

**GOVERNMENT OF MEGHALAYA  
SOCIAL WELFARE DEPARTMENT**

**NOTIFICATION**

*Dated Shillong, the 11<sup>th</sup> January, 2005*

No. SW(S) 106/94/ 528, – In exercise of the powers conferred by Sub-section (1) of Section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), the State Government of Meghalaya hereby make the following rules, namely,-

1. (1) These rules may be called the Meghalaya Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2004.  
(2) They shall come into force on the date of their publication in the official gazette.  
(3) They extend to the whole State of Meghalaya.
2. In these rules, unless the context otherwise requires -
  - (a) “Act” means Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
  - (b) “Chairperson” means a Chairperson appointed under the Act;
  - (c) “Member” means a member appointed under the Act;
  - (d) “Member-Secretary” means a Member-Secretary appointed under the Act;
  - (e) “Notification” means a Notification published in the Official Gazette;
  - (f) “Prescribed” means Prescribed by rules;
  - (g) “Rules” means Rules made under the Act;
  - (h) “Section” means a Section under the Act;
  - (i) “Special Employment Exchange” means Special Employment Exchange, special cell in normal employment exchange, and such employment exchanges which are notified special employment exchanges by notification in the official Gazette;
  - (j) “Vice Chairperson” means Vice- Chairperson appointed under the Act; and
  - (k) “Year” means the financial year commencing on the first day of April.

3. **Guidelines for evaluation of various disabilities** – Guidelines for evaluation of various disabilities as published in the Gazette of India, Part 1, Section 1, No. 4-2/83-HVV. III, Government of India, Ministry of Welfare, and as may be amended from time to time, shall be followed for evaluation of various disabilities read with Section 2 (b), (e), (i), (l), (n), (o), (q), (r), (t) and (u).

4. **Authorities to give Disability Certificate** – (1) A Disability Certificate will be issued by a Medical Board, duly constituted by the State Government. The State Government will constitute a Medical Board consisting of at least three members of which at least one may be a Specialist in the particular field for assessing blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation and mental illness as the case may be.

(2) The Medical Board will, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. Wherever there is a chance of variation in the degree of disability, the Medical Board will indicate the period of validity in the certificate.

(3) The Certificate issued under the above rule will be valid for the whole of the country except the State of Jammu and Kashmir and will make a person eligible to apply for facilities, concessions and benefits admissible under any scheme of Government or Non Governmental organizations, subject to such conditions as the Central or the State Government may impose from time to time.

5. The appeal of an aggrieved person is to be dealt with by an Appellate Medical Board to be constituted by State Government.

6. **Membership Roll** – The Member-Secretary shall keep a record of names of members and their addresses.

7. **Change of Address** – If a member changes his address, he shall inform his new address to the Member-Secretary who shall thereupon enter his new address in the official records but if he fails to notify his new address, the address in the official records shall for all purposes be deemed to be member's correct address.

8. **Notice of meetings** – (1) The Meetings of the State Co-ordination Committee shall ordinarily be held at the State Headquarters 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, upon the written request of not less than 5 months of the State Co-ordination Committee, call a special meeting of the State Co-ordination Committee.

(3) Fifteen clear days notice of an ordinary meeting and five clear days notice of a special meeting specifying the time and the place at which such meetings is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given 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 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, in his discretion, permits him to do so.

(6) The State Co-ordination Committee may adjourn its meeting from day to day or to any particular day.

(7) Where a meeting of the State Co-ordination Committee is adjourned from day to day, notice of such adjourned meetings shall be given to the members available in the city, town, or other place where the meeting which is adjourned if held, either by telephone or special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(8) Where a meeting of the State Co-ordination Committee is adjourned not from day to day but from the day of which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4).

9. **Presiding Officer** – The Chairperson shall preside at every meeting of the Board at which he is present, and in his absence, the members present shall elect one of the members to preside at that meeting.

10. **Quorum** – (1) One-third of the total members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members 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 original meeting shall be discussed at such adjourned meeting.

(5) Where a meeting of the State Co-ordination Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(6) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of Rule 8.

11. **Minutes** – (1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for the purpose by the Member-Secretary.

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

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

12. **Absence from meetings of State Co-ordination Committee** – Any member of the State Co-ordination Committee absenting himself from three consecutive meetings without leave of the Chairperson shall cease to be a member of the State Co-ordination Committee.

13. **Maintaining Order at Meeting** – The presiding officer shall maintain order at the meeting.

14. **Business to be transacted at meeting** – (1) Except with the permission of the presiding officer, no business which is entered in the agenda or of which notice has not been given by a member under sub-rule (5) of Rule 8, shall be transacted at the meeting.

