



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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**PART I - NOTIFICATIONS BY GOVERNMENT, HEADS OF DEPARTMENTS
AND OTHER OFFICERS**

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NOTIFICATIONS BY GOVERNMENT

RULE-4

Limited Guardianship (under section 14 of RPwD Act, 2016):

(1) Designated Authority:

The designated authority — comprising of the Collector and District Magistrate as Chairperson, the Assistant Director for the Welfare of Differently Abled, Transgender and Senior Citizens of the District as Convener, one (1) representative of registered organization to be nominated by the Chairperson as member, one (1) person with specified disability to be nominated by the Chairperson as member and a Public Prosecutor of the district to be nominated by the Chairperson as member, shall grant the support of limited guardianship to a person with disability to take legally binding decisions on his behalf.

Explanation: All nominated members of the designated authority specified in this sub-rule shall be in Office for a period of three (3) years from the date of their nomination. Further, the Chairperson may, from time to time, invite relevant experts on case by case basis to assist the designated authority in granting limited guardianship under these rules.

(2) Appointment of Limited Guardian:

- i. A parent of person with disability or his relative shall make an application in the format prescribed in Form I in Schedule I to the designated authority for appointment of any person of his choice including himself to act as a limited guardian of the person with disability. A person with disability may also directly apply for appointment of limited guardian for himself, if the extent of disability so permits.
- ii. Any registered organization may also make an application, in the format prescribed in Form I in Schedule I to the Designated Authority for appointment of a limited guardian for a person with disability:

Provided that no such application shall be entertained by the designated authority unless the consent of the parent of the person with disability is also obtained.

- iii. The designated authority while considering the application for appointment of a limited guardian for a person with disability shall consider:
- (a) Whether such person is not in a position to take legally binding decision on his own and needs a limited guardian; and
 - (b) the opinion of the person with disability if such person is in a position to give such opinion; and
 - (c) the purposes for which the limited guardianship is required for person with disability.
- iv. While granting the support of such limited guardianship the designated authority shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:
- (a) The parents or adult children of the person with disability
 - (b) Brother or sister
 - (c) Other Blood relatives or care givers or prominent personality of the locality.
- v. While taking a decision for the appointment of limited guardianship, the designated authority shall ensure that the person whose name has been suggested for appointment as limited guardian:
- (a) is a citizen of India;
 - (b) is above 18 years of age;
 - (c) is not of unsound mind or is currently undergoing treatment for mental illness;
 - (d) has not been convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (Central Act 1 of 1974);
 - (e) is not a destitute and dependent on others for his own living;
 - (f) has not been declared insolvent or bankrupt.
- vi. In case an institution or organization is being considered by the designated authority for appointment as a limited guardian, such organization should be a registered organisation as defined in the Act.
- vii. The designated authority 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 for 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.

- viii. The confirmation of appointment of limited guardian on such application shall be made in the format prescribed in Form II in Schedule I.

Provided that while making appointment of a limited guardian, the designated authority shall provide for the obligations which are to be fulfilled by the limited guardian and it shall be ensured that any decision taken by the limited guardian shall, if the extent of disability so allows, follow a system of joint decision making between the person with disability and the limited guardian based on mutual trust and understanding.

- ix. The validity of the limited guardianship as appointed under sub-rule (1) of this rule shall be initially for a period of one (1) year or less which can be further extended upto 2 years at a time by the designated authority:

Provided that the designated authority while extending the validity of the limited guardianship shall follow the same procedure as followed while granting the initial guardianship.

- x. The limited guardian appointed under sub-rule (1) of this rule shall consult the person with disability in all matters before taking any legally binding decision on his behalf.
- xi. The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability are in the best interest of the person with disability.
- xii. The Assistant Director, Department for Welfare of Differently Aabled, Transgender and Senior Citizens of the District shall maintain the record of persons with disabilities who were granted limited guardianship by designated authority within the jurisdiction. Accordingly, he shall conduct quarterly inspections relating to:

(a) The well-being of a person with disability placed under

limited guardianship

(b) The appropriate conduct of the limited guardian appointed by designated authority under sub-rule (1) of this rule

(c) The nature and type of decisions being taken by the limited guardian on behalf of the person with disability:

Provided that the Inspecting Officer shall, if not satisfied during his inspection on any of the matters above, report the same in writing, to designated authority which granted or renewed the limited guardianship as per the procedure laid down in this rule. Consequent upon such inspection report, the Designated Authority may examine afresh the grant or renewal of the limited guardianship under contention.

(3) Procedure for removal of limited guardian:-

- i. Notwithstanding anything contained in this rule, a person with disability shall have the freedom to seek to withdraw or change his limited guardianship at any time when he finds no need for the same.
- ii. The designated authority, upon receiving an application for removal of a limited guardian from the person with disability or a parent or a relative of a person with disability or a registered organization on the grounds such as failure to fulfill obligations, abuse of powers, abuse or neglecting a person with disability, misappropriation or neglecting the property or any other genuine reasons shall appoint a team of investigators consisting not less than three persons.
- iii. The team shall consist of the Assistant Director, Department for Welfare of Differently Abled, Transgender and Senior Citizens, one representative of any association for the persons with disabilities or a registered organisation and any other official or non official as nominated by the designated authority.
- iv. The team of investigators shall submit their report within a period of ten days
- v. Upon receiving the report of the investigation team, the designated authority shall take the final decision within the period of ten days on the removal of the limited guardian against whom the complaint

has been received after giving the said guardian an opportunity of being heard.

