

M.P. Rights of Persons with Disabilities Rules, 2017

MADHYA PRADESH

India

M.P. Rights of Persons with Disabilities Rules, 2017

Rule

M-P-RIGHTS-OF-PERSONS-WITH-DISABILITIES-RULES-2017 of 2017

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M.P. Rights of Persons with Disabilities Rules, 2017In exercise of the powers conferred by section 101 of the Rights of Persons with Disabilities Act, 2016 (No. 49 of 2016), the State Government, hereby makes the following rules which have been previously published as required by sub-section (1) of section 101 of the said Act in the Madhya Pradesh Gazette part dated namely:-

1. Short Title extent and commencement.

(1)These rules may be called the Madhya Pradesh Rights of Persons with Disabilities Rules, 2017.(2)They shall extend to the whole of Madhya Pradesh.(3)They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act means the Rights of Persons with Disabilities Act, 2016 (No. 49 of 2016);(b)"Benchmark Disabilities" means a person with forty percent or more disability;(c)"Certificate of Registration" means a certificate of registration issued by the competent authority under section 51 of the Act;(d)"Commissioner" means Certifying authority under section 57 of the Act;(e)"Disability Certificate" means a certificate of disability issued by certifying authority under section 57 of the Act;(f)"Form" means a form appended to these Rules;(g)"Section" means the section of the Act.Words and expressions used but not defined in these Rules shall have the same meanings as assigned to them in the Act.

3. State Committee for Research on Disability.

- The State Government shall constitute a State Committee for Research on Disability. The committee shall consist of the following persons, namely :-

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| (i) | An eminent person having vast experience in the field of science, medicine and medical research to be nominated by the State Government | - Chairperson |
| (ii) | Commissioner, Medical Education | - Member |
| (iii) | Commissioner, Public Health and Family Welfare Department | - Member |
| (iv) | Commissioner/Director Ayurvedic, Homoeopathy and Unani Medicine, | - Member |
| (v) | Commissioner, Women and Child welfare Department | - Member |
| (vi) | Three representatives of the National or Regional Registered Organizations or educational institution representing any of the five groups of specified disabilities in the schedule to the Act who are working in the field of disability : Provided that at least one representative shall be a woman. | - Member |
| (vii) | Two disabled persons to be nominated by the State Government | - Member |
| (viii) | Commissioner, Social Justice and Disabled Persons Welfare. | - Member |
| (ix) | Joint Director, Social Justice and Disabled Persons Welfare. | - Member-Secretary |

(2) The chairperson may invite any subject expert as a special invitee in the meeting of the committee. (3) The terms of the nominated members shall be for a maximum period of three years from the date on which they enter upon their office, but they may be nominated for one more term. (4) At least one half of the total members shall form the quorum for any meeting. (5) The non-official members and special invitee shall be entitled for such travelling allowance and daily allowance as admissible to Class-1 officer of the State Government. (6) The State Government may provide the committee clerical and other staff.

4. Person with disability not to be subject of research.

- No person with disability shall be a subject of research except when the research involves physical or mental impact on his body;

5. Protection of persons with disability from abuse, violence, exploitation and disaster.

(1) If any person with disability is found victim of abuse, violence or exploitation, the State Government shall provide facilities of security and rehabilitation through Government/non-Government institutions. (2) The State Government and District Disaster Management Authority shall be responsible for the protection and safety of persons with disability at the time of disaster.

6. Legal Assistance and limited guardianship to persons with disability.

(1) Persons with disability who are not living with family and requiring support for exercising legal rights, the Collector shall provide Legal Assistance through District Legal Aid Officer. (2) The Collector shall be the competent authority for granting limited guardianship to such persons with disability who are in need of taking decision in the cases of legal binding. (3) The competent authority shall ensure that guardianship is needed to the persons with disabilities who are unable to take decision on legal basis. (4) The Collector shall, suo motu or after receiving application, take action immediately : Provided that the consent of the person, who agree to act as a limited guardian, shall also be obtained before grant of such limited guardianship. The period for limited guardianship shall be determined by the Collector according to the need. (5) In case of disabled woman, the limited guardian shall be a woman. (6) The limited guardian appointed under sub-rule (1) shall consult the person with disabilities in all matters before taking any decision of legal action in this behalf. (7) The limited guardian shall ensure that the decision of legal action taken on behalf of the person with disability is in the interest of the disabled person.