(2) At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the chair.

15. **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. In the event of equality of votes, the Chairperson, or in the absence of Chairperson, the Vice-Chairperson or in the absence of both the Chairperson and the Vice-Chairperson, the member presiding at the meeting, as the case may be, shall have casting vote.

16. **No Proceedings to be invalid due to vacancy or any defect** – No proceeding of the State Co-ordination Committee shall be invalid merely by reasons of existence of any vacancy or any defect in the constitution of the Committee.

17. **Notice of Meetings** – (1) The meetings of the State Executive Committee shall ordinarily be held at the State Headquarters, 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, upon the written request of not less than 10 members of the State Executive Committee, call a special meeting of the State Executive Committee.

(3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted there at shall be given by the Member-Secretary to the members.

(4) Notice of a Meeting may be given 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 such other manner as the Chairperson, may in the circumstances of the case, thinks 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, in his discretion, permits him to do so.

(6) The State Executive Committee may adjourn its meetings from day to day or to any particular day.

(7) Where a meeting of the State Executive Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available in the city, town, or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

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

18. **Presiding Officer** – The Chairperson shall preside at every meeting of the Board at which he is present, and in his absence, the members present shall elect one of the members to preside at the meeting.

19. **Quorum** – (1) One third of the total members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members 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 original meeting shall be discussed at such adjourned meeting.

(5) Where meeting of State Executive Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(6) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum not to the following date but to another date, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of Rule 17.

20. **Minutes** – (1) Record shall be kept of the names of members who attend the meeting and of the proceedings of the meeting in a book to be maintained for that purpose by the Member-Secretary.

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

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

21. **Absence from Meetings of State Executive Committee** - Any member of the State Executive Committee absenting himself for three consecutive meetings without leave of the Chairperson shall cease to be a member of the State Executive Committee.

22. **Maintaining order at meeting** – The Presiding Officer shall maintain order at the meeting.

23. **Business to be transacted at meeting** – At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the chair.

24. **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 Chairperson, the member presiding at the meeting, as the case may be, shall have casting vote.

25. **No proceeding to be invalid due to vacancy or any defect** – No proceeding of the State Executive Committee shall be invalid merely by reasons of existence of any vacancy in or any defect in the Constitution of the Committee.

26. **Manner and purpose of Association of Persons with State Executive Committee** - The State Executive Committee may invite any person, whose assistance or advice, if considered useful in performing any of his functions, to participate in the deliberations of any of its meetings.

27. **Fee for the associated person** – Notwithstanding anything in Rule 27, the State Executive Committee may pay the person associated with the Committee, not less than Rs.6000/- p.m. with the prior approval of the State Government. Such fees as considered appropriate pending on the nature of work assigned under Section 17, and the qualifications and experience of the associated person;

Provided that the State Executive Committee shall not associate any person without the prior approval of the State Government, if the period of association exceeds four months or fees/honorarium payable to him.

28. **Associated person not to disclose any information** – The associated person shall not disclose any information either given by the State Executive Committee or obtained during the performance of the duties assigned to him either from the State Executive Committee or otherwise, to any person other than the State Executive Committee without the written permission of the chairperson of the Committee.

29. **Duties and functions of the associated person** – The associated person shall discharge such duties and perform such functions as are assigned to him, by the State Executive Committee.

30. **Procedures to be followed by Commissioner** – (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Commissioner of persons with disabilities or be sent by registered post addressed to the Commissioner:

- a) The name, description and the address of the complainant;
- b) The name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;
- c) The facts relating to complaint and when and where it arose;
- d) Document in support of the allegations contained in the complaint; and
- e) The relief which the complainant claims.

(2) The Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party/ parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended reasonable period as may be granted by the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties of their agents to appear before the Commissioner. Where the complainant or his agent fails to appear before the Commissioner on such days, the Commissioner may in his discretion either dismiss the complaint on default or decide on merits. Where the opposite party or his agent fails to appear on the date of hearing the Commissioner may take such necessary action under Section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party. He may, however, decide to dispose off the complaint ex-parte also.

(4) The Commissioner may on such terms as he/ she deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

31. **Submission of Report to the State Government** – The Commissioner shall submit report to the State Government on the implementation of the Act under Section 61 (d) of the Act at the interval of six months in such a manner that at least two reports are sent in one financial year.

32. **Submission of Annual Report** – (1) the Commissioner shall, as soon as possible, after the end of the financial year but not later than the 30<sup>th</sup> day of September in the next year ensuing, prepare and submit to the State Government an annual report giving a true and faithful 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 officers of staff of the Board and a chart showing the organizational set up;
- (b) The functions which the Commissioner has been empowered under Section 61 and 62 of the Act and the highlights of the performance in this regard;
- (c) The main recommendations made by the Commissioner;
- (d) Progress made in the implementation of the Act district wise; and
- (e) Any other matter deemed appropriate for inclusion by the Commissioner or prescribed by State Government from time to time.

