GOVERNMENT OF WEST BENGAL
Department of Women & Child Development and Social Welfare
Bikash Bhavan, 10th floor, North Block, Salt Lake, Kolkata – 700 091

No. 4839-SW/O/1A-01/17 dated Kolkata the 28th August, 2017

To
All Stake Holders,

Sub: Publication of Draft West Bengal Rights of Persons with Disabilities Rules, 2017

Madam/Sir,

In exercise of the powers conferred by sub-sections (1) and (2) of Section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), draft West Bengal Rights of Persons with Disabilities Rules, 2017 is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of fifteen days from the date on which the copies of this notification are made available to the public;

Suggestions & objections, if any, may be addressed to Sri Naba Gopal Hira, Additional Secretary to the Govt. of West Bengal, Department of Women & Child Development and Social Welfare, Bikash Bhavan, North Block, 10th floor, Salt Lake, Kolkata – 700 091 or by email at nghira20@gmail.com and com.disabilitywb@gmail.com.

Draft West Bengal Rights of Persons with Disabilities Rules, 2017 are available on website of this Department (www.wbwcdsw.gov.in) and website of Office of the State Commissioner for Persons with Disabilities (www.wbccommissionerdisabilities.gov.in).

Enclo : Draft WBRPwD Rules-2017

Yours faithfully,

(N.G. Hira)
Addl. Secretary
GOVERNMENT OF WEST BENGAL
Department of Women & Child Development and Social Welfare
Bikash Bhavan, North Block, 10th floor, Salt Lake, Kolkata -700 091

DRAFT NOTIFICATION

Kolkata, the 28th August, 2017

No. SW/O/1A-01/17.—The following draft of West Bengal the Rights of Persons with Disabilities Rules, which the State Government proposes to make, in exercise of the powers conferred by subsections (1) and (2) of Section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) is hereby published for the information of all person likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of fifteen days from the date on which the copies of this notification are made available to the public;

Suggestions & objection, if any, may be addressed to Sri Naba Gopal Hira, Additional Secretary to the Govt. of West Bengal, Department of Women & Child Development and Social Welfare, Bikash Bhavan, North Block, 10th floor, Salt Lake, Kolkata – 700 091 or by email at nghira20@gmail.com and com.disabilitywb@gmail.com.

The objections and suggestions which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the State Government.

Draft Rules

CHAPTER-I
Preliminary

1. Short Title and Commencement, West Bengal:

(1) These rules may be called “West Bengal The Rights of Persons with Disabilities Rules-2017”.

(2) They extend to the whole of West Bengal.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definition:- In these rules unless the context otherwise requires,

(a) “Act” means the Rights of Persons with Disabilities Act-2016 (49 of 2016).
(b) "Certification of Registration" means a certificate of registration issued by the competent authority under section 50 of the Act.

(c) "Chairpersons" means a Chairperson appointed under the Act.

(d) "Government" means the State Government of West Bengal.

(e) "Legislative Assembly" means the West Bengal Legislative Assembly.

(f) "Member" means a Member of the State Advisory Board appointed under the Act.

(g) "Member-Secretary" means a Member-Secretary appointed under the Act.

(h) "Notification" means Notification published in the Official Gazette.

(i) "State Advisory Board" means a State Advisory Board constituted under the Act.

(j) "State Commissioner" means a State Commissioner appointed under the Act.

(l) "State Government" means the Government of West Bengal.

(k) "Year" means the Financial Year commencing on the first day of April.

(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
Committee on Research on Disability

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

(i) An eminent person having a vast experience in the field of science and research specially in the field of Sociological / Socio-legal / Medical/ to be nominated by the State Government as Ex-officio Chairperson.

(ii) Five persons from registered Non-Government Organisation representing each of the five specified disabilities in the schedule to the Act to be nominated by the State Government as member.

(iii) Three persons having experience in the field of Law/Legal Research and one of them must be well conversant with the Laws of Human Rights to be nominated by the State Government and must be from State legal services.

(iv) One nominee of Director of Health Services /Health Department to be nominated as member.

(v) One nominee from the department of Science and Technology to be nominated as member.

