



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX] TUESDAY, DECEMBER 3, 2019 / AGRAHAYANA 12, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, Dated 3rd December, 2019.

Rights of Persons with Disabilities Act, 2016.

No.GH/SH/08/APG/102017/88013/CHH 1:- WHEREAS certain draft rules were published as required by sub-section (1) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), at pages 174-1 to 174-14 in the Gujarat Government Gazette, Extraordinary, Part IV-A, dated the 21st October, 2019, under the Government Notification, Social Justice and Empowerment Department, No.GH/SH/05/APG/ 102017/88013/CHH 1, dated the 17th October, 2019 inviting objection or suggestion from all persons likely to be affected thereby within a period of thirty days from the date of publication of the said notification in the *Official Gazette*;

AND WHEREAS objections or suggestions received in respect of the said draft notification have been considered by the Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), and in supersession of all the rules made in this behalf, the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER I

Preliminary

1. **Short title and commencement.-** (1) These rules may be called the Gujarat Rights of Persons with Disabilities Rules, 2019.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Definitions.-** (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);

- (b) "Certificate" means a certificate of disability issued by the certifying authority referred to in sub-section (1) of section 57 of the Act;
 - (c) "Certificate of registration" means a certificate of registration issued by the Competent Authority under section 50 of the Act;
 - (d) "Form" means a form appended to these rules.
- (2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Rights and Entitlements

3. Establishment not to discriminate on the ground of disability.-

- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.
- (2) If the head of the establishment of the Government of Gujarat or a private establishment employing twenty or more persons receives a complaint from an aggrieved person regarding discrimination on the ground of disability, he shall-
 - (a) initiate action in accordance with the provisions of the Act; or
 - (b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.
- (3) If the aggrieved person submits a complaint to the State Commissioner, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, State Commissioner may dispose of such complaint within thirty days.
- (4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

CHAPTER III

Committee on Research on Disability

4. 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, *ex-officio*-Chairperson,
 - (ii) Director of Medical Services of the Gujarat Government,- *ex-officio*- Member,
 - (iii) Five members to be nominated by the State Government as representatives from the registered organization in the Gujarat state representing each of the five groups of specified disabilities in the Schedule of the Act- Members:

Provided that at least one representative of the registered organizations shall be a woman,
 - (iv) Director, Social Defence, Government of Gujarat - 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 into 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 Class I officer of the State Government.
 - (6) The State Government may provide the Committee with such clerical and other staff as the Government considers necessary.
5. **Person with disability not to be a subject of research.**- No person with disability shall be considered to be a subject of research except when the research involves physical impact on him.

CHAPTER IV

Limited Guardianship

6. **Limited Guardianship.**- (1) A District Court or any designated authority as designated by the State Government on its own or otherwise shall grant the support of limited guardianship to a person with disability to take a legally binding decision on his behalf in consultation with such person.
- (2) The District Court or the designated authority 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 Court or 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 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 Court or the designated authority as the case may be:
Provided that the District Court or the designated authority 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 Court or the designated authority 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 care givers or prominent personality of the locality.
 - (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 (1 of 1974) shall be appointed as 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 V

Education

7. **Terms and conditions before recognition of the educational institution.-** While determining the terms and conditions of Educational Institutions for recognition, the Director of Primary Education in the Gujarat state shall ensure that all the requirements as provided in section 16 of the Act have been fulfilled.

8. **Nodal Officer in the District Education Office.-**

There shall be a nodal officer in the District Education Office and District Primary Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in Primary, Secondary/Higher Secondary schools and any other modes of education in accordance with the provisions of sections 16, 17 and 31 of the Act.

