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राज्य सरकार तथा अन्य राज्य—प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप—विधियों आदि को समिलित करते हुए) सामान्य कानूनी नियम।

**DEPARTMENT OF SOCIAL JUSTICE AND
EMPOWERMENT**

NOTIFICATION

Jaipur, January 23, 2019

G.S.R.95 . In exercise of the powers conferred by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (Central Act No.49 of 2016), the State Government hereby makes the following rules, namely:-

CHAPTER-I

Preliminary

1. Short title and Commencement.— (1) These rules may be called the Rajasthan Rights of Persons with Disabilities Rules, 2018.

(2) They shall come into force on the date of their final 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 (Central Act No. 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) "District-level Committee on disability" means the District-level Committee on disability constituted by the State Government under section 72 of the Act.

(v) "State Commissioner" means the State Commissioner appointed by the State Government under section 79 of the Act; and

(vi) "Form" means form appended to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER -II

RIGHTS AND ENTITLEMENTS

3. State Committee for Research on Disability.-(1) The Committee for Research on Disability at the State level shall consist of the following members, namely:-

- (i) An eminent person having vast experience in the field of science and Medical research to be nominated by the State Government - Chairperson;
- (ii) Director, Department of Medical and Health, Rajasthan -Member;
- (iii) Five members as representatives from persons with disabilities or registered state level organization representing each of five groups of specified disabilities in the schedule of the Act to be nominated by the State Government -Members;
- (iv) Director, Special Abled Person, Rajasthan - Member

Secretary.

(2) The Chairperson may invite any expert as a special invitee.

(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-'B' or equivalent officer of the State Government.

(6) The State Government may provide the Committee with such clerical and other staff as it deems necessary.

4. Limited Guardianship.-(1) The District Level Committee on disabilities constituted by the State Government under Section 72 of the Act shall grant the support of limited

guardianship to a person with disability to take a legally binding decision on his behalf.

(2) The District Level Committee, before granting limited guardianship for the person with disability, shall satisfy itself that such person is not in a position to take legally binding decision of his own.

(3) The District Level Committee shall take a decision preferably within a period of 90 days from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to his 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.

(4) The validity of the limited guardianship as appointed under sub-rule (1) shall be initially for a period of five years which can be further extended by the District Level Committee:

Provided that the District Level Committee shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

(5) While granting the support of such limited guardianship the District Level Committee shall consider a suitable person to be appointed as a limited guardianship in the following preference of merit:-

- (a) The parents or adult children of the person with disability
- (b) Immediate Brother or Sister
- (c) Other Blood relatives or guardians or prominent personality of the locality.
- (d) Any registered government/ non-government organization under the Act.

(6) 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 (Central Act No. 1 of 1974) shall be appointed as a limited Guardian.

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

(8) 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.

CHAPTER-III
SPECIAL PROVISION FOR PERSONS WITH
BENCHMARK DISABILITIES

5. Reservation of Vacancies.— (1) In every establishment 4% percent of the vacancies of direct recruitment in the cadre shall be reserved for persons or class of persons with benchmark disabilities according to the section 34 of the Act. In the posts identified for each disability by the Government of India under section 33 and such reservation shall be treated as horizontal reservation and the vacancies for persons with benchmark disabilities shall be maintained as a separate class:

Provided that where the nomenclature of any post in the State Government is different from the post in Government of India or any post in the State Government does not exist in any department of the Government of India, the matter shall be referred to the Committee constituted under rule 6 for identification of the equivalent post in the State Government. The Committee shall identify the equivalent post on the basis of nature of job and responsibility of each post.

(2) Reservation in posts identified for one or more categories,-

- (a) If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only;
- (b) Reservation of 4% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified;
- (c) If in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories equally, as far as possible.

(3) Maintenance of Rosters,-

- (a) All establishments shall maintain a separate 100 point roster register for determining/effecting reservation for the persons with benchmark disabilities.
- (b) The register shall have cycle of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block – Point No. 1 to point No. 25

2nd Block – Point No. 26 to point No. 50

3rd Block – Point No. 51 to point No. 75

4th Block – Point No. 76 to point No. 100

The above block shall be earmarked and reserved for persons with benchmark disabilities – one point for each of the three categories of benchmark disabilities mentioned in clauses (a), (b) and (c) and one point for categories of benchmark disabilities mentioned in clauses (d) and (e) of sub-section(1) of section 34.

(c) All the vacancies shall be entered in the relevant roster register which shall be maintained by the head of the establishment.