(vi) One expert nominated by the chairperson to be nominated as a special member.
(vii) One officer not below to the rank of Joint Secretary of the Social Welfare Department to be nominated as member.

(viii) State Commissioner (Disabilities) shall be the Member-Secretary. In his/her absence Assistant Commissioner (Disabilities) of the office of the State Commissioner may represent.

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

(3) The term of the nominated member shall be for a period of three years from the date on which they enter upon office but shall be eligible for re-nomination.

(4) One half of the total members including one nominated member present shall constitute the quorum of the meeting.

(5) The non-official members and special invitees shall be entitled for travelling allowances and other allowances, if any, as admissible to a Group-A officer of the State Government.

(6) The State Government shall provide the committee with such clerical and other staff of the State Government consider necessary.

4. **Person with disability not to be a subject of research.**—No person with disability shall be a subject of research except when the research involves physical impact on his body.

**CHAPTER III**

**Limited Guardianship**

5. **Limited Guardianship.**—(1) A District Court or designated authority comprising of District Magistrate of the District as Chairperson, DSWO as Member convener, one representative of registered organization under the Act as member, one person with specified disability as member and GP/AGP of the district as member 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.

(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 application for guardianship may be made to the District Court or the designated authority by parent(s)/sibling(s)/spouse/near relation by blood, legal adoption, care giver(s) or prominent personality of the locality/ NGO registered under this Act. For female person, one female relative must be one of applicants. In respect of any deviation of this category, District Level Committee will have the power to take consider of this as they deem fit.

(4) The District Court or the designated authority after receipt of applications in the Prescribed Form for the purpose along with supporting documents, as may be prescribed by District Court or the designated authority, should complete its' proceedings within a reasonable period not exceeding
60 days from the date of receipt of the application and order of approval of Limited Guardianship within 90 days of submission of application in prescribed Form for the purpose.

Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship.

(5) 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.

(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.

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

(9) The appointed limited guardian(s) shall submit report in prescribed Form for the purpose within six months from the date of appointment of Limited Guardianship and in prescribed Form for the purpose within 30th June every year thereafter.

6. Removal of Limited Guardian- limited guardian(s) may be removed on grounds of misconduct on enquiry either on SOU-MOTO or as received from any one by District Court or any designated authority. District Court or any designated authority shall send half yearly report to the State Advisory Board on granting of Limited Guardianship Certificate.

7. Appellate Authority : State Government shall, by notification, constitute an Appellate Authority to look into the appeal preferred by a person with disability against the decision of the Designated Authority for appointing a legal guardian.

(1) Any person with disability aggrieved by the decision of the Designated Authority appointing legal guardian may prefer an appeal within a period of thirty (30) days from the date of refusal of appointment of legal guardian or appointment of legal guardian to the Appellate Authority for the purpose.

Provided that the said Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
CHAPTER - IV
Education

8. Terms and conditions before recognition of the educational institution.
   - (1) The terms and conditions of grant of recognition to the educational institutions by the
     competent authority in the State may include the requirements to comply with the provisions of
     Section 16 of the Act.

CHAPTER - V
Certificate of Registration of Institution

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 prescribed Form along with supporting documents as mentioned in the Check List appended to
   Form to the Competent Authority referred to in Section 51 of the Act for the purpose of
   Registration of Institution for Persons with Disabilities.

   (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 institutions;
       (c) details of grants received in the last one year and its utilisation, preceding the date of
           application; if any.
       (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 Institutions;
       (g) the proof of residence of the applicant. &
       (h) any other document(s) required for processing of application

   (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 is registered under the Indian Societies Registration Act-1860(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; and
       (d) that the institution has adequate teaching and learning material for the Persons with
           Disabilities.

(4) After receiving the application in the Prescribed Format, the Competent Authority shall
    make in depth enquiry by the Authority as deem fit and if satisfied shall grant certificate of
    registration to the applicant in the prescribed Form. If the Competent Authority not satisfied, shall
    by order, refuse to grant such certificate after giving the applicant a reasonable
opportunity of being heard such order will contain specific reasons for refusal to grant such certificate and shall be communicated to the applicant through Registered Post/Speed Post.

(5) The certificate of Registration issued under section 51(2) shall remain valid for three (3) years from the date of issue unless revoked under Section 52(1) of the said Act. The institution so recognized shall provide required facilities and maintain such standard as may be prescribed by the State Government.

10. Renewal of certificate of registration —(1) 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) of rule 7.

(2) Every application made under sub-rule (1) shall be accompanied with:-
   (a) documents as mentioned in sub-rule (2) & (3) of rule 7
   (b) copy of previous Certificate of Registration.
   (c) details of grants received in the last three years and its utilization, if any.
   (d) that the institution had been working in the field of rehabilitation of persons with disabilities from the date of issue of previous certificate of registration/certificate of renewal;
   (e) copy of audited accounts and annual reports of last three years. &
   (f) any other document(s) required for processing of application

Provided that such application shall be made sixty days before the expiry of the validity of such certificate; Renewal of certificate of registration shall is issued in prescribed Form.

Provided further that the competent authority may consider application for renewal of the certificate of registration after 60 days, if it is satisfied that sufficient reasons has been provided for such delay.

11. Appeal against the order of the competent authority. — A person aggrieved by the order of the Competent Authority refusing to grant a certificate or revoke a certificate within a period of thirty (30) days prefer an appeal to that Government against such refusal or revocation.

Provided that the said Government may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

CHAPTER - VI
Appeal regarding Certificate of Disability

12. Appellate Medical Board — (1) The state Government shall appoint an Appellate Medical Board (herein after referred to as the Board) to adjudicate any dispute regarding recognizing any person as a person with disability under the Act or any dispute regarding the percentage of any disability as certified by a medical authority.

(2) The Board shall consist of the following members to be nominated by the State Government:-
(a) a retired member of the West Bengal Higher Judicial Service who shall be the Chairman of the Board; and
(b) Five retired members of the West Bengal Medical Education Service, of the West Bengal Health Service, in the rank of Joint Secretary to the Government of West Bengal from five group of specified Disabilities.

(3) A member of the Board shall hold office for a period of three years from the date of constitution of the Board.

(4) The members of the Board shall be entitled to such sitting fee, traveling allowance and daily allowance as the State Government may, by order, determine from time to time.

(5) A member of the Board may, on the expiry of the term of his office as such member, be re-nominated to the Board.

(6) The Board shall regulate its own procedure for the transaction of business of the Board.

(7) Every dispute shall be finally decided by the Board within a period of three months from the date of filing an application of adjudication thereof.

CHAPTER - VII
State Advisory Board

13. Membership Roll— The Member Secretary of State Advisory Board shall keep a record of names of members and their addresses.

14. Change of Address— If a member changes his address, he shall notify his new address to the Member-Secretary, who shall thereupon enter his new address, in the official records (but if he fails to notify his new address, the address in the official records shall for all purposes be treated as his correct address).

15. Daily and Traveling Allowance— (1) Non-official members of the State Advisory Board, resident in Calcutta or Salt Lake, shall be paid a sitting fee as may be decided by the State Government for each day of the actual meetings of the State Advisory Board.

(2) Non-official members’ of the State Advisory Board, not resident in Calcutta or Salt Lake, shall be paid daily and traveling allowances for each day of the meeting at the rate of admissible to a Group A Officer of the State Government on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other government source. Provided that a non-official member will not be allowed to draw both daily allowance and sitting fee for the same day.

Provided that in case of a Member of State Legislative Assembly, who is also a member of the State Advisory Board, the said daily and traveling allowances shall be paid at the rates admissible to him as Member of Legislative Assembly, when the Legislature 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 any other Government source.

(3) An official member of the State Advisory Board shall be paid daily and traveling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is
serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other government source.

16. Notice of Meetings— (1) The meetings of the State Advisory Board shall ordinarily be held in Kolkata on such dates as may be fixed by the Chairperson:

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

(2) The Chairperson shall, upon the written request of not less than ten members of the State Advisory 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 is to be held and the business to be transacted thereat, shall be given by Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the chairperson may, in the circumstances of the case, thinks fit.

(5) No member 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, unless the Chairpersons, in his discretion, permits him to do so.

(6) (a) The State Advisory Board may adjourn its meetings from day to day or to any particular day.

(b) Where a meeting of the State Advisory Board is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned if held by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Advisory Board is adjourned not from day to day but from the day on which he meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.

17. Presiding Officer— The Chairperson shall preside at every meeting of the Board at which he is present, and in his absence, the members present shall elect one of the members to preside at that meeting.

18. Quorum — (1) One-third of the total members 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 are present, the Chairperson 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.

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

(5) (a) Where a meeting of the State Advisory Board is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
(b) Where a meeting of the State Advisory Board is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 11.

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

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

20. Maintaining order at meeting—The Presiding Officer shall maintain order at the meeting.

21. Business to be transacted at meeting—(1) 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 34 shall be transacted at any meeting.

(2) At any meeting 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.

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

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

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

CHAPTER - VIII
District Level Committee

24. District Level Committee.—The District-Level Committee on disability referred to in Section 72 of the Act shall consist of-

(i) District Magistrate or his representative not below the rank of ADM : Chairperson Ex-officio

(ii) Chief Medical Officer of Health : Member

(iii) Psychiatrist of the District Hospital : Member

(iv) Public Prosecutor of the District : Member

(v) Representative of a Registered Organization : Member

(vi) Person with Disability as defined in Clause(s) of Section 2 of the Act : Member

(vii) Any other member as invited by the Chairperson : Member
(viii) District Social Welfare Officer : Member
Secretary

25. 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

CHAPTER - IX
State Commissioner for Persons with Disabilities

26. Procedure to be followed by State Commissioner– (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the State Commissioner of persons with disabilities or be sent by registered post addressed to the commissioner: -

(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 can be ascertained;
(c) The facts relating to complaint and when and where if 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 / 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, it shall be obligatory on the parties or their agents to appear before the State Commissioner.

(4) Where the complainant or his agent fails to appear before the State Commissioner on such days, the State Commissioner may in his discretion 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 63 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 party, 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 complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

27. Appointment and Salary & Allowances of the State Commissioner – (1) Appointment and Salary & allowances of the State Commissioner shall be as may be Notified by the State Government.

(2) Appointment of other Officers and employees of State Commissioner’s Office – Other Officers and employees of the Office of the State Commissioner for Persons with Disabilities, West Bengal shall be appointed as per Recruitment Rules to be framed separately for this purpose.

28. Submission of Annual Report – (1) The State Commissioner shall as soon as 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 true and faithful account of his activities during the said financial year.

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 / staff of his office and chart showing the organizational set up ;

(b) The functions which the Commissioner has been empowered under section80 and 81 of the Act and the highlights of the performance in this regard ;

(c) The main recommendation made by the Commissioner ;

(d) Progress made in implementation of the Act District wise ;

(e) Any other matter deemed appropriate for inclusion by the Commissioner or prescribed by the State Government from time to time.

29. 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 the State capital shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Group ‘A’ officer of the State Government.

CHAPTER - X
Special Court

30. Appointment of Public Prosecutor.—(1) The Public Prosecutor to be appointed by the State Government in every Special Court shall have:—

(a) Practical experience of handling cases of persons with disabilities.
(b) Experience at the Bar of not less than five years.
(c) Shall be well versed with local language and customs.

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

CHAPTER - XI
State Fund for Persons with Disabilities

31. 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, land or immovable properties, 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) There shall be a governing body consisting of following members to manage the State Fund, namely:—

(a) Principal Secretary or Secretary, Department dealing with Empowerment of Persons with Disabilities in the State Government-Chairperson;

(b) Representatives from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Finance, Department of Panchayat & Rural Development, Land & Land Reforms, Urban Development and Municipal Affairs, Mass Education Extension and Library Services of the State Government not below the rank of a Joint Secretary,

(c) Five persons representing different types of disabilities to be nominated by the State Government by rotation-Members;

(d) State Commissioner for Persons with Disabilities in the State Government-Convener and Chief Executive Officer.
(3) The Governing body shall meet as often as necessary, but at least twice 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 Group 'A' 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.

32. Utilisation of the 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 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.

33. Budget. – (1) 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.

34. Annual Report. – (1) The annual report of the Department dealing with Empowerment of Persons with Disabilities in the State Government shall include a chapter on the State Fund.