CHAPTER VI

Certificate of Registration of Institutions

9. **Application for, and grant of Certificate of registration.-** (1) A person desirous of establishing or maintaining an institution for persons with disabilities may make an application in FORM A to the Director, Social Defense, the competent authority as appointed by the State Government under section 49 of the Act.
- (2) Every application made under sub-rule (1) 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;
 - (f) a statement regarding qualifications of the professionals employed by the Institution; and
 - (g) the proof of residence of the applicant.
- (3) Every application made under sub-rule (1) shall comply with the following requirements in respect of the concerned institution, namely,-
- (a) that the institution had been eligible for working in the field of rehabilitation of persons with disabilities;
 - (b) that the institution is registered under the Societies Registration Act, 1860 (XXI of 1860) or as a Public Charitable Trust under Gujarat Public Trust Act, 1950 (Bom. XXIX of 1950) or Not-for-Profit Company under section 8 of the Indian Companies Act, 2013 (18 of 2013) and a copy of such registration certificate along with the bye-laws and memorandum of association of the society and/or Trust or a Non-for-Profit company shall furnish with the application;

- (c) that the institution has not been running to profit any individual or a body of individuals;
 - (d) that the institution has employed professionals registered with the Rehabilitation Council of India to cater to the special needs of children with disabilities;
 - (e) that the institution has adequate teaching and learning material for the persons with disabilities; and
 - (f) that the institution has submitted its audited accounts and annual reports.
- (4) The Certificate of registration under this rule, unless revoked under section 52 of the Act, shall remain in force for a period of five years on and from the date on which it is granted or renewed.
- (5) An application for the renewal of certificate of registration shall, be made in the same manner as the application for grant of certificate under sub-rule (1) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate so accompanied:
- Provided that such application shall be made before sixty days of the expiry of the validity of such certificate:
- Provided further that the Director of Social Defence may consider application for renewal of the Certificate of registration after 60 days but not later than 120 days, if he is satisfied that sufficient reasons has been provided for such delay.
- (6) If the application for renewal of Certificate of registration is made before its expiry as specified in the first proviso to sub-rule (5), the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired if application for its renewal is not made within sixty days as specified in the said proviso.
- (7) Every application made under sub-rule (1) or sub-rule (5), in which the competent authority referred to in sub-section (1) of section 51 of the Act, is satisfied that the requirements for grant of certificate of registration under the Act and these rules have been complied with, shall be disposed of by it within a period of ninety days thereafter.
- 10. Appeal against the order of Competent Authority.**- Any person aggrieved by the order of the Director of Social Defence referred to in sub-section (1) of section 51 of the Act, refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order to the appellate authority notified by the State Government as referred to in sub-section (1) of section 53 and the appellate authority may, after such enquiry into the matter as it considers necessary and after giving Director of Social Defence, the appellant an opportunity of hearings, make such order as it thinks fit.

CHAPTER VII

Appeal Regarding Certificate of Disability

- 11. 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 ninety days from the date of the decision, prefer an appeal to the Commissioner, Health, Medical Services and Medical Education and Research, Government of Gujarat, appellate authority designated by the State Government for the purpose under sub-section (1) of section 59 of the Act in the following manner:-

- (a) The appeal shall contain brief background and the grounds for making the appeal,
- (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, Commissioner, Health, Medical Services and Medical Education and Research, Government of Gujarat, the appellate authority 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 and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER VIII

State Advisory Board

12. **Allowances for the Members of the Gujarat State Advisory Board.** - (1) The non-official Members of the Gujarat State Advisory Board on disability not residing in the State capital region, shall be paid an allowance of rupees two thousand or as decided by Government from time to time per day for each day of the actual meetings of the said Board.

- (2) The non-official Members of the Gujarat State Advisory Board on disability residing outside Gandhinagar shall be paid daily and travelling allowances for each day of the actual meetings of the said Board at the rates admissible to a Class I Officer of the Government of Gujarat:

Provided that in case a Member of Legislative Assembly who is a Member of the Gujarat State Advisory Board on Disability, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Legislative Assembly when the Legislative Assembly is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from Government of Gujarat.

13. **Board Meeting.** - (1) The meetings of the Gujarat State Advisory Board on disability constituted under sub-section (1) of section 66 of the Act (hereinafter in this Chapter referred to as 'the Board') shall ordinarily be held in Gandhinagar, the Capital of Gujarat on such dates as may be fixed by its Chairperson:

Provided that it shall meet at least once in every six months.

- (2) The Chairperson of the Board shall, upon the written request of not less than ten members of the Board, call a special meeting of the Board.
- (3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting to be held and the business to be transacted thereat, shall be given by Member-Secretary of the Board to the members of the Board.
- (4) Notice of a meeting may be given to the members of the Board by delivering the same to them by messenger or sending it by registered post to their respective last known places of residence or business or by email or in such other manner as the Chairperson of the Board may, in the circumstances of the case, think fit.
- (5) 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 ten clear days' notice to the Member Secretary of the Board, unless the Chairperson of the Board, in his discretion, permit him to do so.