(d) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

6. Relaxation. (1) Where an appointing Authority is of the opinion that functions or certain jobs of the post reserved under these rules cannot be carried out by the persons with disabilities the appointing Authority concerned shall refer the matter to the Director, Special Abled Person, Rajasthan for exemption from the operation of the reservation prescribed in sub-rule (1) of rule 5 of these rules.

(2) The case referred to the Appointing Authority under sub-rule (1) above shall be placed before the committee by the Director, Special Abled Person Department. The committee shall be as under :-

(a) For the post in connection with the affairs of the State and falling within the purview of the Rajasthan Public Service Commission,-

1	2	3
(i)	Chairman of the Rajasthan Public Service Commission or a member thereof nominated by him.	Chairman
(ii)	Secretary-in-charge of the Social Justice & Empowerment Department.	Member
(iii)	Commissioner for Disabilities, Rajasthan.	Member
(iv)	Secretary-in-charge of the department of personnel or his representative not below the rank of Deputy Secretary.	Member
(v)	Commissioner, Employment Department	Member

(vi)	Secretary-in-charge, Medical & Health Department; and	Member
(vii)	Principal ,Sawai Man Singh Medical College,Jaipur,Rajasthan	Member
(viii)	Secretary-in-charge of the Administrative Department concerned where appointing Authority is the Government and in other cases the Appointing Authority as defined in the relevant service rules.	Member Secretary

(b) For the posts falling outside the purview of the Rajasthan Public Service Commission,-

(i)	Secretary-in-charge of the Social Justice & Empowerment Department.	Chairman
(ii)	The Commissioner for Disabilities, Rajasthan	Member
(iii)	Secretary- in-charge of the Department of Personnel.	Member
(iv)	The Commissioner, Employment Department Rajasthan	Member
(v)	Secretary-in-charge of the Medical & Health Department Rajasthan	Member
(vi)	Principal ,Sawai Man Singh Medical College Jaipur,Rajasthan	Member
(vii)	The Appointing Authority concerned	Member Secretary

(3) The committee constituted under sub-rule (2) shall after considering the proposal received for exemption either allow complete exemption form the operation of the reservation prescribed under sub- rule (1) of rule 5 for persons with disabilities for these posts or shall transfer the reservation prescribed under sub- rule (1) of rule 5 for persons with disabilities to such other category of posts where such disability would not be a hindrance.

(4) While selecting a person for appointment on any post identified suitable for any category of persons with disabilities, if other things are equal between the person with such disability and the person without disability, preference shall be given to the persons with disability even in the excess for the reservation prescribed for them.

CHAPTER-IV
CERTIFICATE OF REGISTRATION OF INSTITUTIONS

7. Application for and grant of certificate of registration.- (1) The Director, Special Abled Person, shall be the competent authority for the purpose of section 49 of the Act.

(2) A person desirous of establishing or maintaining an institution for persons with disabilities may make an application in Form A to the Director, Special Abled Person, appointed by the State.

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

- (a) Documentary evidence of work in the area of disability;
- (b) The constitution or bye laws or regulations governing the institution;
- (c) Audited statement and details of grants received in the last three years, 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 and a statement regarding qualifications of the professionals;
- (f) A proof of residence of all the office bearers of the Institution; and
- (g) Recommendation for registration by the district officer, social justices and empowerment.

(4) Every application made under sub rule (2) shall comply with the following requirements in respect of the institution concerned, namely:-

- (a) that the institution is registered under the Indian Societies Registration Act, 1860 (Central Act No XXI of 1860) or under any other law for the time being in force in the State and a copy of such registration certificate 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 children with disabilities;
- (d) that the institution has adequate teaching and learning material for the persons with disabilities; and

(e) that the institution has submitted its audited accounts and annual reports of last three years with the competent authority and that the said audited accounts and annual reports do not contain any adverse remarks.

(5) The certificate of registration under this rule shall be issued in Form B by the Director, Special Abled Person. The certificate of registration so issued by the Director, Special Abled Person, unless revoked under section 52 of the Act, shall remain in force for a period of five years on and from the date on which it is granted or for a period of two years from the date on which it is renewed, as the case may be.

(6) 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 (2) 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 Director, Special Abled Person, may consider application for renewal of the certificate of registration after 60 days, if he is satisfied that sufficient reasons has been provided for such delay.

(7) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (6), 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.

(8) Every application made under sub-rule (2) or sub rule (6), in which the Director, Special Abled Person, referred to in sub-rule (1), 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. Order refusing to grant the certificate.— The Director, Special Abled Person, may if not satisfied after giving the applicant reasonable opportunity of being heard, make an order refusing to grant a certificate. Such order shall contain specific reasons for refusal to grant such a certificate and shall be communicated to the applicant through registered post.

9. Appeal against the order of the competent authority.- Any person aggrieved by the order of the Director, Special Abled Person referred to in sub-section (1) of section 51, refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order to Secretary in-charge, of Social Justice & Empowerment Department may, after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearings, make such order as it thinks fit.

CHAPTER-V

APPEAL REGARDING CERTIFICATE OF DISABILITY

10. Appeal against the decision of the authority issuing certificate of disability.-(1) Any person aggrieved with the decision of the authority issuing the certificate of disability may within 90 days from the date of the decision, prefer an appeal to the District Collector in the following manner:-

- (a) The appeal shall contain brief background and the grounds for making the appeal; and
- (b) The appeal shall be accompanied by a copy of the certificate of disability or letter of rejection issued by the certifying authority:

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

(2) On receipt of such appeal, the District Collector shall provide the appellant an opportunity to present his 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 as and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER-VI

STATE ADVISORY BOARD AND DISTRICT LEVEL

COMMITTEE

11. Allowances for the Members of the State Advisory Board.-(1) The non-official members of the State Advisory Board on disability residing outside the State capital, shall be paid daily allowance and travelling allowance for each day of the actual

meetings of the said Board at the rates admissible to a Category B or equivalent Officer of the State Government;

Provided that in case of a member of the State Legislature who is also a member of the State Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as a member of the State Legislature.

12. Notice of the Meeting.-(1) The meetings of the State Advisory Board on disability constituted under sub-section (1) of section 66 of the Act shall ordinarily be held in the Capital of the State on such dates as may be fixed by its Chairperson:

Provided that it shall meet at least once in every six months. The Chairperson shall, on the written request of not less than ten members of the State Advisory Board.

(2) Seven working days' notice of an ordinary meeting and five working 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 thereat, shall be given by Member-Secretary of the Board to the members of the Board.

(3) 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.

(4) No member of the Board shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given five working days' notice to the Member Secretary of the Board, unless the Chairperson of the Board, in his discretion, permit him to do so.

(5) 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 ;and

(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 (3).

13. Presiding Officer.- The Chairperson of the Board shall preside at every meeting of the Board and in his absence, the Vice-Chairperson thereof shall preside, but when both the Chairperson and the Vice-Chairperson of the Board are absent from any meeting, the senior most member of the Board present shall preside at that meeting.

14. 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 he may fix.

(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 may be, 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, 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 (3) of rule 12.

15. 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 the Board.

(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.

16. 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 (3) of rule 12 shall be transacted at any meeting of the Board.

17. Agenda for the meeting of the State Advisory Board.- (1) 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.

18. Decision by majority.- All question 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.

19. 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.

20. District Level Committee to support and create awareness.- (1) The District Level Committee shall mobilize the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The District Level Committee take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

21. District-level Committee.— (1) The District-level Committee on disability referred to in section 72 of the Act shall consist of, -

- (i) District Collector and District Magistrate -Chairperson;
- (ii) Chief Medical Officer -Member;
- (iii) A Public Prosecutor of the District -Member;
- (iv) A Representative of a Registered Organization -Member;
- (v) A Person with disability -Member;
- (vi) District Officer dealing with empowerment of persons with disabilities -Member Secretary.

(2) The Chairperson may invite any other expert.

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

- (a) Advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities.
- (b) Monitor the implementation of the provisions of the Act and the rules made there under by the District authorities.
- (c) Assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities.
- (d) 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.
- (e) 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.
- (f) Any other functions as may be assigned by the State Government from time to time.

CHAPTER-VII

STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

23. Qualification for appointment of State Commissioner.— A person shall not be qualified to be appointed as

a State Commissioner for Persons with Disability under sub-section (1) of Section 79 of the Act unless,-

- (i) He has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities;
- (ii) He has not attained the age of sixty-five 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 he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post; and
- (iv) He possesses the following educational qualifications and experience, namely:-

(A) Educational qualifications:

- (i) Essential: Graduate in any discipline from a recognized university;
- (ii) Desirable: recognized diploma or degree in social work/ sociology/ law/ management/ human rights/rehabilitation/ education of disabled persons

(B) Experience:

- (i) At least ten years' working experience in Central Government or State Government as Gazette Officer, or
- (ii) At least ten years' working experience 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 with an experience of at least ten years in a registered State or National or International level voluntary organization working

in the field of disability or rehabilitation:

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

24. Mode of appointment of the State Commissioner.-

(1) At least six months before the post of State 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 Hindi language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 23.

(2) A Search-cum-Selection Committee shall be constituted by the State Government to recommend to it a panel of three suitable candidates for the post of The State Commissioner. The Search-cum-selection committee shall consist of the secretaries of the Department of Medical and Health, Department of Social Justice and Empowerment, Department of Women and Child.

(3) Composition of the Selection Committee referred to in sub-rule (2) shall be governed by relevant instructions issued time to time by the administrative department concerned of the State Government.

(4) The panel recommended by the 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 Government or State Government whom the Committee may consider suitable.

(5) The State Government shall appoint one of the candidates out of the panel recommended by the Selection Committee as the State Commissioner.

25. Term of the State Commissioner.- (1) The State

Commissioner shall be appointed on full-time basis for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

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

26. Salary and allowances of the State Commissioner.-

(1) The salary and allowances of the State Commissioner shall be

the salary and allowances as admissible to a Principal Secretary to the State Government.

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

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

(a) Leave:

The State Commissioner shall be entitled to such leave as is admissible to State Service officers under Rajasthan Service Rules:

Provided that re-employed officers shall not be entitled to encashment of leave earned during the period of re-employment and even thereafter.

(b) Leave Travel Concession:

The State Commissioner shall not be entitled for leave Travel Concession.

(c) Medical Benefits:

The State Commissioner shall be entitled to Mediclaim benefits as admissible to State Service officers appointed on or after 01-01-2004. Premium of Mediclaim insurance will be deposited by the State Government.

28. Resignation and Removal.- (1) The State Commissioner may, by notice in writing, under his hand, addressed to the State Government, resign from his post.

(2) The State Government shall remove the State Commissioner from his office, if he,-

(a) becomes an undercharged insolvent;

(b) engages himself during his term of office in any paid employment or activity outside the duties of his office;

(c) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;

- (d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
- (e) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) in the opinion of the State Government, so abused the position of the State Commissioner as to render his continuance in the office detrimental to the interest of persons with disabilities;

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 Category A officer of the State Government.

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

29. Residuary Provision.- The other conditions of service of the State Commissioner, in respect of which no express provision has been made in these rules, shall be determined by the rules or orders for the time being applicable to the State Government.

30. Constitution of the Advisory Committee.- (1) The State Government 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 one shall be women.

(2) 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.

(3) The State Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

(4) Non-official members of the Advisory Committee, not residing in the State capital shall be paid daily and travelling allowances for

each day of the actual meetings at the rate admissible to a Category B or equivalent officer of the State Government.

31. Procedure to be followed by State Commissioner.-

(1) An aggrieved person may present a complaint containing the following particulars in person or by his/her agent to the State Commissioner or send it by registered post or by email addressed to the State Commissioner, namely:-

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

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

(4) Where the aggrieved person or his agent fails to appear before the State Commissioner on such days, the State Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing, the State 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 State Commissioner may dispose of the complaint ex parte, if necessary.

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

(8) The State Commissioner shall decide the complaint as far as possible within a period of sixty days from the date of receipt of notice by the opposite party.

32. Submission of annual reports.- (1) The State 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 State Government an annual report giving a complete account of his activities during the said financial year.

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

- (a) names of officers and employees in the office of the State Commissioner and a chart showing the organizational set up;
- (b) the functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard;
- (c) the main recommendations made by the State Commissioner;
- (d) progress made in the implementation of the Act in the State; and
- (e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

CHAPTER-VIII

PUBLIC PROSECUTOR

33. The fee and remunerations of Special Public Prosecutor:-

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 State Government under the Code of Criminal Procedure, 1973 (Central Act No. 1 of 1974) for conducting the cases before a court of session.

CHAPTER -IX

STATE FUND FOR PERSONS WITH DISABILITIES

34. State Fund for Persons with Disabilities and its management.- (1) There shall be credited to the State Fund for persons with disabilities hereinafter referred to as the State Fund:-

- (a) All sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
- (b) All sums received from the State Government including grants-in-aid; and
- (c) All sums from such other sources as may be decided by the State Government.