- vi. The designated authority shall record in writing its reasons for removal of the limited guardian or rejection of the application.
- vii. The designated authority shall have power to suspend the limited guardianship with immediate effect, without notice, pending his removal, if the designated authority is satisfied that grave and irreversible harm will be caused to the person with disability on account of the continuance of the limited guardianship or when the person with disability himself applies for a revocation of the limited guardianship.

(4) Report from Limited Guardian:

- i. Every limited guardian appointed under the Act shall furnish a detailed report to the designated authority within two months before the expiry of one year or expiry of the limited guardianship period, whichever is earlier, as to how the obligation vested on him has been or is being fulfilled.
- ii. The limited guardian should send half yearly report to the designated authority on wellbeing of the person with disability.

RULE-5
Appellate Authority:

- (1) The Director, Department for the Welfare of Differently Aabled, Transgender and Senior Citizens shall be the appellate authority for the purposes of sub-section (3) of section 14 of the Act.
- (2) Any person aggrieved by the decision of the designated authority appointing legal guardian may prefer an appeal within a period of sixty (60) days from the date of refusal of appointment of legal guardian, or appointment of legal guardian, as the case may be, to the Appellate Authority as specified under this rule:

Provided that the appellate authority may accept an appeal made after the expiry of the said period of sixty (60) days if it is satisfied that there is sufficient cause for the delay in filing such an appeal.

SCHEDULE I

Form - I

Form of application to the designated authority by a person with disability, parent, relative or a registered organization for appointment of limited guardian.

From

Date:

To
District Collector (Designated authority)
Sir/Madam,

_____ is a person with disability and requires a limited guardian to take legally binding decisions regarding_____. I / We hereby request that _____ be appointed as limited guardian of the said _____ for _____ purpose for a period of _____

We furnish hereunder further details and request early decision

1. Particulars of the person with disability:

1.	Name of the person with disability	
2.	Complete postal address	
3.	Age	
4.	Male / Female	
5.	Type of disability and percentage of disability (Xerox copy to be enclosed)	
6.	ID Card No./UDID Card No (Xerox Copy to be enclosed)	
7.	Aadhar Card No. (Xerox Copy to be enclosed)	
8.	Contact No.	

2. Particulars of the applicant:

1.	Name of the applicant	
2.	Complete postal address	
3.	Age	
4.	Male / Female	
5.	Relationship with person with Disability	
6.	Type of disability and percentage of disability of	
7.	ID card No / UDID No of Person with Disability	
8.	Aadhar card No. of the applicant (Xerox copy to be enclosed)	
9.	Contact No.	

3. Particulars of the persons or registered organization proposed to be appointed as limited guardian:

1.	Name of the applicant	
2.	Postal address	
3.	Age	
4.	Male / Female	
5.	Relationship with person with Disability	
6.	Details of registration, in case of registered organization	

7.	Contact phone no.	
	Landline	
	Mobile	
8.	Purpose for which limited guardianship is required (Please attach documents if any)	
9.	Period for which the support of limited guardianship is required	
10.	Details of situation if any which warrants limited guardianship (Please describe)	

Consent of the person proposed to be appointed as limited guardian.

I/We hereby agree to be the limited guardian of _____
for a period of _____ and shall discharge my obligation with due
diligence.

**Signature of the
Applicant / Person with Disability**

**Signature of the
Proposed Limited Guardian**

Form - II

Form of Confirmation of appointment of limited guardian on application made by (1) person with disability (2) a registered organization or (3) parent or relative of person with disability

I Mr./Mrs. _____ District Collector, _____ District
having considered the application made by _____
hereby appoint _____ as limited guardian for Mr. / Ms.
_____ (name of the person with disability) for a period of
_____ for the purpose of taking legally binding decisions
regarding _____. The obligations of limited guardian shall be as
listed below:

*Joint photo of limited guardian and person
with disability*

Place:

Signature of Designated authority

Date:

Stamp/seal:

Form - III
Application for a Certificate of Registration

- (1) Name of applicant and his address:
- (2) Institution in respect of which application is made:
- a. Name
 - b. Address (Office/Project)
 - c. Phone / Fax / Telex / (Office): (Project)
- (3) (i) Name of the Act, under which the institution is already registered:
(ii) Registration No. and date of registration:
(Please attach a photocopy)
- (4) Memorandum of Association and Bye-laws of the institution:
(Please attach a photocopy)
- (5) Name, address, occupation and other particulars of the Members of the Board of Management / Governing Body of the Institution:
- (6) Present Activities of the institution:
- (7) Present membership strength and categorization of the institution. List of documents to be attached.
- a) A copy of the annual report for the previous year;
 - b) Audited Statement of account duly certified by chartered accountant for the last three (3) years.

(i) Receipt and Payment Account by chartered Accountant for the last three (3) Years;

(ii) Income and Expenditure Account by chartered Accountant for the last three (3) years;

(iii) Balance sheet for the last three years (by chartered Accountant).

- c) Details of staff employed by the institution.
- d) Details of beneficiaries to be covered by the institution
- e) If hostel is maintained, then number of hostellers.
- f) Other terms, if any
- g) Whether the institution is located on its own/ Rented building (Necessary evidence to be attached)

Signature of the Applicant

Name:

Designation:

Address:

Date:

Office Stamp