- (6) The Board may adjourn its meeting from day to day or to any particular day as under:-
- (a) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given, to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members;
 - (b) Where a meeting of the Board is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members of the Board in the manner as specified in sub-rule (4) above.
14. **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 members of the Board present shall elect one of the members to preside at that meeting.
15. **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 as specified in sub-rule (2) above 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 as specified in sub-rule (2) above 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 (4) of rule 13.
16. **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.
17. **Business to be transacted at meeting.**- Except with the permission of the Presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 13 shall be transacted at any meeting of the Board.
18. **Agenda for the meeting.**- 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.

19. **Decision by majority.**- All questions considered at a meeting of the Board shall be decided by a majority of votes of the members of the Board present and voting and in the event of equality of votes, the Chairperson of the Board, or in the absence of the Chairperson, the Vice-Chairperson of the Board or in the absence of both the Member presiding at the meeting, as the case may be, shall have a second or casting vote.
20. **No proceedings to be invalid due to vacancy or any defect.**- No proceedings of the Board shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

District Level Committee

21. **Constitution of District-Level Committee.**- The District-Level Committee on disability referred to in Section 72 of the Act shall consist of-

- (i) The Collector and District Magistrate of the district as *ex-officio* Chairperson.
- (ii) Municipal Commissioner*ex-officio* ...Member.
- (iii) District Development Officer*ex-officio*.....Member.
- (iv) Civil Surgeon*ex-officio* Member.
- (v) Chief District Medical Officer *ex-officio*Member.
- (vi) District Education Officer *ex-officio* Member.
- (vii) District Primary Education Officer *ex-officio*.....Member.
- (viii) Director, District Rural Development Agency ..*ex-officio*...Member.
- (ix) District Employment Officer *ex-officio*.....Member.
- (x) Executive Engineer (Road and Building).....*ex-officio*...Member.
- (xi) A Representative of a Registered Organization under the Act and Person with disability as defined in clause(s) of section 2 of the Act (Five members).....Member.
- (xii) Any other member as invited by Chairperson....Member.
- (xiii) District Social Defence Officer.....*ex-officio* ...Member Secretary.

22. **Functions of 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 thereunder 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 Gujarat 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.

CHAPTER X

Gujarat State Commissioner for Persons with Disabilities

23. **Qualification for appointment of the State Commissioner.**- A person shall not be qualified to be appointed as a Gujarat State Commissioner for Persons with Disability under sub-section (1) of section 79 of the Act (in this Chapter referred to as 'the State Commissioner') 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 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) he possesses the following educational qualifications and experience, namely:-
 - (A) **Educational qualifications:**
 - (i) essential: Graduate from a recognized university;
 - (ii) desirable: recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of disabled persons.
 - (B) Experience: atleast 20 years experience in a Group 'A' level or equivalent post:-
 - (i) in Central or State Government, or
 - (ii) Public Sector Undertakings or Semi Government or Autonomous Bodies dealing with disability related matters or social sector, or
 - (iii) worked in the capacity of a senior level functionary in a registered State or national or international level voluntary organization working in the field of disability or social development:
24. **Mode of appointment of the State Commissioner.**- (1) At least six months before the post of the 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 vernacular language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 23.
- (2) A Search-cum-Selection Committee headed by the Secretary of the concerned administrative department shall be constituted by the State Government to recommend to it a panel of three suitable candidates for the post of the State Commissioner.
 - (3) Composition of the Search-cum-Selection Committee referred to in sub-rule (2) shall be governed by relevant instructions issued by the concerned administrative department of the Government of Gujarat which shall be final.
 - (4) The panel recommended by the Search-cum-Selection Committee under sub-rule (2) may consist of persons from amongst those who have applied in response to the advertisement made under sub-rule (1) as well as from other willing eligible persons in the employment of the Central or the 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 Search-cum-Selection Committee under sub-rule (2) 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 the 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 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 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 Class I officer under the relevant provisions of the Gujarat Civil Services (Leave) Rules, 2002.
- (b) Leave Travel Concession: The State Commissioner shall be entitled to such Leave Travel Concession as is admissible to Class I officer under the relevant provisions of the State Government Resolution applicable to them.
- (c) Medical Benefits: The Gujarat State Commissioner shall be entitled to such medical benefits as is admissible to Class I officers under the relevant provisions of the State Government Resolution applicable to them.
- 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 undischarged insolvent; or
- (b) engages himself during his terms of office in any paid employment or activity outside the duties of his office; or
- (c) is convicted and sentenced to imprisonment for an offence which in the opinion of State Government involves moral turpitude; or
- (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; or
- (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) has, 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 disability:
- Provided that no State Commissioner shall be removed from office under this rule except after following the procedure, *mutatis- mutandis*, applicable for removal of a Class I officer of the State Government.
- (3) The State Government may suspend the State Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2) above, 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 and orders for the time being applicable to the Secretary to the State Government.
30. **Procedure to be followed by State Commissioner.**- (1) A complainant may present a complaint containing the following particulars in person or by his 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 complainant;
 - (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;
 - (e) the relief which the complainant 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 complainant or his agent fails to appear before the State Commissioner on such days, the Gujarat 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 Gujarat 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 three months from the date of receipt of notice by the opposite party.
31. **Advisory Committee to assist the State Commissioner.**- (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 two shall be women;
- (2) 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.
- (3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.
- (4) The non-official members of the Advisory Committee, residing in the State capital, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.
- (5) Non-official members of the Advisory Committee, not residing in State Capital shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Class I officer of the State Government.
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 in accordance with sub-section (3) of section 83 of the Act.

- (2) In particular, the annual report referred to in sub-rule (1) shall contain 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 organisational 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 XI

Gujarat State Fund for Persons with Disabilities

33. **Gujarat State Fund for Persons with Disabilities and its management.** - (1) There shall be constituted a State Fund for persons with disabilities hereinafter referred to as 'the Gujarat State Fund' in the following manners, namely:-
- (a) all sums received by way of grant, gifts, donations, benefactions, bequests, contributions under Corporate Social Responsibility 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) There shall be a governing body consisting of following members to manage the Gujarat State Fund, namely:-
- (a) Principal Secretary or Secretary, Social Justice and Empowerment Department , Government of Gujarat – Chairperson;
 - (b) two representatives from the Health and Family Welfare Department, Education Department, Labour and Employment Department, Panchayat, Rural Housing and Rural Development Department in Government of Gujarat, not below the rank of a Deputy Secretary, by rotation in alphabetical orders – Members;
 - (c) Director, Social Defence, Government of Gujarat - 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 Class I 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.

- 34. Utilisation of the Gujarat 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 of the Fund, as may be required to be incurred by or under the Act; and
 - (c) such other purposes as may be decided by the governing body.
- (2) Every proposal of expenditure shall be placed before the governing body for its approval.
 - (3) The governing body may appoint secretarial staff including accountants with such terms and conditions as it may think appropriate to look after the management and utilisation of Gujarat State Fund based on need based requirement.
 - (4) The Gujarat State Fund shall be invested in such manner as may be decided by the governing body.
 - (5) The accounts of the Gujarat state Fund shall be audited by the Comptroller and Auditor General of India as Specified in section 88 of the Act.
- 35. Budget.-** The Chief Executive Officer of the Gujarat 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.

FORM A

(See rule 9(1))

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 categorisation of the institution
- List of documents to be attached:
- (a) A copy of the annual report for the previous year,
 - (i) Audited Statement of account duly certified by Chartered Accountant Receipt and Payment Account (by Chartered Accountant for the last two years),
 - (ii) Income and Expenditure Account (by Chartered Accountant for the last two years),

- (iii) Balance sheet for the last two years (by Chartered Accountant for the last two years).
- (b) Details of staff employed by the institution and their qualification:
- (c) Details of beneficiaries to be covered by the of the institution.
- (d) If hostel is maintained, then number of hostellers.
- (e) Other terms, if any.
- (f) 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:

By order and in the name of the Governor of Gujarat,

MANOJ AGGARWAL,
Principal Secretary to Government.