



# Punjab Government Gazette

## EXTRAORDINARY

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### LEGISLATIVE SUPPLEMENT

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<b>Part - III</b>	<b>Delegated Legislation</b> Notification No. G.S.R.28/C.A.49/2016/ S.101/ 2019, dated the 31st July, 2019, containing the Punjab Rights of Persons with Disabilities Rules, 2019.	419-439
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**PART III**

**GOVERNMENT OF PUNJAB**

DEPARTMENT OF SOCIAL SECURITY AND WOMEN AND CHILD  
DEVELOPMENT  
(DISABILITY BRANCH)

**NOTIFICATION**

The 31st July, 2019

**No. G.S.R.28/C.A.49/2016/S.101/2019.**-With reference to the Government of Punjab, Department of Social Security and Women and Child Development (Disability Branch), Notification No. G.S.R.23/C.A.49/2016/S.101/2018, dated the 27th March, 2018 and in exercise of the powers conferred by section 101 of the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

**RULES**

**CHAPTER-I**

**PRELIMINARY**

- 1. Short title and commencement .-** (1) These rules may be called The Punjab Rights of Persons with Disabilities Rules, 2019.  
(2) They shall come into force on and with effect from 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 (Central Act No. 49 of 2016);
  - (b) "certificate" means a certificate of disability issued by a 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;
  - (e) "section" means the section of the Act; and
  - (f) "State Government" means the Government of the State of Punjab in the Department of Social Security and Women and Child Development.

- (2) The words and expressions used herein and not defined but defined in the Act shall have the meanings respectively as assigned to them in the Act.

## CHAPTER-II

### RIGHTS AND ENTITLEMENTS

- Section 6(2)**     **3. State Committee for Research on Disability .-** (1) The Committee for Research on Disability at the State level shall consist of the following members, namely:-
- (i) An eminent person having vast experience in the field of Science and Medical Research to be nominated by the State Government, ex officio- Chairperson;
  - (ii) Director, Department of Health and Family Welfare, Punjab ex officio-Member;
  - (iii) Five members as representatives of the registered State level Organizations representing each of the five groups of specified disabilities in the Schedule of the Act, to be nominated by the State Government –Members:
 

Provided that at least one representative of the registered organizations is a woman; and
  - (iv) Director, Department of Social Security, Punjab-Member Secretary.
- (2) The Chairperson may invite any expert as a special invitee.
- (3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, and 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 daily allowance as admissible to a Group 'A' or equivalent officer of the State Government.
- (6) The State Government may provide the Committee with such clerical and other staff as the State Government considers necessary.
- Section 6(2)**     **4. 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 his person.

- 5. Procedure to be followed by Executive Magistrate .-** For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974). **Section 7**
- 6. Manner of maintenance of register of complaints by the Government establishments.-** The Grievance Redressal Officer, shall maintain a register of complaints of persons with disabilities with the following particulars, namely:- **Section 23**
- (a) date of complaint;
  - (b) name of complainant;
  - (c) name of the person who is enquiring the complaint;
  - (d) place of incident;
  - (e) the name of establishment of person against whom the complaint is made;
  - (f) gist of the complaint;
  - (g) documentary evidence, if any;
  - (h) date of disposal by the Grievance Redressal Officer;
  - (i) details of disposal of the appeal by the district level committee, and
  - (j) any other information.

### CHAPTER-III

#### LIMITED GUARDIANSHIP

- 7. Limited Guardianship -** (1) A District Court or any designated authority as notified 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. **Section 14(1)**
- (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 on 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:

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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 Court or the designated authority shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:-
- (a) The parents or adult children of the person with disability.
- (b) 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(2 of 1974) shall be appointed .
- (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-IV EDUCATION

##### Section 16

- 8. Terms and conditions before recognition of the educational institution.-** The terms and conditions for the 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.

- 9. Nodal Officer in the District Education Office .-** There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31. **Sections 16 and 31**

#### CHAPTER-V

#### CERTIFICATE OF REGISTRATION OF INSTITUTION

- 10. 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 competent authority referred to in section 51. **Section 51(1)**
- (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:- **Section 51(3)**
- (a) that the Institution had been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which the application is made ;
  - (b) that the Institution is registered under the 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;
  - (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 of last three years with the competent authority.

**Section 51(4)**

- (4) The certificate of registration under this rule, unless revoked under section 52, shall remain in force for a period of five years on and from the date on which it is granted or renewed.

**Section 51(5)**

- (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 competent authority 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.

**Section 51(6)**

- (6) If the application for renewal of certificate of registration is made before its expiry as specified in the 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.

**Section 51(7)**

- (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, 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.

**11. Appeal against the order of competent authority .-** Any person aggrieved by the order of the competent authority referred to in sub-section (1) of section 51, refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the

date of the order, prefer an appeal against that order to the appellate authority 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 the appellant an opportunity of hearings, make such order as it thinks fit.

## CHAPTER-VI

### APPEAL REGARDING CERTIFICATE OF DISABILITY

- 12. 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 appellate authority designated by the State Government for the purpose under sub-section (1) of section 59 in the following manner, namely:-

Section 59(1)

- (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, 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 as but not later than a period of sixty days from the date of receipt of the appeal.

Section 59(2)

## CHAPTER-VII

### STATE ADVISORY BOARD ON DISABILITY

- 13. Allowances for the Members of the State Advisory Board.-** (1) The non-official Members of the State Advisory Board on disability residing in the State capital region, shall be paid an allowance of two thousand rupees per day for each day of the actual meetings of the said Board.
- (2) The non-official Members of the State Advisory Board on disability

Section 67(6)

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residing outside the State capital region shall be paid daily and travelling allowances for each day of the actual meetings of the said Board at the rates admissible as per Rule 2.15 of Punjab Civil Services Rules, Volume-3.

**Section 70**

**15. Notice of the Meeting .-** (1) The meetings of the State Advisory Board on disability constituted under sub-section (1) of section 66 (hereinafter in this Chapter referred to as 'the Board') shall ordinarily be held in Chandigarh 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 place at which such meeting is 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, permits 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 adjournment shall be given to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members; and
  - (b) Where a meeting of the Board is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members of the Board in the manner as specified in sub-rule (4).

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- 15. Presiding officer.-** The Chairperson of the Board shall preside at every meeting of the Board and in his absence, the members of the Board present shall elect one of the members to preside at that meeting. **Section 70**
- 16. Quorum.-** (1) One-third of the total members of the Board shall form the quorum for any meeting. **Section 70**
- (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 of the Board may adjourn the meeting to such hours on the following or on some other future date as he may fix.
- (3) No quorum shall be necessary for the adjourned meeting of the Board.
- (4) No matter which had not been on the agenda of the ordinary or the special meeting of the Board, as the case may be, shall be discussed at its adjourned meeting.
- (5) (a) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjournment shall be given to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to other members; and
- (b) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum not to the following, but on a date with sufficient gap, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in sub-rule (4) of rule 11.
- 17. 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. **Section 70**
- (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.

- Section 70**      **18. 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 11 shall be transacted at any meeting of the Board.
- Section 70**      **19. Agenda for the meeting of the State Advisory Board on disability.-** 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 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.
- Section 70**      **20. 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 Member presiding at the meeting, as the case may be, shall have a second or casting vote.
- Section 70**      **21. No proceeding to be invalid due to vacancy or any defect.-** No proceeding of the Board shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

### CHAPTER-VIII

#### DISTRICT LEVEL COMMITTEE

- Section 72**      **22. District-level Committee.-** The District-level Committee on disability referred to in section 72 shall consist of the following, namely:-
- (a) Deputy Commissioner of the district - ex-officio Chairperson;
  - (b) Civil Surgeon or Chief Medical Officer- Member;
  - (c) a psychiatrist of the District Hospital- Member;
  - (d) a Public Prosecutor of the District - Member;
  - (e) a Person with disability as defined in Clause (s) of Section 2 of the Act - Member;
  - (f) District Education Officer (Primary) - Member;
  - (g) District Education Officer (Secondary) - Member;

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- (h) District Transport Officer- Member;
  - (i) a representative of a Registered Organization to be nominated by the Chairperson- Member;
  - (j) any other member as invited by the Chairperson - Member; and
  - (k) District Social Security Officer- Member-Secretary.

**23. Functions of the Committee.-** The District-level Committee on disability shall perform the following functions namely:- **Section 72**

- (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 programs of the Government for 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; and
- (f) any other functions as may be assigned by the State Government.

**CHAPTER IX**

**STATE COMMISSIONER FOR PERSONS WITH DISABILITIES**

**24. Qualifications for appointment of State Commissioner.-** A person shall not be qualified to be appointed as a State Commissioner for Persons with Disabilities under sub-section (1) of Section 79 (in this Chapter referred to as the State Commissioner) unless,- **Section 79**

- (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) if he is in service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post; and
- (iv) he possesses the following educational qualifications and experience, namely:-

**(A) Educational qualifications:**

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

**(B) Experience:**

atleast twenty years experience in a Group 'A' level or equivalent posts,

- (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) 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:

Provided that out of the total twenty years experience mentioned above, at least three years of experience in Group 'A' level in the recent past had been in the field of empowerment of persons with disabilities.

**Section 79**

**25. Mode of appointment of the State Commissioner.-** (1) At least six months before the post of State Commissioner is due to fall vacant, an advertisement shall be published in at least two national or state level daily newspapers, one in English and the other in the vernacular language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 24.

- (2) A Search-cum-Selection Committee shall be constituted by the State Government to recommend to it a panel of three suitable candidates for the post of the State Commissioner.
- (3) Composition of the Search-cum- Selection Committee referred to in sub-rule (2) shall be governed by relevant instructions issued by the State Government.

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- (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 Central or State Government whom the Committee may consider suitable.
- (5) The State Government shall appoint one of the candidates out of the panel recommended by the Search-cum-Selection Committee under sub-rule (2) as the State Commissioner.
- 26. 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. **Section 79**
- (2) A person may serve as State Commissioner for maximum two terms, subject to the upper age limit of sixty-five years.
- 27. Salary and allowances of the State Commissioner.-** (1) The salary and allowances of the State Commissioner shall be such, as are admissible to a Secretary to the State Government. **Section 79**
- (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.
- 28. Other terms and conditions of service of the State Commissioner.-** **Section 79**  
The other terms and conditions of service of the State Commissioner shall be as under :-
- (a) **Leave:** The State Commissioner shall be entitled to such leave as is admissible to Group 'A' officers of the State of Punjab.
- (b) **Leave Travel Concession:** The State Commissioner shall be entitled to such Leave Travel Concession as is admissible as per Rule 2.15 of Punjab Civil Services Rules, Volume-3.
- (c) **(c) Medical Benefits:** The State Commissioner shall be entitled to such medical benefits as are admissible to Group 'A' officers of the State of Punjab.

**Section 79**

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

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

- (a) becomes an undercharged insolvent; or
- (b) engages himself during his term 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 the 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 Group 'A' officer of the State of Punjab.

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

**Section 79**

**30. 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.

**Section 79**

**31. Constitution of the Advisory Committee.-** (1) The State Government shall constitute an Advisory Committee to assist the State Commissioner. The Advisory Committee shall consist of the following members, namely:-

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- (a) three experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act by rotation, of whom one shall be a woman; and
  - (b) two experts or senior officers of the Government of Punjab to be nominated by the State Government.
  - (2) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.
  - (3) The State Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.
  - (4) 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) The 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 state actual meetings at the rate admissible to a Group 'A' officer of the State Government.

**32. 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:- **Section 80**

- (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; and
- (e) The relief which the complainant claim.
- (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

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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 State Commissioner may either dismiss the complaint in default or decide it on merits.
- (5) Where the opposite party or his agent fails to appear on the date of hearing, the State Commissioner may take such necessary action under section 82 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.

- Section 83(3)**    **33. Submission of annual reports.-** (1) The State Commissioner shall as soon as may be possible after the end of the financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government, an annual report giving a complete account of his activities during the said financial year.
- (2) In particular, the annual report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing therein information in respect of each of the following matters, namely:-
- a) names of officers and employees in the office of the State Commissioner and a chart showing the organizational set up;
  - b) The functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard.
  - c) the main recommendations made by the State Commissioner;
  - d) progress made in the implementation of the Act in the State; and
  - e) Any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

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**CHAPTER X**

**PUBLIC PROSECUTOR**

- 34. Appointment of Public Prosecutor.-** (1) The Public Prosecutor to be appointed by the State Government in every Special Court shall,- **Section 85**
- (a) have practical experience of handling cases of persons with disabilities;
  - (b) have an experience at the Bar for not less than seven years; and
  - (c) be well versed with local language and customs.
- (2) The fees and other remunerations of the Special Public Prosecutor specified or appointed under sub-section (1) of section 85 shall be the same as that of Public Prosecutor appointed by the State Government under the Code of Criminal Procedure, 1973 (2 of 1974) for conducting the cases before a Court of Session.

**CHAPTER XI**

**STATE FUND FOR PERSONS WITH DISABILITIES**

- 35. State Fund for Persons with Disabilities and its management.-** (1) **Section 88(1)**  
There shall be credited to the State Fund for persons with disabilities,-
- (a) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
  - (b) all sums received from the State Government including grants in-aid; and
  - (c) all sums from such other sources, as may be decided by the State Government.
- (2) There shall be a governing body consisting of following members to manage the State Fund, namely :-
- (a) Administrative Secretary, Department of Social Security and Women and Child Development, Punjab.....Chairperson;
  - (b) two representatives each from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Finance, Department of Rural Development, not below the rank of a Joint Secretary, by rotation in alphabetical orders- Members;
  - (c) two persons representing different types of disabilities to be nominated by the State Government, by rotation- Members;

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- (d) Director in the Department of Social Security- 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 State Fund during the period such Member holds office.
  - (6) The nominated non-official members shall be eligible for payment of travelling allowance and daily allowance as admissible as per Rule 2.15 of Punjab Civil Services Rules, Volume-3 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.

- Section 88(2)**    **36. Utilization 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 State 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.
- 37. Budget.-** The Chief Executive Officer of the State Fund shall prepare the budget for incurring expenditure under the State Fund in each financial

year showing the estimated receipt and expenditure of the State Fund, in January every year and shall place the same for consideration of the governing body.

- 38. Annual Report.-** The annual report of the Department of Social Security, Punjab shall include a chapter on the State Fund.

**FORM-A****Application for a Certificate of Registration****[See rule 10]**

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

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

Signatures of the Applicant

Name:

Designation:

Address:

Date:

Office Stamp:

**RAJI P. SHRIVASTAVA,**  
Principal Secretary to the Government of Punjab,  
Department of Social Security and Women and  
Child Development.