(2) The State Fund shall be managed by a governing body consisting of the following members, namely:-

- (a) Secretary-in-charge of the Department of Chairperson, Social Justice and Empowerment, Rajasthan;
- (b) Two representative from the Department of Member, Finance, Rajasthan, Department of Higher Education, Rajasthan, Department of Labour and Employment, Rajasthan, Department of Medical Education, Rajasthan, Department of Medical and Health, Rajasthan, Department of Rural Development and Panchayati Raj, Rajasthan, Department of School Education, Rajasthan, not below the rank of a Joint Secretary, by rotation in alphabetical orders
- (c) Two persons representing different types of Member, disabilities to be nominated by the State Government, by rotation

- (d) Director, Special Abled Person -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 dearness allowance as admissible to a Category B' officer of the State Government for attending the meetings of the governing body.

(7) No person shall be nominated under clause (b) and (c) of sub-rule 2 as a member of the governing body if he,—

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

35. Utilization of the State Fund.—(1) The State Fund shall be utilized for the following purposes, namely:—

- (a) financial assistance received in the form of donations from various corporate organizations as part of their corporate social responsibility (CSR) practices or in collaboration with institutional donors towards special skills in the form of rehabilitation and welfare of the persons with disabilities and utilize such funds as contingency fund;
- (b) providing financial assistance for the specially trained/trained persons in the mental hospitals and special schools run in the state;
- (c) towards creating social awareness on the rights and duties of the persons with disabilities among general public by organizing various workshops;
- (d) to work towards welfare, training, education, rehabilitation, direction, counseling and social upliftment of the persons with disabilities;
- (e) to work towards providing equal opportunities, self-dependence, self-respect and to empower the persons with disabilities in their endeavor to live a dignified life;
- (f) for the welfare of the persons with disabilities, to inculcate social responsibility and equal participation among the general public;

- (g) to formulate various policies and schemes for the betterment and empowerment of the persons with disabilities;
- (h) to provide protection and empowerment to the women and children with disabilities against their exploitation and abuse;
- (i) to work towards rehabilitation of the persons with disabilities in private, public-public partnership programs;
- (j) in achieving the objectives and implementing the provisions of Act;
- (k) financial assistance in the areas which are not specifically covered under any scheme and programme of the State Government;
- (l) administrative and other expenses of the Fund, as may be required to be incurred by or under the Act; and
- (m) such other purposes as may be required for achieving the objectives of the Act and 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.

36. Budget.- The Chief Executive Officer of the State Fund shall prepare the budget for incurring expenditure under the State 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.

37. Annual Report and Audit.- The annual report of the Directorate Special Abled Persons in the State Government shall include a chapter on the State Fund. State Fund accounts shall be audited by the Auditor General of Rajasthan.

CHAPTER-X
MISCELLANEOUS

38. Repeal and Savings. (1) The Rajasthan Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) rules, 2011 are hereby repealed.

(2) Notwithstanding the repeal of the said rules, anything done or any action taken under the said rules, shall be deemed to have been done or taken under the corresponding provisions of these rules.

Form A

Application for Certificate of Registration/Renewal

(See rule 7)

1. Name of Applicant:
2. Address and Telephone Number:
3. (i) Name of the Act under which the institute is already registered,
(ii) Registration number. And date of Registration:
(Please attach a photocopy)
4. Memorandum of association and bye-laws of the institutions;
(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 Institutions:
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 two years
 - (c) Details of Staff Employed by the Institutions.
 - (d) Detail of beneficiaries to be covered by the of the Institutions.
 - (e) If Hostel is maintained, the number of hostellers,
 - (f) Whether the Institute is located on its own / rented building (Necessary evidence to be attached)
8. In case of renewal original certificate shall be attached.

Name:

Designation:

Address:

Date:

Office Stamp:

Signature of Applicant

123(24)

राजस्थान राज-पत्र, जनवरी 24, 2019

भाग 4 (ग)

Form B
Registration Certificate

(See rule 7)

Government of Rajasthan
Directorate, Special Abled Persons

Serial No.:

Dated:

Under sub-section (2) of section 51 of the Rights of Persons with Disabilities Act, 2016 is registered by the Director, Special Abled Persons. This certificate is valid from date..... to..... (for five years).

Application for renewal of the above certificate may be submitted before 60 days of the expiry of the dated of certificate.

Director

Special Abled Persons

[संख्या एफ.1(9)स्था./नि.वि.यो./2018/17000]

By order of the Governor,

अधिल अरोरा,

Principal Secretary to the Government.

अधिल अरोरा,

प्रमुख शासन सचिव,

सामाजिक न्याय एवं अधिकारिता विभाग,

राजस्थान, जयपुर।

Government Central Press, Jaipur.