7. Social Awareness.

- The State Government shall designate nodal officer to mobilize the community and create social awareness for persons with disabilities.

8. Inclusive education for persons with disabilities.

(1) The State Government shall ensure that any disabled student is not debarred for taking admission in the Government/non-Government recognized educational institutions. If it is found then the State Government may cancel the recognition of the concerned educational institution. The State Government may authorize the district education officer for ensuring the compliance by issuing appropriate instruction. The inclusive education shall have to be provided to children with disability for the purpose of section 18 of the Nishulk Avm Bal Shiksha Ka Adhikar Adhiniyam, 2009 (No. 35 of 2009). (2) The district education officer shall ensure that the building of every recognized Government/Non Government educational institution is barrier free for children with disability. If any building of educational institution is found non-accessible for the children with disability, the district education officer shall, by giving opportunities, issue one month notice to the concerned institution for making the barrier free access and if the work is not executed with the time limit, the district education officer shall recommend to the State Government for cancelling the recognition of that institution. (3) All educational institutions shall ensure the availability of adequate number of trained teachers for the education of children with disability.

9. Manner of publication of equal opportunity policy.

(1) Every establishment shall publish equal opportunity policy for persons with disabilities. (2) The establishment shall display the framed policy preferably on its website if there is no website, then it shall be displayed at conspicuous place in the premises. (3) The equal opportunity policy of a private

establishment and Government establishment having twenty or more employees shall inter alia contain the following provisions, namely :-(a)Facility and amenity to be provided to the persons with disabilities which may enable them to effectively discharge their duties in the establishment;(b)List of posts identified suitable for persons with disabilities in the establishment;(c)The manner of selection of persons with disabilities for various posts after recruitment and before promotion, training shall be given and preference shall be given in transfer, posting, special leave and in allotment of residential accommodation and other facilities.(d)Provision for assistive devices, barrier free access and other provisions for persons with disabilities.(e)Liaison officer to be appointed by establishment to look after the recruited persons with disabilities and who will check the facilities and amenities provided for such employees,(4)The equal opportunity policy of the private establishment having less than twenty employees shall also contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

10. Manner of maintaining records by establishment.

(1)Every establishment shall maintain records in hard and soft copies which includes records maintained in the form of register or stored in a computer or tabs, or in any other electronic form or any written information or transcribes in ordinary or machine language and such other documents which may be useful for the purposes of these rules.(2)The records shall contain the following particulars, namely :-(a)Number of persons with disabilities who are employed and date of their appointment.(b)The name, gender and address.(c)Nature of disability.(d)The nature of work which is being performed by such person with disability, and(e)The details of facilities which is being provided to such persons with disabilities.(3)Every establishment shall produce for inspection the records maintained under these rules on demand to the authorities under the Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions are being complied with or not.(4)Every establishment shall verify the record as required by the authorized person.

11. Manner of maintenance of Register of complaints by the Government establishment.

(1)Every Government establishment shall appoint an officer not below the rank of Gazetted Officer as grievance Redressal Officer :Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most officer as Grievance Redressal Officer.(2)The Grievance Redressal Officer shall maintain a register of complaints and specifically maintain a soft copy for this purpose and each complaint shall be entered in a separate page of the register.(3)The Grievance Redressal Officer shall mention the following particulars in the register, namely :-(a)Date of lodging complaint;(b)Name of Complainant;(c)Name of person enquiring the complaint;(d)Place of incident;(e)The name of the establishment or person against whom the complain has been lodged;(f)Gist of complaint;(g)Any additional information;(h)Documentary evidence if any;(i)Date of disposal of the complaint by the Grievance Redressal Officer;(j)Details of disposal of appeal by the constituted District level committee on disability; and(k)Any other information.

12. Reservation for employment.

(1) There shall be 6 percent reservation for employment to the persons with disabilities in each Government establishment. The reservation shall be for the following categories, namely :- (a) Blindness and low vision. (b) Deaf and Hard of hearing. (c) Locomotion disability including cerebral palsy, leprosy cured dwarfism, acid attack victims and muscular dystrophy. (d) autism intellectual disability, specific learning disability and mental illness. (e) multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the post identified for each disabilities. (2) The General Administration Department of the State Government shall issue detail instruction to all departments for taking necessary action in this respect.

13. Computation of vacancies.

(1) For the purpose of computation of vacancies, six percent of the total number of vacancies shall be taken into account by the State Government for the persons with benchmark disabilities : (2) The benchmark disability is as under according to the provisions of section 34 of the Act: - (a) Blindness and low vision; (b) Deaf and hard of hearing; (c) Locomotors disability, including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; (d) Autism, intellectual disability, specific learning disability and mental illness. (e) Multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the post, identified for each disabilities. (3) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the State Government from time to time. (4) While issuing advertisement to fill up vacancies, every Government establishment shall indicate the number of reserved vacancies for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act. (5) The reservation for persons with disabilities shall be horizontal in accordance with the provisions of section 34 of the Act and the vacancies for persons with benchmark disabilities shall be maintained as a separate class. (6) The General Administration Department of the State Government shall issue detail instruction to all departments for taking necessary action in this respect.

14. Interchange of vacancies.

- The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act only if due to recruitment by publishing the advertisement to fill up the vacancies reserved for persons with benchmark disabilities has been complied with and after following the recruitment process no proper applicant is available.

15. Submission of Returns.

(1) Every Government establishment shall furnish to the local special employment exchange returns in Form-I (Persons with Disabilities Employer's Return) once in every six months and in Form-II once in every two years. (2) The Return shall be furnished within thirty days of the respective date

which is 31st March and 30th September of every financial year.(3)The two yearly returns shall be furnished within thirty days of the closing of every alternative financial year :Provided that the first two yearly returns shall be furnished for the financial year 2017 closing on 31st March 2019.

16. Form in which record to be kept by an employer.

- Every employer of Government establishment shall maintain the record of employees with disabilities in Form (PDER)-III.

17. Committee for identification of posts.

- An expert committee to identify the posts for persons with disabilities and to solve relevant complaint shall be constituted by the General Administration Department. The committee shall consist of the following persons, namely :-

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| (i) Additional Chief Secretary/Principal Secretary,General Administration Department | - Chairperson |
| (ii) Principal Secretary, Finance Department | - Member |
| (iii) Principal Secretary, Law and Legislative AffairsDepartment | - Member |
| (iv) Principal Secretary, Social Justice and DisabledWelfare | - Member |
| (v) Commissioner, Social Justice and DisabledWelfare | - Member-Secretary |

18. Incentive to employers in private sector.

- The State Government shall issue instructions to provide incentives to employers in private sector who has employed at least 5 percent of total persons with disabilities.

19. Special employment exchange.

- Every establishment shall furnish information and return relating to vacancies and appointment made of persons with, disabilities to the special employment exchange. The General Administrator Department shall issue detail instructions to all departments in this respect.

20. Rules for accessibility.

(1)Department of Urban Administration Panchyat and Rural Development, Railway and Public Works Department shall make the following provisions to ensure accessibility of the roads and buildings under their jurisdiction, other concerned departments using the infrastructure shall also be responsible;(A)Road(i)To exhibit on the road a hearing sign on red-light square for deaf and dumb and for blindness persons with disabilities exhibit necessary sign,(ii)to make slope on the steps for persons with disabilities using wheel-chair,(iii)to engrave the surface of the zebra-crossing for the persons with blindness or low vision,(iv)to engrave the side of railway platform for persons with blindness and low vision,(v)to develop the proper signs for disabled,(vi)to display warning

signs on appropriate places.(B)In constructed buildings :-(i)to make ramp in public buildings;(ii)to make comfortable toilets for the persons with disabilities;(iii)to provide brail/signs and hearing signs in the lift;(iv)to make ramp in hospitals, primary health centers, places for medical treatment and rehabilitation;(v)to make barrier free access for persons with disability in the Government offices.

21. Access to information and technology.

- The State Government shall take action for access to Electronic Media by providing Audio description to persons with disability in consultation with the Information and Technology Department.

22. Recognition of non-Government Institutions.

(1)For the purpose of sub-section (1) of section 51 of the Act, the officer nominated, by the Commissioner/Director, Social Justice and Disabled Welfare shall be the authorised officer for the purpose of registration of the institution to be established under section 50 of the Act.(2)The concerned non-Governmental institution shall apply in Form-A to the Joint/Deputy Director Social Justice and Disabled Welfare of the concerned district.(3)The following documents shall be attached with the application :-(i)documentary evidence of work in the area of disability.(ii)the constitution or bye-laws or regulations governing the institutions;(iii)Last three years, Annual Report, Audit Report of Chartered Accountant, Annual grants received in last 3 years.(iv)The information regarding names and their educational qualification and total number of persons employed in the institution along with their respective duties and honorarium is being paid;(v)The information regarding the number of experts, their names and their educational qualifications, employed in the institution;(vi)The information regarding the proof of residence, of the applicant, their E-mail, telephone and mobile number and website.(4)Every institution who has made application under sub-rule (1) above shall fulfill the following requirement in respect of the institution :-(a)that the institution has been working in the field of rehabilitation of persons with disabilities for more than three years immediately before the date on which application has been made;(b)that the institution is registered under the Indian Societies Registration Act, 1860 (No. 21 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 bye-law and memorandum of association of the society shall be submitted with the application;(c)that the institution is not being running for the profit of any individual or a body of individuals;(d)that the institution has employed professionals registered with the Rehabilitation Council of India to cater and fulfill the special needs of children with disabilities;(e)that the institution has adequate teaching and learning materials for the persons with disabilities;(f)that the institution has submitted its audited accounts and annual report of last three years to the competent authority.(5)On receipt of the application, the Joint/Deputy Director, Social Justice and Disabled Welfare on receipt of the application, shall enquire and inspect the activities of the institution within 30 days and shall prepare a the detailed inspection report and thereafter submit the proposal to the authorised officer with the recommendation of the Collector of the concerned district.(6)On receipt of the application, the competent authority after inquiry and satisfaction shall issue the Registration Certificate under the provisions of section 50 of the Act.(7)The Registration Certificate shall be valid

for three years from the date of issue, but the voluntary institution shall submit the report of working done during every year to the competent authority.(8)The institution shall have to apply for renewal of the registration certificate before 60 days of the expiry of the registration.

23. Refusal to issue Registration Certificate.

- The competent authority may by order refuse to give certificate after giving reasonable opportunity of being heard to the applicant. Such order shall contain specific reasons for refusal to give such certificate and the applicant shall be informed accordingly by registered post.

24. Validity of Registration Certificate.

- The registration certificate issued under section 50 of the Act shall be valid for the period of 3 years unless it is revoked under section 52 of the Act.

25. Appeal against the order of competent authority.

- Any person aggrieved by the order of competent authority refusing to give the certificate or revoking the registration, may prefer an appeal within the period of 30 days against the order of refusal or revocation of registration, to the Principal Secretary, Social Justice and Disabled Welfare.

26. Certifying Authority to issue disability certificate.

(1)The Medical Officer in-charge of the Government Hospitals shall be the Authorised officer to issue the disability certificate. The Chief Medical and Health Officer/Civil surgeon of the concerned district shall appoint authorised officers for all hospitals separately under their jurisdiction.(2)The Public health and Family Welfare Department of the State Government shall issue detailed instructions in this regard.

27. Application for certificate of disability.

(1)Any person with specified disability may apply for a certificate of disability and the application shall be, submitted to the following :-(a)to any medical authority or any other notified competent authority shall issue such a certificate in the district of residence of the applicant as mentioned as the proof of residence in the application or any authority as mentioned the Schedule I.(b)to the concerned medical authority in a Government hospital where he may be undergoing or may have undergone treatment in connection with his disability ;Provided that where a persons with disability is a minor are suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the disabled minor under its care.(2)The following documents shall be attached with the application :-(a)Proof of residence;(b)Two recent passport size photographs; and(c)Aadhaar Number or Aadhaar Enrollment, if any.

28. Issuance of Disability Certificate.

(1) On receipt of an application the medical authority or any other notified competent authority, shall verify the information provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability shall issue a certificate of disability in his favour in the prescribed form. (2) The medical authority shall issue the certificate of disability within one month from the date of receipt of the application. (3) The medical authority after due examination shall:-(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 temporary certificate of disability in cases where there is any chance of variation over time in the degree of disability and indicate the period of validity. (4) If any applicant is found ineligible for issuing him the certificate of disability, the medical authority shall inform the reasons in writing to him within a period of one month from the date of receipt of the application.

29. Certificate issued to be generally valid for all purposes.

- A person to whom a certificate of disability is issued shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Government organization funded by the Government. Such person shall be able to apply under such conditions which are specified in the appropriate schemes made by the Government or specified by instructions.

30. Appeal.

- Any person aggrieved with the decision of the authority, may within ninety days prefer an appeal to the Chief Medical and Health Officer.

31. State Advisory Board.

(1) The State Advisory Board shall be constituted in accordance with the provisions of sub-section (2) of section 66 of the Act, as under:-

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| (i) | Minister, Government of Madhya Pradesh, Social Justice and Disabled Welfare Department | - Chairperson |
| (ii) | State Minister, Government of Madhya Pradesh, Social Justice and Disabled Welfare Department | - Vice-Chairperson |
| (iii) | Additional Chief Secretary/Principal Secretary/Secretary, Government of Madhya Pradesh, Social Justice and Disabled welfare, Education, Higher Education, Women and Child Development, Finance, Public Health and Family Welfare, Panchayat and rural Development, Labour, Industry, Employment, Urban Development, Information and Technology, Sport and Youth Welfare, Transport, Public Works, Technical Education Departments | - Member |

- (iv) Three Members of the State Legislature out of which at least two shall be women - Member
- (v) The following category of members shall be nominated by the State Government shall nominate following member of different category - Member
- Five experts expert from Disability and rehabilitation field
 - Five Members working in the field of Disability and rehabilitation.
 - Ten Disabled having special Achievement, out of which at least five shall be women
 - Three representative from the State Chamber of Commerce Industry
- (vi) Commissioner/Director, Social Justice and Disabled welfare - Member-Secretary
- (2) The procedure for nominating five members under sub-clause (ii) of Clause (e) sub-section (2) of section 66 of the Act by rotation from the districts shall be as under :-(i) the nomination shall be made on the basis of population of disabled persons of the district in descending order. (ii) five districts shall be selected where the population of the disabled persons is more and five members shall, in the first instance be nominated, who shall represent the district in the Board. After every 3 years other district of maximum population of disabled persons shall be selected. The procedure of nomination shall continue till the representation of all districts is not completed. (iii) the term of members representing the above districts shall be three years. (iv) the selection of members shall be made on the recommendation of the collector of the concerned district.

32. Terms and Conditions of Members.

(1) The term of office of the member of State Advisory Board shall be for a period of three years from the date of nomination. (2) The State Government, may if thinks fit remove any nominated member before the expiry of his term after giving him a reasonable opportunity of showing cause against him. (3) A member nominated may, at any time resign his office by writing under his hand addressed to State Government. (4) The casual vacancy in the State advisory board shall be filled by a fresh nominated member and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was so nominated.

33. Allowances to the members.

(1) The non-official member of the State Advisory Board shall be paid an allowance of rupees one thousand for each day of the actual meetings. (2) The non-official members of the State advisory board not residing in Bhopal shall be paid the actual travelling allowance or the actual fare which shall not be more than the fair of second AC train.

34. Disqualifications.

(1) No person shall be a member of the State Advisory Board, who (a) is or at any time has been adjudged insolvent by competent Court or has suspended payment of his debt or has compounded

with his creditors, or(b)is of unsound mind and stands so declared by competent Court, or(c)is or has been, convicted of an offence, which in the opinion of the State Government involves moral turpitude, or(d)is or at any time has been convicted of an offence under the Act, or(e)has so abused, in the opinion of the State Government, his position as a member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.(2)No order of removal shall be made by the State Government under this rule unless the member concerned has been given a reasonable opportunity of showing cause against the same.(3)A member who has been removed under this rule shall not be eligible for re-nomination as a member.

35. Notice of Meetings.

(1)The meetings of the State Advisory Board shall ordinarily be held in the State Head quarter on such date and time as may be fixed by the Chairperson.(2)The meeting of the Board shall be held at least once in every six months. The Chairperson of the Board shall, on the written request of not less than 10 members of the Board call a special meeting of the Board.(3)The member secretary of the Board shall given seven days notice before the meeting specifying the place time, date at which such meeting is to be held and the business to be transacted thereat.(4)The Chairperson of the State Advisory may adjourn the meeting on unavoidable reason.

36. Quorum.

(1)Minimum one-third of the total members of the Board shall form the quorum for any meeting.(2)If at the time fixed for any meeting or during the course of any meeting less than one-third of the total number of members are present, the Chairperson thereof may adjourn the meeting to such hours on the following or on some other date as he may fix.(3)No quorum shall be necessary for adjourn the meeting of the Board.

37. Minutes of the Meeting.

(1)The Member-Secretary shall keep the minute book of the meeting in which names of all members of the board and their signature who had attended the meeting and details of proceedings of the meeting shall also be maintained.(2)The minutes of the previous meeting of the Board at the beginning of every succeeding meeting and shall be confirmed and signed by the Presiding Officer of such meeting.

38. Business to transacted at meeting.

(1)Save with die permission of the Presiding Officer, no business which is not included in the agenda or of which notice has not been given by a member shall be transacted at any meeting.(2)At any Meeting of the board business shall be transacted in the order in which it is included in the agenda unless otherwise resolved in the meeting with the permission of the Presiding Officer.

39. 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 over 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.

40. No proceeding to be invalid due to any defect in constitution of Board.

- No proceeding of the Board shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the Board.

41. Functions of the State Advisory Board.

- The State Advisory Board shall function as under :-(i)To advice the State Government for the implementation of, programs, scheme and deciding the Policy for persons with disability.(ii)To develop a State policy for persons with disability.(iii)To monitor and coordinate with various departments for the action related to persons with disability.(iv)To prepare new programs for persons with disability.(v)To take action regarding barrier free environment, accommodation, equality for the persons with disability.(vi)Evaluation of policies, schemes and programs,(vii)Any other matter, if necessary.

42. District Level Committee.

- The District Level Committee shall be constituted as under :-

(i) Collector of the concerned District	- Chairperson
(ii) Chief Executive Officer, Zila Panchayat	- Member
(iii) Civil Surgeon/Chief Medical and Health Officer	- Member
(iv) District Education Officer/District ProjectCoordinator	- Member
(v) General Manager Industries	- Member
(vi) Project Officer Urban Development	- Member
(vii) The District Employment Officer	- Member
(viii) District Programme Officer Woman and Child -Development Officer	- Member
(ix) Two representatives of voluntary organisationconcerned with the welfare of disabled person	- Member
(x) Representative of District Rehabilitation Centrefor disabled	- Member
(xi) Two such emeritus persons with disability whohave obtained specific achievement in any field	- Member
(xii) Joint/Deputy Director Social Justice andDisabled Welfare	- Member-Secretary

(2) The District Level Committee shall solve the problems facing by the disabled persons and take action for entire rehabilitation in co-ordination with all departments of Government/non-Government organisations and shall monitor and evaluate the action taken.

43. Functions of the District Level Committee.

- The District Level Committee shall function as under :- (i) To approve the annual scheme of disabled welfare of the districts. (ii) To update information regarding persons with disability on samagra portal. (iii) To review the Udid card issued to persons with disability in the district. (iv) To review the beneficiaries under the various schemes related to persons with disability. (v) To ensure appointment of persons with disability in Government service in accordance with the reservation. (vi) To upload the facilities provided to the persons with disability on sparsh samagra portal. (vii) To review the functioning of non-Governmental institutions working in the field of disabled welfare in the district. (viii) Quarterly review the activities of various departments related to this Act. (ix) To review the progress of education of disabled students and to solve their problems. (x) To review the annual work plan of district disabled rehabilitation centre. (xi) To review and resolve the problem to create barrier free atmosphere in time limit. (xii) To review early identification, intervention and treatment. (xiii) To review the utilization of budget allotted for the persons with disability and to review audit. (xiv) To review the work entrusted from time to time by the State Government.

