transport, logistics, gadgets, not to get lost (Max. weightage – 5)	(iii)Functional mobility (ability to work, get in and out of bed, get in and out of a chair, moving from one place to other while performing activities)	
	(iv)Self-feeding (not including cooking)	
(e) Environmental Barriers like access to health care or support systems for rehabilitation or health needs (Max. weightage – 5)	-	5
(f)Socio-economic status (Max. weightage – 5)	APL BPL	0 5
Total		100

(7) Any person with benchmark disability with a score 60 out of 100 point mentioned in sub-rule (6) may be recommended by the Assessment Board for high support needs.

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(8) The Assessment Board shall submit its recommendations to the authority notified under sub-rule (1) within a period of 90 days from the date of receiving request for assessment from the said authority.

(9) The State Government or Union Territory Administrations may develop dedicated schemes to provide high support to such persons with benchmark disabilities.

(10) The authority notified under sub-rule (1) shall consider the application for high support requirement on the basis of the recommendations of the Assessment Board keeping in view the schemes or programmes of the respective State Governments or Union Territory Administrations, as the case may be.”

[F. No. 16-16/2017-DD-III]

DOLLY CHAKRABARTY, Jt. Secy.

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