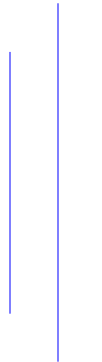


Government of Nepal

The Protection and welfare of the Disabled Persons rules



2051



English Translation

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Part 3

Notice of

His Majesty's Government

Ministry of Education, Culture and Social Welfare

**The Protection and welfare of the Disabled Persons
Rules, 2051 (1994)**

In Exercise of the powers conferred by Section 24 of the Protection and Welfare of the Disabled Persons Act, 2039 (1982), His Majesty's Government has framed the following Rules:

1. Short title and commencement:

1. These Rules shall be cited as "the Protection and Welfare of the Disabled Persons Rules, 2051 (1994)"
2. These Rules shall commence at once.

2. Definitions: Unless the subject or context otherwise provides, in these Rules:-

- a) "Act" Means the Protection and Welfare of the Disabled Persons Rules, 2039 (1982).
- b) "Board of Director" means the Board of Directors of the disabled person home constituted number Rule 11 for the operation of the disabled person home.
- c) "Ministry" means the Ministry of Education, Culture and Social Welfare.

3. Disability Determination Committee:

- (1). In cases where any doctor has not been designated for the definition of disabled persons and determination of disability under sub-section (2) of Section 3 of the Act, the Ministry may for the purpose of the said sub-section constitute a Disability Determination Committee consisting in maximum of seven members comprising of the organization, associations, doctors and experts related with the disabled person welfare. The name of the chairman, member and secretary of the Committee to be constituted and their term of office shall be as prescribed at the time when the Committee is constituted.
- (2). The Committee shall itself set the procedures with respect to the meetings of the Committee constituted under sub-rule (1)

4. To maintain inventory:

- (1). A village Development Committee or Municipality shall maintain up-to-date inventory of the disabled persons within its own area.
- (2). The Social Welfare Office shall, through the concerned Village Development Committee or Municipality and with the help also of the association, organizations relating to the disabled persons welfare engaged in local level, prepare the record according to the nature and type of the disabled persons, and mandatory send a copy thereof to the Ministry; and the Ministry shall on the basis also of the records prepare and keep the national records according to the nature and type of the disabled persons in the Kingdom of Nepal.

(3). The Central Bureau of Statistics shall so set out an inventory of disabled persons as is to clearly reflect in the National Census.

5. Identity card may be granted: The Social Welfare Office may for the purpose of providing facilities to the disabled persons under the Act and these Rules grant identity card in a format as prescribed.

6. Functions; duties and powers of the Social Welfare Office: The functions, duties and powers of the Social Welfare Office shall be as follows:

- a) To formulate district level plan and programme with respect to the protection of the interests of the disabled persons and the disabled persons welfare and submit it to the Ministry for approval.
- b) To carry out or cause to be carried out the directions of the Ministry.
- c) To evaluate the implementation condition of an approved programme and forward the progress details to the Ministry.
- d) To explore necessary source for the protection of the interests of and welfare of the disabled persons in the district and mobilize the available sources to a maximum extent.
- e) To carry out or cause to be carried out such other functions the Ministry prescribes as.

7. Terms of service and facilities of the Social Welfare Office: The remuneration, terms of service and facilities of the Social Welfare Office shall be as prescribed by the Ministry.

8. Establishment and operation of disabled person home:

- (1). His Majesty Government may as per necessity establish the disabled person homes in various areas of the Kingdom of Nepal.
- (2). His Majesty's Government may utilize even a disabled person home operated by any other person or association until the disabled person house is established under sub-rule 1)
- (3). Provided that nothing contained in this sub-rule shall be deemed to confer His Majesty's Government the powers to intervene with operation of such disabled person home. In case the Social Welfare Office or police personnel shall himself find any aged or helpless disabled person or any other person shall come to hand over the disabled person, he shall record the details including three generation, if possible name, surname, address, photograph and any special marks on the body, of such disabled person as well as the thumb impressions of such disabled person, and hand over such disabled person to the nearby disabled person home, and the chief of the concerned disabled person home shall also receive the disabled person.
- (4). The chief of a disabled person home shall keep the aged or helpless disabled persons separately on the basis of sex.
- (5). The Social Welfare Officer, chief of a disabled person home or the Police office may, for the purpose of finding out the father, mother, relative or guardian of an unclaimed helpless disabled person, publish a notice along with the identification mark and photograph of such disabled person in any news-paper or get it broadcasted through other means of communication.

9. Chief of disabled person home:

- (1). His Majesty's Government may appoint or designate any person as the chief of a disabled person home to act as the chief of the disabled person home established under there Rules.

- (2). The remuneration, terms of service and facilities of the chief of the disabled person home appointed or designated under sub-rule 1) shall be as prescribed by the Ministry.

10. Functions, duties and powers of the chief of disabled person home: The functions, duties and powers of the chief of a disabled person home shall be as follows:

- a) To assist the Board of Directors to formulate the long-term policy and plan of the disabled person home.
- b) To prepare annual programme and budget of the disabled person home according to the approved policy and plan and submit it to the Board of Directors for approval,
- c) To implement or cause to be implemented the decisions and directives of the Board of Directors.
- d) To carry out or cause to be carried out the day-to-day business of the disabled person home and supervise it,
- e) To or cause to monitor and evaluate the programmes of the disabled person home and submit the progress details to the meetings of the Board of Directors,
- f) To deal the financial transactions of the disabled person home and cause to be maintained the accounts there of correctly,
- g) To carry out or cause to be carried out such other functions as are delegated and directed by the Board of Directors.

11. Constitution of the Board of Directors:

- 1) The Ministry shall in order to operate the disabled person home constitute a Disabled Person Home Board of Directors consisting in maximum of seven members including the members from amongst the local social workers, woman social workers, doctors and teachers.
- 2) The functions, duties of the chairman, member and secretary of the Board of Directors and their tenure shall be as prescribed by the Ministry at the time of constitution of the Board.

12. Functions, duties and powers of the Board of Directors: The functions, duties and powers of the Board of Directors shall be as follows:-

- a) To formulate the long-term policy and programme of the disabled person home and submit them to the Ministry through the Social Welfare Officer for approval.
- b) To prepare and approve annual programme according to the approved policy and plan, to explore necessary resources for its operation and mobilize the available resources.
- c) To make or cause to be made appropriate arrangements with respect to the facilities including lodging, fooding and clothing as well as other to the aged disabled persons and helpless ones staying in the disabled person home.
- d) To arrange or cause to be arranged extra-activities including entertainment and cultural programmes for the physical and mental development of the aged or helpless disabled person.
- e) To or cause to review as well as evaluate the working progress of the disabled person home.
- f) To make arrangements for the regular health examination and medical treatment, as per necessity, of the aged or helpless disabled persons.
- g) To abide by or cause to be abided by the recommendations and directions made/given by the Ministry or the Social Welfare Officer in regard to the operation of the disabled person home.

13. Procedures with respect to meeting: The procedures with respect to the meetings of the Board of Directors shall be as set by Board of Directors itself.

14. His Majesty's Government to provide assistance: His Majesty's Government may provide necessary assistance to the organizations/associations or the disabled person homes, involved in the disabled persons welfare act, operated in non-government as well as private level.

15. Arrangements for education and training:

- 1) In case any association operated in non-governmental or private level is to arrange education as well as training to the disabled persons, the Ministry may provide necessary assistance to such association.
- 2) The Ministry shall make arrangements for free education up to a certain level to in minimum of two descendants of a disabled person.
- 3) The Ministry may establish and operate the school providing special education in a required number in the Kingdom of Nepal, to provide education to such disabled persons according to the nature and type of the disability.
- 4) The provision with respect to the operation of the schools established under sub-rule 3) and the remuneration, terms of service and facilities of the teachers and staff working in such schools shall be as provided for in the education Rules, 2049 (1992).
- 5) In case the technical and vocational trainings to be provided by His Majesty's Government and any corporate body under full or majority ownership of His Majesty's Government shall be useful for the disabled person, five per cent seats shall be reserved for them in such training; and no fees in any form shall be collected from the disabled persons for such trainings.

16. Provisions with respect to medical treatment:

- 1) The health of the disabled persons shall be checked up free of cost in the hospitals within the Kingdom of Nepal.
- 2) There shall be arranged at least two seats free of cost in the governmental hospital having more than fifty beds within the Kingdom Nepal, for the treatment of the disabled persons.
- 3) Arrangements may be made for the free medical treatment of the aged disabled persons above the age of 65 years and the helpless disabled persons in the governmental hospital within the kingdom of Nepal.
- 4) In case any non-government hospital shall arrange, with obtaining prior approval of His Majesty's Government, for free health check-up, free beds or medical treatment to the disabled persons, the Ministry may provide necessary assistance to such hospital.

17. To give priority to the disabled persons in work:

- 1) His Majesty's Government and corporate bodies under full or majority ownership of His Majesty's Government, shall give priority to the disabled persons in such works as are conducive to the education, training and physical condition of the disabled persons.
- 2) No discrimination in any form between the disabled employees and other employees working in His Majesty's Government and corporate body under full or majority ownership of Majesty's Government shall, subject to the Act, be made with respect to remuneration, facilities and other terms of service.

18. Exemption from income tax:

- 1) A factory providing employment to the disabled persons shall be fully exempted, by following the process of the prevailing law from income-tax on the amount of

remuneration, allowances or any other facilities of concessions provided by the facilities or concessions provided by the factory to the disabled persons.

- 2) The sum of expenses incurred by any factory for the special replace made or for the spare-parts fitted in the machinery of the factory in order to appoint the disabled persons, shall be fully exempted from income tax by following the process of the prevailing law.

19. Provision of disabled person service fund;

- 1) His Majesty's Government may establish a disabled person service fund for the education, training health-treatment and rehabilitation of the disabled persons, and the fund shall comprise of the amounts as mentioned below:
 - a) Amonuts received from His Majesty's Government.
 - b) Amounts of donation, gift, astistance etc. received from any person, association and organization.
 - c) Amounts received from any othersource.
- 2) The amounts collected in the name of the disabled person service fund shall be deposited in an account, which shall be opend with any bank within the Kingdom of Nepal.
- 3) The operation of the account of the disabled person service fund and other provisions relating there to shall be as prescribed by the Ministry.

20. Legal facility: In case any disabled person wishes to have legal facility of any type in the course of the hearing of a case/ suit, he shall be provided with necessary legal facility through stipendiary lawyer appointed by His Majesty's Government.

21. Terms/restrictions for the use of the land: The land to be made available to the disabled person for the purpose of housing or agriculture under sub-section 1) of section 10 of the Act, may be made available on the terms that the land shall not be sold or disposed.

22. Delegation of powers: The Ministry may delegate all or any of the powers conferred on it under these Rules to any association, organization established undre the prevailing law or to a body or office-bearer under it.

By order,

Ishwor Prasad Upadhyaya
Secretary to His Majesty's Government