33. **The form of application** – Every application for a certificate of registration shall be made in Form – IV.



34. **Order refusing to give Grant Certificate** – The competent authority may, after giving the applicant reasonable opportunity of being heard, make an order refusing to grant a certificate. Such order will contain specific reasons for refusal to grant such a certificate and shall be communicated to the applicant through registered post.

35. **Validity of Certificate of Registration** – A certificate of registration granted under Section 52 shall, unless revoked under Section 53, remain in force for a period of three years.

36. **Appeal** – A person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within a period of thirty days, prefer an appeal to the Government against such refusal or revocation:

Provided that the said government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filling it within that period.

Sd/-  
(S.S. Gupta)  
Commissioner and Secretary to the Govt. of Meghalaya,  
Social Welfare Department

*Memo. No. SW(S) 106/94/528-A*

*Dated Shillong, the*

*2005*

Copy forwarded to: -

1. P.S. to Chief Minister for information of Chief Minister.
2. P.S. to Chief Secretary for information of Chief Secretary.
3. P.S. to Additional Chief Secretary for information of Additional Chief Secretary.
4. P. S. to Minister Social Welfare for information of Minister.
5. All Principal Secretaries/ Commissioner and Secretaries to the Government of Meghalaya.
6. Director, Printing and Stationery, Shillong for favour of publication in the Meghalaya Gazette. He is also requested to send 300 printed copies of the Rules to this Department.
7. All Administrative Departments including P.W.D.
8. All Heads of Departments.
9. Guard File.

By order etc...,

Deputy Secretary to the Govt. of Meghalaya,  
Social Welfare Department

## **FORM – IV**

1. Name of the Applicant Organisation :
2. Address and Phone Number :
3. Applicant is :
  - (a) An organization registered under the Societies Registration Act, 1860 (Act XXI of 1860) :
  - (b) A Public Trust registered under any Law for the time being in force :
  - (c) Indian Red Cross Society or its branches :
  - (d) Company registered under Section 25 of the Companies Act, 1956 :
  - (e) Any other organization (details of the registration with the name of the Act) which may be recognized by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act) :
4. Date of establishment of the Organisation :
5. Nature of the Organisation. (Please indicate precisely whether it is educational or training institution or a workshop for the blind, the deaf and dumb, the orthopaedically handicapped or mentally retarded persons, etc.) :
6. Brief history of the Organisation and of its objects and activities :
7. Whether recognized by the State Government :
8. Whether the Organisation is of an All India Character. If so, give the nature of its All India activities :
9. Whether located in its own/ rented building :

10. Present number of disabled beneficiaries :
11. Likely dates of commencement and completion of project :
12. Whether the project is likely to be assisted by some other official or non-official source :
13. Whether necessary land for the proposed building is available. If so, give details, (Please indicate the location of the plot and enclose permission certificate for construction from the competent authority, etc.) :
14. (a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details.  
  
(b) In case new staff is to be appointed, give details of the qualifications, academic, professional and experience prescribed for the purpose.  
  
(c) Number of the employees working in the Organisation.
15. List of papers/ statements to be attached:
  - (a) Prospectus or a brief descriptive note giving aims and objects/ activities of the Organisation;
  - (b) Constitution of the Organisation ;
  - (c) Constitution of the Board of Management with particulars of each Member;
  - (d) Latest available annual report:
  - (e) Income and Expenditure accounts, and Receipt and Payment accounts duly audited by a Chartered Accountant or a Government Auditor for the last two years for the Organisation as a whole (along with a copy of the certified balance sheet from the previous financial year for the Organisation as whole);

- (f) A statement giving details (year, purpose, amounts, etc.) of assistance received during the last five years from the Central/ State Government, Central Social Welfare Board, Local Bodies or any other quasi-Government Institution including requests made thereof to any one of those or any other Organisation for the projects under the Consideration or for any other project;
- (g) A statement giving item-wise and year-wise details of estimated recurring and non-recurring expenditure on the project;
- (h) A copy of each of the plan of the proposed building (rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction; and
- (i) A statement indicating the equipments, apparatus, furniture, library books, etc. (by number of details whichever is possible) already available and separately a statement indicating the above items purchased year-wise with financial assistance from the Ministry of Welfare: and
- (j) Details budget estimated of the Organisation as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for;

16. List of additional papers, if any:

17. List of additional information, if any: