

भारत सरकार
GOVERNMENT OF INDIA



लद्दाख का राजपत्र

The Ladakh Gazette

एस.जी.-एल.डी.-अ.-02042024-1283
SG-LD-E-02042024-1283

EXTRAORDINARY
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

लद्दाख, 28 मार्च, 2024
LADAKH, THURSDAY, MARCH, 28, 2024

Part II - Section 3

केन्द्र-शासित प्रदेश लद्दाख प्रशासन
ADMINISTRATION OF UNION TERRITORY OF LADAKH

File No: A/11/2021-S&TW SEC

Department of Social & Tribal Welfare

Notification

Ladakh, the 5th of February, 2024

S.O. 8.- Whereas a draft of the Rights of Persons with Disabilities Rules, 2021 was published as required by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Ladakh Gazette, Extraordinary, Part-I, vide number S.O 64 dated 9th December 2021, 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 16th of December, 2021;

And whereas objections and suggestions received from the public on the said draft rules were considered by the Administration of Union territory of Ladakh;

And whereas the revised draft of the Rights of Persons with Disabilities Rules was again published on Ladakh gazette and also placed in public domain vide letter dated 1st September 2023, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the draft was made available to the public;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Administration of Union territory of Ladakh hereby makes the following rules, namely:-

CHAPTER-I

PRELIMINARY

- 1. Short title and Commencement.-** (1) These rules may be called the Ladakh Rights of Persons with Disabilities Rules, 2024.
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.-** (1) In these rules, unless the context otherwise requires,-
 - (i) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
 - (ii) "Certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of section 57 of the Act;
 - (iii) "Certificate of registration" means a certificate of registration issued by the competent authority under section 50 of the Act;
 - (iv) "Form" means a form appended to these rules; and
 - (v) "Section" means the section of the Act.(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. Union Territory Committee for Research on Disability.-** (1) The Committee for Research on Disability at the Union territory Level shall consist of the following members, namely:-
 - (i) Administrative Secretary, Health and Medical Education Department, or Head of an Institution dealing in the field of Science and Medical research to be nominated by the Administration of UT of Ladakh, ex-officio Chairperson;
 - (ii) Representative from the Directorate of Health Services – Member;
 - (iii) Representative from Medical College, preferably a doctor with disability - Member;
 - (iv) Five members as representatives from a registered Union territory level organization representing each of the five groups of specified disabilities in the Schedule of the Act, to be nominated by the Administration – Members:
Provided that at least one representative of the registered organizations is a woman;
 - (v) Representative from an autonomous institution in the field of Disability under the Administration of UT Ladakh - Member;
 - (vi) Director Social Welfare – Member Secretary;(2) The Chairperson may co-opt any expert in the subject matter of disability in which the research is proposed.
(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 but the nominated members shall be eligible for re-nomination for one more term.

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

(5) The non-official members and special invitees shall be entitled for travelling allowance and dearness allowance as admissible to a Group A or equivalent officer of the Administration of UT Ladakh.

(6) The Committee shall be provided with such clerical and other staff as the Administration of UT Ladakh may consider necessary.

CHAPTER-III

LIMITED GUARDIANSHIP

4. Limited Guardianship.- (1) Chief Judicial Magistrate on its own, or on an application filed by the person with disability, or through a blood relative or filed on behalf of the person with disability through a Government organization or a Registered organization under whose care the person with disability is residing, shall grant the support of a limited guardian to take a legally binding decision on behalf of the person with disability in consultation with such person.

(2) Chief Judicial Magistrate, before granting the support of a limited guardian for the person with disability shall satisfy itself that such a person is not in a position to take legally binding decision on one's own.

(3) Chief Judicial Magistrate shall hold hearings to determine the legal capacity of the person with disabilities; During such hearings, the person with disabilities shall be present. If required, expert opinion shall be sought by the court to determine the legal capacity of the person with disabilities.

(4) The validity period for limited guardianship as appointed under sub-rule (1) shall be initially for a period of three years which can be further extended by the Chief Judicial Magistrate as the case may be:

Provided that the Chief Judicial Magistrate shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

(5) Chief Judicial Magistrate shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to its notice of the need of such limited guardianship: Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship:

Provided that the Chief Judicial Magistrate shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

(6) While granting the support of such limited guardianship, the Chief Judicial Magistrate shall consider a suitable person to be appointed as a limited guardian in the following preference of merit, namely:-

- (a) The parents or adult children of the person with disability;
- (b) Immediate brother or sister;
- (c) Other blood relatives or care givers or prominent personality of the locality; and
- (d) In case the family of the person with disability is not known, Superintendent of the Government Institution or In charge of the Registered organization under whose care the person with disability is residing, may be considered.

(7) Only those individuals who are over the age of 18 years and who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (1 of 1974) shall be appointed as a limited Guardian.

(8) The limited guardian appointed under sub-rule(1) shall consult the person with disability in all matters before taking any legally binding decisions on behalf of the person with disability.

(9) The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability are in the interest of the person with disability.

5. Appellate Authority. - The Appellate authority to appeal against any decision of the Chief Judicial Magistrate for appointment of limited Guardian under sub-rule (1) of rule 4, shall be the District Court.

6. Designated Authority to Mobilize Community and Create Social Awareness to Support Persons with Disabilities in Exercise of their Legal Capacity.-

(1) The District Legal Services Authorities and the Union territory of Ladakh Legal Services Authority established under the provisions of the Legal Services Authority Act, 1987 shall be the designated authorities, respectively at the District and UT level, for the purposes of section 15 of the Act.

(2) The Union territory of Ladakh Legal Services Authority shall, in close consultation with the UT Commissioner for Persons with Disabilities, formulate timely plans and effective strategies to mobilize community and create social awareness to support persons with disabilities in exercise of their legal capacity.

CHAPTER- IV

Certificate of Registration of Institution

7. The Director in the Department of Social Welfare, Administration of Union Territory of Ladakh shall be the competent authority under section 49 for the purpose of registration of Institutions for Persons with Disabilities and grants to such Institutions:

Provided that in case no person is occupying the post of Director, the competent authority, shall be the person occupying the post next in the hierarchy.

8. Application for, and grant of certificate of registration.- (1) A person desirous of establishing or maintaining an institution for person with disabilities may make an application in Form A to the competent authority referred to in rule 4.

(2) Every application made under sub-rule(1) shall be accompanied with,

- (a) Documentary evidence of work or proposed work in the area of disability;
- (b) The Constitution or bye-laws or regulations governing the institution;
- (c) Audited statement, annual report and details of grants received if any in the last three years from the Government, preceding the date of application;
- (d) A statement regarding total number of persons employed in the Institution along with their respective duties;
- (e) The number of professionals employed in the Institution;
- (f) A statement regarding qualifications of the professionals employed by the Institution; and
- (g) The proof of residence of the applicant.

(3) Every application made under subrule (1) shall comply with the following requirements in respect of the concerned institution, namely:-

- (a) that the institution is registered under the Indian Societies Registration Act, 1860 (XXI of 1860)/Indian Trust Act and a copy of such registration certificate/trust deed along with the byelaws and memorandum of association of the society shall accompany the application.
- (b) That the institution has not been running to profit any individual or a body of individuals;
- (c) that the institution has employed professionals registered with the Rehabilitation Council of India to cater to the special needs of Persons with disabilities;

(d) that the institution has adequate teaching and learning material in accessible format for the persons with disabilities;

(e) that the institution is working or proposing to work in the field of rehabilitation of persons with disabilities on the date on which the application is made.

(4) The certificate of registration under this rule, unless revoked under section 52 of the Act, shall remain in force for a period of five years from the date on which it is granted or renewed.

(5) An application for the renewal of certificate of registration shall, be made in the same manner as the application for grant of certificate under sub-rule(1) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate so accompanied:

Provided that such application shall be made before sixty days of the expiry of the validity of such certificate:

Provided further that the competent authority may consider application for renewal of the certificate of registration after 60 days but not later than 120 days, if he is satisfied that sufficient reasons have been provided for such delay.

(6) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (5), the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired if application for its renewal is not made within sixty days as specified in the said proviso.

(7) Every application made under sub-rule (1) or sub rule (5), in which the competent authority referred to in sub-section (1) of section 51 of the Act, is satisfied that the requirements for grant of certificate of registration under the Act and these rules have been complied with, shall be disposed of by it within a period of ninety days thereafter.

(8) Form of issue of Certificate of Registration, refusal and revocation.-

(a) Upon making suitable enquires into the functioning of the organization and being satisfied that the organization can be registered under the provisions of section 51, the competent authority shall issue the Certificate of registration to the organization in Form-B.

(b) The Competent authority may refuse to grant the certificate of Registration after suitable enquires and the same shall be communicated to the organization within a period of ninety days of its application for registration in Form C.

Provided that such communication shall be preceded by the granting of opportunity to the applicant organisation to state its case before the competent authority on a date not later than 15 days from the date of issue of the letter intimating the grant of opportunity.

(c) A certificate of Registration granted under section 51 of the Act may be revoked by the competent authority under provisions of sub-section(1) of section 52 of the Act and such revocation shall be communicated to the organization in Form-D.

9. Appeal against the order of competent authority.- (1) Any person aggrieved by the order of the competent authority referred to in sub-section (1) of section 51 of the Act, refusing to grant a certificate of registration or revoking a certificate of registration may, within thirty days from the date of the order, prefer an appeal against that order to the Secretary, Social Welfare who shall function as appellate authority under sub-section (1) of section 53 of the Act. The Secretary, Social Welfare may, after such enquiry into the matter as is considered necessary and after giving the appellant an opportunity of hearings, make such order as deemed fit.

Provided that the appellate authority may allow an appeal after 30 days but not later than 90 days, if he is satisfied that sufficient reasons have been provided for such delay.

(2) Every appeal preferred under sub-rule (1) shall be decided as expeditiously as possible and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER-V

CERTIFICATE OF DISABILITY

10. Application for certificate of disability.- (1) Any person with specified disability, may apply for a certificate of disability, online on Unique Disability Identity Card Portal, namely, <http://www.swavlambancard.gov.in>

Provided that where a person with disability is a minor or having intellectual disability or any other disability which renders the person with disability unfit or unable to make such an application, the application on behalf of the person with disability may be made by the legal guardian of such a person with disability or the authorized representative of a Government organization having the person with disability under its care or any organization registered under the Act having the person with disability 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.

(3) The Department of Health and Family Welfare, Administration of Union Territory of Ladakh shall ensure compliance of the online application for certificate of disability as specified in the notification of the Government of India in the Ministry of Social Justice and Empowerment, *vide* S.O 1736(E), dated the 5th May, 2021.

11. The Department of Health and Family Welfare, Administration of Union Territory of Ladakh shall notify the certifying authorities who shall be competent to issue a certificate of disability and the jurisdiction and terms and conditions subject to which the certifying authority shall perform its certification functions as per the provisions of sub-sections (1) and(2) of section 57 of the Act.

12. Issue of certificate of disability.- (1) On receipt of an application under rule 10, 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 itself that the applicant is a person with disability, issue a certificate of disability in favor of the applicant on the <http://www.swavlambancard.gov.in>.

(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,-

- a. 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
- b. 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 the applicant on the portal within a period of one month from the date of receipt of the application.

(5) The Department of Health and Family Welfare, Administration of Union Territory of Ladakh shall ensure that the certificate of disability is granted on the online platform <http://www.swavlambancard.gov.in> as per the prescribed timelines.

13. Appellate Authority.- The Appellate authority referred to in sub-section (1) of section 59 of the Act for appeal against any decision of the certifying authorities shall consist of the following persons, namely :-

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|---|--------------|
| (i) Director, Health & Medical Education | Chairperson; |
| (ii) Senior Consultant Physician, SNM Hospital Leh | Member; |
| (iii) Senior Consultant Surgeon, District Hospital Kargil | Member; |
| (iv) Senior Consultant Orthopaedics, SNM Hospital Leh | Member; |

(v) Senior Consultant Paediatrics, District Hospital Kargil

Member;

14. Appeal against the decision of the authority issuing certificate of disability.- (1) Any person aggrieved with the decision of the certifying authority issuing the certificate of disability may within ninety days from the date of the decision, prefer an appeal to the appellate authority in the following manner:-

- (i) The appeal shall contain brief background and the grounds for making the appeal;
- (ii) The appeal shall be accompanied by a copy of the order of rejection issued by the certifying authority:

Provided that where a person with disability is a minor or having any disability which renders the person with disability unfit to make such an appeal, the appeal on behalf of the person with disability may be made by his legal or limited guardian as the case may be.

(2) On receipt of such an appeal, the appellate authority shall provide the appellant an opportunity to present the appellant's case and thereafter pass such reasoned and detailed order as it may deem appropriate.

(3) Every appeal preferred under sub-rule (1) shall be decided as expeditiously as possible and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER- VI

UT ADVISORY BOARD

15. Constitution of Union Territory Advisory Board and Allowances for the Members thereof.- (1) The non-official Members of the UT Advisory Board on disability shall be paid an allowance of Rs 2000/- (rupees two thousand) per day for each day of the actual meetings of the said Board.

(2) The non-official members of the UT Advisory Board, not residing in Leh, shall be paid travelling allowance at the rate admissible to a Group "A" officer of the Central Government.

16. Notice of the Meeting.- (1) The meetings of the UT Advisory Board on disability (here in after in this Chapter referred to as 'the Board') shall ordinarily be held in Leh on such dates as may be fixed by the Chairperson:

Provided that it shall meet atleast once in every six months.

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

(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 to be held and the business to be transacted, shall be given by Member-Secretary of the Board to the members of the Board.

(4) Notice of a meeting may be given to the members of the Board by delivering the same to them by messenger or sending it by registered post to their respective last known places of residence or business or by email or in such other manner as the Chairperson of the Board may, in the circumstances of the case, thinks fit.

(5) No member of the Board shall be entitled to bring forward for the consideration of the meeting any matter of which the member has not given ten clear days' notice to the Member Secretary of the Board, unless permission is granted to the member to do so on the discretion of the Chairperson of the Board.

(6) The Board may adjourn its meeting from day to day or to any particular day as under:-

- (a) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given, to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members;

- (b) Where a meeting of the Board 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 meeting shall be given to all the members of the Board in the manner as specified in sub-rule(4).

17. Presiding officer.- The Chairperson of the Board shall preside at every meeting of the Board and in the absence of the Chairperson, the Vice-Chairperson thereof shall preside, but when both the Chairperson and the Vice-Chairperson of the Board are absent from any meeting, the members of the Board present shall elect one of the members to preside at that meeting.

18. Quorum.-(1) One-third of the total members of the Board 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 of the Board are present, the Chairperson thereof may adjourn the meeting to such hours on the following or on some other future date as may be fixed by the Chairperson.

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

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

(5) (a) Where a meeting of the Board 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 of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to other members;and

(b) Where a meeting of the Board is adjourned under sub-rule(2) for want of quorum not to the following day, but on a date with sufficient gap, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in sub-rule(4) of rule 16.

19. Minutes.- (1) Record shall be kept of the names of all the members of the Board who attended the meeting of the Board and of the proceedings at the meetings in a book to be maintained for that purpose by the Member-Secretary of theBoard.

(2) The minutes of the previous meeting of the Board shall be read at the beginning of 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 of the Board at the office of the Member-Secretary of the Board during office hours.

20. 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 16 shall be transacted at any meeting of the Board.

21. Agenda for the meeting of the UT Advisory Board.- At any meeting of the Board, 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 presiding officer:

Provided that either at the beginning of the meeting of the Board or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member of the Board may suggest a change in the order of business as entered in the agenda and if the Chairperson of the Board agrees, such a change shall take place.

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

23. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Board shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

24. District level Committee .-(1)The District Level Committee on disability referred to in section 72 of the Act, shall consist of the following persons,namely:-

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|--------|---|-------------------------|
| (i) | An officer of the civil services not below the rank of a District Magistrate or Deputy Commissioner, as the case may be of the district | Ex-officio Chairperson; |
| (ii) | Chief Medical Officer of District | Member; |
| (iii) | Psychiatrist of a District Hospital | Member; |
| (iv) | Public Prosecutor of the District | Member; |
| (v) | Asstt.Commissioner (Labour) | Member; |
| (vi) | One Representative from the local bodies, ICDS Project and Public Works Department of the Administration of Union territory of Ladakh | Member; |
| (vii) | Representative of a Registered Organization having at least | |
| (viii) | five years experience of working in the field of disability | Member; |
| (ix) | Person with disability as defined in clause(s) of section 2 of the Act | Member; |
| (x) | Any other member as invited by the Chairperson | Member; |
| (xi) | District Social Welfare Officer, concerned District | Member Secretary; |

(2) The District Level Committee for each District shall be constituted by an order issued by the Dy. Commissioner of the District and its tenure shall be for a period of three years from the date of its constitution.

25. Functions of the Committee.- The District-Level Committee on disability shall perform the following functions,namely:-

- (i) Advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities;
- (ii) Monitor the implementation of the provisions of the Act and the rules;
- (iii) assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities;
- (iv) look into the complaints relating to non-implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authority to redress such complaints;
- (v) look into the appeal made by the employees of Government establishments aggrieved with the action taken by the District level establishments under sub-section (4) of section 23 of the Act and recommend appropriate measures;and
- (vi) any other functions as may be assigned by the Administration of Union Territory of Ladakh.

CHAPTER- VII

UNION TERRITORY COMMISSIONER FOR PERSONS WITH DISABILITIES

26. Qualification for appointment of UT Commissioner.- A person shall not be qualified to be appointed as the UT Commissioner for Persons with Disability under sub-section (1) of section 79 of the Act unless the person:-

- (i) Has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities;

- (ii) has not attained the age of sixty years on the 1st January of the year in which the last date for receipt of applications, as specified in the advertisement inviting applications for appointment of the State Commissioner, occurs;
- (iii) if inservice under the Central Government or a State Government, shall seek retirement from such service before being appointed to the post; and
- (iv) possesses the following educational qualifications and experience, namely:-
 - (a) Educational qualifications:-
 - (i) Essential: Graduate from a recognized university;
 - (ii) Desirable: recognized degree or diploma in social work or law or management or human rights or rehabilitation or education of disabled persons.
 - (b) Experience: at least twenty years experience in a Group 'A' level or equivalent post:-
 - (i) In Central or State Government or
 - (ii) Public Sector Undertakings or Semi Government or Autonomous Bodies dealing with disability related matters or social sector or
 - (iii) Works in the capacity of a senior level functionary in a registered State or national or international level voluntary organization working in the field of disability or social development:

Provided that out of the total twenty years experience mentioned in this sub-clause, atleast ten years of experience in the recent past had been in the field of empowerment of persons with disabilities.

27. Mode of appointment of the UT Commissioner.-(1) At least six months before the post of UT Commissioner is due to fall vacant, an advertisement shall be published in at least two national or state level daily newspapers, one in English and the other in the vernacular language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 26.

(2) A Search-cum-Selection Committee shall be constituted by the Administration of Union Territory of Ladakh to recommend to it a panel of three suitable candidates for the post of the State Commissioner.

(3) The Search cum Selection committee shall be constituted in accordance with the instructions issued by the Administration from time to time.

(4) The panel recommended by the Search-cum-Selection Committee under sub-rule (2) may consist of persons from amongst those who have applied in response to the advertisement made under sub-rule (1) as well as from other willing eligible persons in the employment of Central or State Government whom the Committee may consider suitable.

(5) The Administration of Union Territory of Ladakh shall appoint one of the candidates out of the panel recommended by the Search-cum-Selection Committee under sub-rule(2) as the UT Commissioner.

28. Term of the UT Commissioner.-(1) The UT Commissioner shall be appointed on full-time basis for a period of three years from the date of assumption of office, or till the attainment of the age of sixty-five years, whichever ever is earlier.

(2) A person may serve as UT Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years.

29. Salary and allowances of the UT Commissioner.-(1) The salary and allowances of the UT Commissioner shall be the salary and allowances as admissible to a Secretary to the Administration of UT Ladakh.

(2) Where a UT Commissioner, being a retired government servant or a retired employee of any institution or autonomous body funded by the Central or State/UT Government, is in receipt of pension in respect of such previous service, the salary admissible to the UT Commissioner under these rules shall be reduced by the amount of the pension, and if in lieu of a portion of the pension, the commuted value thereof has been received, by the amount of such commuted portion of the pension.

30. Other terms and conditions of service of the UT Commissioner.- The other terms and conditions of service of UT Commissioner shall be such as specified below, namely:

- (i) Leave: The UT Commissioner shall be entitled to such leave as is admissible to Group A officer under the Central Civil Service (Leave) Rule, 1972.
- (ii) Leave Travel Concession: The UT Commissioner shall be entitled to such Leave Travel Concession as is admissible to a Group 'A' officer under the Central Civil Service Rules (Leave Travel Concession) Rules, 1988.
- (iii) Medical Benefits: The UT Commissioner shall be entitled to such medical benefits as is admissible to a Group 'A' officer under the Central Government Health Scheme.

31. Resignation and removal.- (1) The UT Commissioner may resign from the post by giving a notice in writing, addressed to the Administration of Union Territory of Ladakh:

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

(2) The Administration of Union Territory of Ladakh shall remove the person appointed to the office of the UT Commissioner, if the person:-

- (a) becomes an undischarged insolvent; or
- (b) engages during the term in office in any paid employment or activity outside the duties of the office; or
- (c) is convicted and sentenced to imprisonment for an offence which in the opinion of the Administration of Union Territory of Ladakh involves moral turpitude; or
- (d) is in the opinion of the Administration of Union Territory of Ladakh so unfit to continue in office by reason of serious default in the performance of functions of the UT Commissioner as laid down in the Act; or
- (e) without obtaining leave of absence from the Administration of Union Territory of Ladakh remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the Administration of Union Territory of Ladakh so abused the position of the State Commissioner as to render continuance in the office detrimental to the interest of persons with disability: Provided that no State Commissioner shall be removed from office under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group 'A' officer of the Administration of Union Territory of Ladakh so.

(3) The Administration of Union Territory of Ladakh may suspend a UT Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

32. Residuary provision.- The other conditions of service of the UT 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 to the Administration of UT Ladakh.

33. Advisory Committee to assist the UT Commissioner.- (1) The Administration of Union Territory of Ladakh shall appoint an Advisory Committee comprising 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.

(2) The UT Commissioner may invite subject or domain expert as per the need who shall assist the State Commissioner 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 Leh, 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 Leh, shall be paid travelling allowance at the rate admissible to a Group "A" officer of the Central Government.

34. Procedure to be followed by UT Commissioner.- (1) A complainant may present a complaint containing the following particulars in person or through an agent to the UT Commissioner or send it by registered post or by email addressed to the UT Commissioner, namely:-

- (i) The name, description and the address of the complainant;
- (ii) The name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- (iii) The facts relating to complaint and when and where it arose;
- (iv) Documents in support of the allegations contained in the complaint;and
- (v) the relief which the complainant claims.

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

(4) Where the complainant or the complainant's agent fails to appear before the State Commissioner on such days, the UT Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or the opposite party's agent fails to appear on the date of hearing, the UT Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.'

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

(7) The UT Commissioner may on such terms as deemed fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The UT 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.

35. Submission of annual reports.- (1) The UT Commissioner shall as soon as may be 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 Administration of Union Territory of Ladakh, an annual report giving a complete account of activities of the office of the UT Commissioner during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing there in information in respect of each of the following matters, namely:-

- (a) Names of officers and employees in the office of the UT Commissioner and a chart showing the organizational setup;
- (b) The functions which the State Commissioner has been empowered with under the Act and the highlights of the performance in this regard;
- (c) The main recommendations made by the UT Commissioner;
- (d) Progress made in the implementation of the Act in the Administration of Union Territory of Ladakh;and
- (e) Any other matter deemed appropriate for inclusion by the UT Commissioner or specified by the Administration of Union Territory of Ladakh from time to time to be included in the report.

CHAPTER-VIII

PUBLIC PROSECUTOR

36. Appointment of Public Prosecutor.-(1) The Public Prosecutor to be appointed under section 85 of the Act in every Special Court shall have,-

- (i) Practical experience of handling cases preferably of persons with disabilities;
- (ii) Experience at the Bar of not less than seven years;and
- (iii) Shall be well versed with local language and customs.

(2) The fee and other remunerations of the Special Public Prosecutor specified or appointed under sub-section (1) of section 85 of the Act shall be the same as that of Public Prosecutor appointed by the Administration of Union Territory of Ladakh under the Code of Criminal Procedure, 1973 (1 of 1974) for conducting the cases before a court of session.

CHAPTER- IX

UT FUND FOR PERSONS WITH DISABILITIES

37. UT Fund for Persons with Disabilities and its management.-(1) There shall be credited to the UT Fund for persons with disabilities herein after referred to as the 'UT Fund' ,-

- (i) All sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
- (ii) all sums received from the Administration of Union Territory of Ladakh including grants- in-aid; and
- (iii) all sums received from Corporate houses/ PSUs under CSR or from such other sources as may be decided by the Administration of Union Territory of Ladakh.

(2) There shall be a governing body consisting of following members to manage the UT Fund, namely:-

- (a) Administrative Secretary, Department of Social Welfare -Chairperson;
- (b) One representative from the Department of Finance
- (c) One representative from the Department of Planning
- (d) One representative of the Department of Health and Family Welfare,
- (e) One representative of Department of School Education,
- (f) One representative of Department of Labour and Employment,
- (g) One representative of Department of Rural Development,
- (h) One representative of Department of Training and Technical Education,
- (i) One representative of Department of Urban Development, -- Members;
- (j) two persons representing different types of disabilities to be nominated by the Administration of Union Territory of Ladakh, by rotation - Members;
- (k) Director in the Department of Social Welfare - Convener and Chief Executive Officer.

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

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

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

(6) The nominated non-official members shall be eligible for payment of travelling allowance and daily allowance as admissible to a Group A officer of the Administration of Union Territory of Ladakh for attending the meetings of the governing body.

(7) No person shall be nominated under clause (j) of sub-rule 2 as a member of the governing body who-

- (a) is, or has been, convicted of an offence, which in the opinion of the Administration of Union Territory of Ladakh involves moral turpitude; or
- (b) is, or at any time has been, adjudicated as an insolvent.

38. Utilization of the UT Fund.-(1) The UT Fund shall be utilized for the following purposes, namely:-

- (i) Financial assistance in the areas which are not specifically covered under any scheme and programme of the Administration of Union Territory of Ladakh;
- (ii) Administrative and other expenses of the Fund, as may be required to be incurred by or under the Act; and
- (iii) Such other purposes as may be decided by the governing body.

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

(3) 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 utilization of the State Fund based on need based requirement.

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

39. Budget.-The Chief Executive Officer of the UT Fund shall prepare the budget for incurring expenditure under the UT Fund in 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.

40. Annual Report.-The annual report prepared by the UT Commissioner for persons with Disabilities shall include a chapter on the UT Fund.

(BY ORDER AND IN THE NAME OF THE LT GOVERNOR OF LADAKH)

Sd/-
(PADMA ANGMO, IIS) /
COMMISSIONER CUM SECRETARY ,
Social & Tribal Welfare Dept, UT of LADAKH

To

1. Commissioner for Persons with Disabilities, UT of Ladakh
2. District Collector & Magistrate, Leh/Kargil.
3. District Superintendent of Police, Leh/Kargil
4. Director, Social & Tribal Welfare, UT of Ladakh
5. Director, School Education, UT of Ladakh
6. Director, Health & Medical Education, UT of Ladakh
7. Chief Engineer, Public Works Department, UT of Ladakh
8. Chief Medical Officer, Leh/Kargil
9. District Social Welfare Officer, Leh/Kargil

Copy to:

1. All Administrative Secretaries
2. ADGP, Ladakh Police
3. Commissioner/Secretary, Law Department,
4. All HoDs, UT of Ladakh
5. OSD to Advisor to Hon'ble Lt Governopr, UT Ladakh
6. OSD to Advisor to Hon'ble Lt Governor, UT Ladakh
7. PS to Secretary, Department of Empowerment of Persons with Disabilities, MoSJE, GoI
8. PS to Joint Secretary, JKL, Ministry of Home Affairs, GoI

FORM-A
The Administration of Union Territory of Ladakh
Department of Social Welfare

Application for Certificate of Registration

[See rule 8 (1) of Ladakh Rights of Persons with Disabilities Rules, 2024]

- (1) Name of the Organization :.....
- (2) Institution/Project in respect of which application is made:.....
 - a. Address & Ph. No.(Registered Office):
 - b. Name of Project Office :
 - c. Address (Project Office) :.....
 - d. Phone/Fax/Telex/(Office)/email id:.....(Project)
- (3) (i) Name of the Act under which the organization is registered:_____
- (ii) Registration No. And date of registration: _____(Please attach a photocopy)
- (4) Memorandum of Association and Bye-laws of the organization: (Please attach a photocopy)
- (5) Name, address, occupation and other particulars of the members of the Board of Management/Governing Body of the organization:
- (6) Present Activities of the Organization:.....
- (7) List of documents to be attached:
 - (a) A copy of the annual reports for the last three years,
 - (b) Audited Statement of accounts (receipt and payment, income and expenditure and Balance sheet) for the last three financial years duly certified by Chartered Accountant with membership no. And seal.
- (3) Nature of the organisation (Please indicate precisely : whether it is educational or training or residential institution or a workshop for visually/hearing impaired/physically challenged/mentally Challenged persons,etc.)
- (4) Whether the institution is located in its own building/Rented building/building allotted by any agency):(Necessary evidence to be attached).
- (5) If hostel is maintained, the number of hostellers:
- (6) Details of barrier free environment for persons with disabilities :
 - (a) Area of theBuilding_____
 - (b) Rooms available for activities/residential use_____
 - (c) Rooms for administrative use:_____
 - (d) No. of accessible toilets_____

(e) Other accessible features available (lift/ramp/ tactilepath/ railing): _____

(f) Whether accessible transport facility available: _____ If yes, give details: _____

(7) Details of staff employed by the institution in following format;

Name	M/F	Age	Educational Qualification	Address	Contact Details	Responsibility	Salary	Aadhaar No.	RCI registration no.(enclosed copy of RCI registration certificate)

Note: In case of foreign volunteers, verification of credentials and criminal record from country of origin or birth through the policies mandatory.

(8) Details of covered /proposed beneficiaries to be covered bythe institution and nature of disability in followingformat;

Sl.No.	Name	Father'sname	M/F	Age	Address	Contact Details	Type of Disability	Aadhaar No.

(Name, Designation and signature of the authorized Signatory with seal)

Form-B

**The Administration of Union Territory of Ladakh
Department of Social Welfare**

Certificate of Registration for the Institution

[Issued under the provision of rule 8 (8)(a) of Ladakh Rights of Persons with
Disabilities Rules, 2024]

Registration No.....

Date:

Certified hereby that _____ (Name of the NGO) as registered under Society
Registration Act, 1860/Trust Act has completed all the formalities and procedures for issuance of registration
certificate under sub –section(2)of section 51 of the Rights of Persons with Disabilities Act, 2016.

This registration certificate issued on date _____ is valid till date _____.

1. Name and registered address of the _____

2. Name and address of the _____
of the _____
branch/projects of the
organization _____

3. Full Name and Address of the Authorized representative of the Organization _____

This registration certificate is issued on Day _____ Month _____ Year _____ by _____ the
authorized signatory /competent authority of the Department of Social Welfare, Administration of Union Territory
of Ladakh subject to compliance of the Terms and Conditions laid down herein, by the authorized representative of
the organization.

The holder of the certificate of Registration shall apply for renewal of the certificate not less than sixty days before
the date of expiry of the period of validity.

**Signature and Seal of the Competent Authority
Department of Social Welfare, Administration of UT Ladakh**

Terms and Conditions of Registration Certificate

- (1) The holder of this Certificate of Registration shall provide the beneficiaries of the organization with:-
 - (a) Adequate accessible accommodation and accessible sanitary conditions.
 - (b) Proper medical care and treatment.
 - (c) Facilities for recreation.
 - (d) Education and vocational or professional training.
- (2) Residential premises, if any, for girls shall be separate from residential premises for boys.
- (3) The holder of this Certificate of Registration shall not employ or shall allow others to employ any beneficiary of the organization for any private purposes whether of own or others.
- (4) The incharge/Project Manager shall maintain a visitor's book, which shall contain the records of visit to the organization by the competent authority or any person authorized by it to inspect the organization. The incharge/Project Manager shall furnish to the competent authority a copy of remarks if any recorded in the said book within seven days from the date of visit, as also compliance report if any.
- (5) The holder of this Certificate of Registration shall facilitate inquiry in accordance with provisions of the Rights of Persons with Disabilities Act 2016 by the Competent Authority or any person authorized by it.
- (6) The certificate shall be exhibited in a conspicuous place in the office of the incharge/Project Manager.
- (7) Any change in the office bearers shall be immediately intimated to the Competent Authority and the concerned District Social Welfare Officer.
- (8) The holder of this Certificate of Registration shall ensure the safety and security of the beneficiaries against all forms of abuse, violence and exploitation as per Section 6 & 7 of the Rights of Persons with Disabilities Act' 2016.
- (9) The holder of this certificate should ensure that in case of foreign volunteers, verification of credentials and criminal record from country of origin or birth through the police has been conducted and verified before giving permission for visit/stay in the institution/homes.
- (10) The holder of this Certificate of Registration shall ensure adequate safety measures against man made /natural disasters such as fire, earthquake, flood etc.
- (11) The holder of this Certificate of Registration shall abide by the conditions of this Certificate of Registration and the provisions of the Rights of Persons with Disabilities Act' 2016 and the rules/regulations and orders made there under.

Form-C
The Administration of Union Territory of Ladakh
Department of Social Welfare

Refusal to grant Certificate of Registration

[Issued under the provision of rule 8(8)(b) of the Ladakh Rights of Persons with Disabilities Rules, 2024]

Date:.....

Whereas Sh----- (Authorised representative) of the organization-(Name and registered address of the organization)----- has applied for issuance of registration certificate under sub – section(2) of section 51 of the Rights of Persons with Disabilities Act, 2016 for the project (Name and address of the branch/projects of the organization)-----, and whereas the competent authority, not being satisfied upon causing enquiries to be made about the eligibility of the organization for such issuance due to the following deficiencies:

- 1.
- 2.
- 3.

hereby refuses to grant such certificate of registration under sub rule (8) of rule 8 of the Ladakh Rights of Persons with Disabilities Rules 2024 and directs that a fresh application be submitted through authorized representative of the organization after removal of the said deficiencies.

Signature and Seal of the Competent Authority
Department of Social Welfare, Administration of UT Ladakh

Form-D
The Administration of Union Territory of Ladakh
Department of Social Welfare

Revocation of Certificate of Registration

[Issued under the provision of Rule 8(8)(c) of the Ladakh Rights of Persons with Disabilities Rules, 2024]

Whereas Sh----- (Authorized representative) of the organization- (Name and registered address of the organization)----- had applied for issuance of / renewal of registration certificate under sub –section(2) of section 51 of Rights of Persons with Disabilities Act, 2016 for the project (Name and address of the branch/projects of the organization)-----, and whereas the competent authority, had issued the certificate of Registration under the relevant provisions of the Act and Rules on date----- and whereas now, the competent authority has reason to believe that the holder of the certificate of Registration had-

a) made a statement in relation to the application for the issue / renewal of the registration certificate under subsection(1) of Section 51 of the Rights of Persons with Disabilities Act 2016 , which is incorrect or false in material particulars: or


b) committed or has caused to be committed breach of rules or Terms and conditions subject to which the certificate was granted.

Now therefore revokes the certificate of Registration granted to the organization under the provision of subrule(8)of rule 8 of the Ladakh Rights of Persons with Disabilities Rules 2024.

Signature and Seal of the Competent Authority
Department of Social Welfare, Administration of UT Ladakh

Copy of Online application for Disability Certificate on UDID portal

[See rule 10 of Ladakh Rights of Persons with Disabilities Rules, 2024]

 Unique Disability ID Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India.				
PERSON WITH DISABILITY REGISTRATION FORM				
1. Personal Details				
Applicant Name :	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">First Name</td> <td style="width: 33%; border-bottom: 1px solid black;">Middle Name</td> <td style="width: 33%; border-bottom: 1px solid black;">Surname</td> </tr> </table>	First Name	Middle Name	Surname
First Name	Middle Name	Surname		
Father's Name :	<input style="width: 95%;" type="text"/>			
Mother's Name :	<input style="width: 95%;" type="text"/>			
Date of Birth :	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">(DD/MM/YYYY)</td> <td style="width: 50%; border-bottom: 1px solid black;">Age :</td> </tr> </table>	(DD/MM/YYYY)	Age :	
(DD/MM/YYYY)	Age :			
Mobile No :	<input style="width: 45%;" type="text"/> E-mail ID : <input style="width: 45%;" type="text"/>			
Gender :	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other			
Mark of Identification :	<input style="width: 95%;" type="text"/>			
Category :	<input type="checkbox"/> General <input type="checkbox"/> OBC* <input type="checkbox"/> SC* <input type="checkbox"/> ST* (*Attached cast certificate for OBC/SC/ST only)			
Blood Group :	<input type="checkbox"/> O+ <input type="checkbox"/> O- <input type="checkbox"/> A+ <input type="checkbox"/> A- <input type="checkbox"/> B+ <input type="checkbox"/> B- <input type="checkbox"/> AB+ <input type="checkbox"/> AB-			
Marital Status :	<input type="checkbox"/> Married* <input type="checkbox"/> Unmarried <input type="checkbox"/> Widow <input type="checkbox"/> Divorced <input type="checkbox"/> Divorcee & Widower			
	*If you are married give Spouse Name : <input style="width: 95%;" type="text"/>			
Name of Guardian/ Caretaker /Attendant / Related Person :	<input style="width: 95%;" type="text"/>			
	His/Her Contact No. : <input style="width: 45%;" type="text"/>			
Relation with Person with Disability :	<input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Uncle <input type="checkbox"/> Aunty <input type="checkbox"/> Sister <input type="checkbox"/> Other			
Educational Details :	<input type="checkbox"/> Primary <input type="checkbox"/> Middle/Higher Primary <input type="checkbox"/> Senior Secondary <input type="checkbox"/> Higher Secondary <input type="checkbox"/> Diploma <input type="checkbox"/> Graduate <input type="checkbox"/> PG Diploma <input type="checkbox"/> Post Graduate <input type="checkbox"/> Doctorate			
2. Address Details				
Correspondence Address :	<input style="width: 95%;" type="text"/>			
	Pincode : <input style="width: 45%;" type="text"/>			
State/UTs :	District : <input style="width: 45%;" type="text"/>			
City/Sub District/Tehsil :	Village/Block : <input style="width: 45%;" type="text"/>			
Document for Address Proof :	<input type="checkbox"/> Driving Licence <input type="checkbox"/> Ration Card <input type="checkbox"/> Voter ID <input type="checkbox"/> Other (Domicile Certificate)			
<div style="background-color: black; color: white; padding: 2px; display: inline-block;">Page 1 of 3</div>				

Permanent Address : _____
 _____ Pincode : _____
 State/UTs : _____ District : _____
 City/Sub District/Tehsil : _____ Village/Block : _____

3. Disability Details

Have disability Certificate : Yes* No (*If yes, please fill in the following details & attach disability certificate)

Sr./Reg. No. of Certificate : _____ Date of Issue : _____
 (DD/MM/YYYY)

Disability Percentage (%) : _____ (For example: 30%, 40%, 50%, 60%)

Details of Issuing Authority : Chief Medical Office Medical Authority

Disability Type : Blindness Muscular Dystrophy Hearing Impairment Hemophilia
 Low Vision Parkinson's Disease Intellectual Disability Thalassemia
 Leprosy Cured Sickle Cell Disease Acid Attack Victim Locomotor Disability
 Cerebral Palsy Dwarfism Mental Illness Multiple Sclerosis
 Specific Learning Disabilities Speech and Language Disability Autism Spectrum Disorder Chronic Neurological Conditions
 Multiple Disabilities including Deaf Blindness

Disability By Birth : Yes* No Disability Since : _____
 (in Year)

Pension Card Number : _____ Disability Scheme : _____

Hospital Treating Disability : _____

Disability Area : Chest Ears Head Left Eye Left Hand Left Leg Mouth
 Nose Shoulder Throat Right Eye Right Hand Right Leg Stomach

Disability Due to : Accident Congenital Hereditary

4. Employment Details

Employed : Yes No* Unemployed Since : _____

Occupation : Govt. Job Professional/Technical Agriculture Service & Shops
 Clerks Craft/Trade Workers Daily Wages Worker Plant/Factory
 Other Occupation _____

BPL/APL : N/A APL BPL Antodya

Personal Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Father Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

Spouse Income (Annual) : Below 10,000 From 10,000 to 1,00,000 1,00,000 to 5,00,000 > 5,00,000

5. Identity DetailsAttached Identity Proof : Driving Licence PAN Card Ration Card Voter ID Aadhar Card

Identity Proof Number : _____

Aadhaar Card Number : _____ TIN (NPR) : _____

Any Other State/UTs ID : _____ Other State/UTs ID Value : _____

I _____, the applicant do hereby declare that what is stated above is true to the best of my own information and brief.

Date : _____ Applicant's Signature/Thumbprint : _____

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