44. Commissioner, for Persons with Disability.

- The State Government shall appoint a Commissioner, disability for persons with disability.

45. Qualifications for appointment of Commissioner, disability.

- A person shall be qualified to be appointed as a Commissioner, Disability if - (a) he has special knowledge or practical experience in relating to rehabilitation of persons with disabilities; (b) he has not attained the age of sixty-two 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 Commissioner, disability occurs; (c) 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, (d) a retired officer of Indian Administrative Service, of Central Government and Civil Service of State Government who has the ability of policy determination and experience of administration in the field of disability. (e) he possesses the following educational qualification and experience, namely :- (a) Educational Qualifications - (i) Essential - Graduate from a recognised university. (ii) Desirable - Recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of disabled person; (b) Experience - At least eighteen years experience in the field of Social Work or Rehabilitation or empowerment of Persons with Disability - (i) work experience in the Central Government or State Government, or (ii) public sector undertakings on 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 State or national or international organisation registered and working in the field of disability or social developments : Provided that

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

46. Disqualifications for Commissioner, disability.

- Any such person shall not be eligible for the post of Commissioner, disabled person if he is -(a)a bankrupt or at any time he has been declared as benchmark, or(b)a person of unsound mind and the same has been declared by the competent Court, or(c)a person, who in the opinion of the State Government has been declared accused for any crime against the moral values, or(d)a person who has been found accused for any crime or declared accused, or(e)a person who has misused the power and was found accused and in the opinion of the Government as a State Commissioner, disability his service may be contrary to the public interest, or(f)a person who has completed two tenures as Commissioner, disability.

47. Term of Commissioner, disability.

- The term of office of the Commissioner, disability shall be three year.

48. Headquarter of the Commissioner, disability.

- The headquarter of the Commissioner, disability shall be at Bhopal.

49. Pay, Allowances and other facilities to Commissioner, disability.

(1)The Commissioner, disability shall be entitled to such pay, allowances and other facilities as is entitled to Secretary of the State Government.(2)Where the Commissioner disabled persons is retired person from Government service, he shall be eligible for last pay drawn minus pension at the time of retirement as remuneration.

50. Procedure of appointment of Commissioner, disability.

(1)The State Government shall constitute a search committee to propose a panel from the applications received for selection of Commissioner, disability. The search committee shall consist of the following members, namely :-

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| (a) | An officer of the rank of Additional Chief Secretary to be nominated by the Chief Secretary | - Chairperson |
| (b) | The Principal Secretary, General Administration Department | -Member |
| (c) | The Principal Secretary/Secretary Social Justice and Disability Welfare Department | - Member |
| (d) | The Commissioner/Director Social Justice and disability welfare. | -
Member-Secretary |

(2)The procedure of selection of Commissioner disability shall be as follows :-(a)The Commissioner/Director Social Justice and disability Welfare shall issue an advertisement inviting the applications for appointment on the post of Commissioner, disability. The advertisement shall be published in two daily newspapers of National and State Level of which at least one should be published in English newspaper.(b)The application received shall be placed before the search committee constituted by the State Government.(c)The State Government shall appoint Commissioner, disability on the recommendation of search committee and no appeal shall be entertained in this case.(d)The proceedings of the meeting of search committee shall be confidential and no correspondence shall be entertained in this respect.(e)If the State Government do not found suitable person for the post of Commissioner, disability then the selection procedure shall be again repeated.

51. Resignation and removal from the post.

(1)The Commissioner, disability may, by letter resign his office by writing under his hand addressed to the State Government.(2)The State Government may at any time remove the State Commissioner, disability if he -(a)becomes an undischarged insolvent, or(b)On receipt of his any complaint is found him guilty after inquiry, or(c)does not submit the report in time or he is late in submitting the report or the State Government is of opinion that he is not discharging the duties properly or he is committing mistakes, in discharging the duties.(d)any other reason, the State Government may think proper.

52. Competent Authority to remove the Commissioner, disability.

- The State Government shall be competent authority for removing the Commissioner, disability from the post before the expiry of his term.

53. Vacant Post of Commissioner, disability.

- In case the post of Commissioner, disability is vacant, the Principal Secretary of Social Justice and Disabled Welfare shall be the in charge Commissioner, disability.

54. Staff for the office of Commissioner, disability.

(1)The necessary staff shall be provided for the office of Commissioner, disability.(2)The staff shall be under the administrative control of the Commissioner, disability

55. Residuary Provision.

- The conditions of service of the Commissioner, disability in respect of which no express provision has been made in section 79 of the Act, shall be determined by the rules and orders.

56. Submission of Annual Report.

(1)The Commissioner, disability shall, after the end of Financial Year, prepare and submit to the State Government an annual report giving a correct and complete account of activities during the said financial year.(2)The annual report shall contain the information in respect of each of the following matters, namely :-(a)The names of officers and employees working in the office of the Commissioner, disability and a chart showing the organizational setup.(b)The functions under section 75 and 76 of the Act which are empowered to be discharged by the Commissioner, disability and execution of the other important matters in this respect.(c)The main recommendations made by the Commissioner, disability.(d)The progress made in the State after implementation of the provisions of the Act.(e)The information regarding any other subject included by the Commissioner, disability and subject specified by the State Government from time to time.

57. Appointment of Special Public Prosecutor.

(1)The special public prosecutor shall be appointed by the State Government for every special Court as under:-(a)who has practical experience of handling cases of persons with disabilities;(b)who has experience of practicing in the Court for not less than seven years,(c)who has knowledge of local language and customs.(2)The special Public Prosecutor specified under section 85 of the Act shall be entitled to receive such fees or remuneration as is admissible to the Public Prosecutor appointed by the State Government under the Code of Criminal Procedure, 1973 (1 of 1974) for conducting the cases before the Court of session.

58. Management of State Fund.

(1)There shall be constituted by the State Government a State Fund for welfare and rehabilitation of persons with disabilities and there shall be credited thereto-(a)all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;(b)all sums received from the State Government including grant-in-aid,(c)all sums from such other sources as may be decided by the State Government(2)The account and records of the State Fund shall be kept properly in which, the Statement of income and expenditure shall have to be included.(3)The Accounts of the State Fund shall be audited by the Chartered Accountant every year.(4)There shall be a following Committee for management of State Fund:-

- | | | |
|-------|---|--------------------|
| (i) | Principal Secretary/Secretary, Social Justice and Disable Persons
Principal secretaries, Finance, Public Health, Education. Technical Education, | - Chairperson |
| (ii) | Higher Education, Labour, Industries, Urban Administration, Woman and Child Development, Panchayat and Rural Development | - Member |
| (iii) | Two persons/institutions representing different types of disabilities who are nominated in the State Level Advisory Board by rotation | - Member |
| (iv) | State Nodal Agency institution of National Trust | - Member |
| (v) | Commissioner/Director Social Justice and disability Welfare | - Member-Secretary |

(5)The committee shall from time to time, meet as often as necessary but at, least once in every six months the meeting shall be compulsory.(6)No member of the committee shall be a beneficiary of the Fund during the period such member holds office.(7)The nominated non-official members shall be eligible to receive such travelling and daily allowance as admissible to the members for attending the meetings of State advisory board.(8)No member may be a member of the committee 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 declared adjudicated as an insolvent

59. Utilization of State Fund.

(1)The State fund shall be utilized for the following purposes, namely :-(a)Financial Assistance in the areas which are not specifically covered under any scheme and programme of the State Government.(b)Administrative and other expenses as may be required to be incurred for the purposes under the Act, and(c)for such other purposes as may be decided by the committee.(2)Every proposal of expenditure shall be placed before the committee for its approval.(3)The Committee 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.(4)The State Fund shall be utilized in such manner as the committee may think appropriate.

60. Budget.

- The Member-Secretary of the committee of State fund shall prepare or cause to be prepared the Budget for incurring expenditure from the State Fund during the financial year showing the estimated receipt and expenditure in January every year. The Budget prepared shall be placed before the Committee for consideration.

61. Annual Report.

- The Social Justice and disabilities Welfare Department shall include a chapter on the State Fund in its Administrative Annual Report.