



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ಬಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ-IVA	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ಫೆಬ್ರವರಿ ೨೦, ೨೦೧೯ (ಫಾಲ್ಗುಣ ೧, ಶಕ ವರ್ಷ ೧೯೪೦)	ನಂ. ೧೨೯
Part-IVA	Bengaluru, Wednesday, February 20, 2019 (Palguna 1, Shaka Varsha 1940)	No. 129

WOMEN AND CHILD DEVELOPMENT AND EMPOWERMENT OF DIFFERENTLY ABLED AND SENIOR CITIZENS SECRETARIAT

NOTIFICATION

No. WCD 209 PHP 2017 (Part-2), Bengaluru, Dated: 20.02.2019

The draft of the Karnataka Rights of Persons with Disabilities Rules, 2019 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 101, of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016), is hereby published as required by section 101 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to Government, Department of Women and Child Development and Empowerment of Differently Abled and Senior Citizens, M.S. Building, Bengaluru-560 001.

DRAFT RULES

CHAPTER I

PRELIMINARY

1. Title And Commencement (1) These rules may be called the Karnataka State Rights of Persons with Disabilities Rules, 2019.

(2) They shall come into force from the date of their final publication in the Official Gazette.

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

- "Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016);
- "Advisory Board" means the Karnataka State Advisory Board on disability constituted by the State Government by notification under section 66 of the Act;
- "Certificate of disability" means a certificate of disability issued by a certifying authority under section 58 of the Act;
- "Certificate of registration" means a certificate of registration of institution for persons with disability issued by the competent authority under section 50 of the Act;
- "Form" means a form appended to these rules;
- "Government" means Government of Karnataka;
- "Section" means section of the Act.

(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. Steps to be taken by the Government Authorities on receiving complaint on the ground of disability.- (1) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved person regarding the 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.

(2) If the aggrieved person submits a complaint to the Chief Commissioner or the State Commissioner for Persons with Disabilities, or the Deputy Commissioner at the District level, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the Chief Commissioner or the State Commissioner or the Deputy Commissioner may dispose of such complaint within thirty days.

(3) No establishment shall compel a person with disability to partly or fully pay the costs incurred for "reasonable accommodation" as defined in the RPwD Act.

4. State Committee for Research on Disability:- (1) The State Government shall, by notification in the Official Gazette, constitute a Committee for Research on Disability as under clause (ii) of sub – section (2) of section-6, which shall consist of the following members, namely:-

1	An eminent person having vast experience in the field of science and medical research, nominated by the State Government.	Chairperson
2	The Director, Department of Health and Family Welfare,	Member
3	The Director, Department of Medical Education	Member
4	Four persons drawn from State Institutes representing Locomotive, visual, hearing and intellectual disabilities to be nominated by the State Government	Members
5	Five persons as representatives of the registered organizations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the State Government	Members
6	The Vice Chancellor or his nominee of the Rajiv Gandhi University of Health Sciences, Bengaluru	Ex-officio Member
7	The Vice Chancellor or his nominee, The Bengaluru University, Bengaluru	Ex-officio Member
8	The Director, NIMHANS, Bengaluru	Ex officio Member
9	The Principal, Helen-Keller Teacher Training Institution, the Department for Empowerment of Differently Abled and senior citizens	Ex officio Member
10	The Director, Department of Empowerment of Persons with Disabilities and senior citizen in the State Government	Member Secretary
11	Representative of the Social Welfare Department not below the rank of Deputy Secretary	Member

Provided that at least one representative of the registered organizations shall be a woman;

(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 member shall be eligible for re-nomination for one more term.

(4) One third 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" Officer of the State Government.

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

(7) The Committee for research shall receive applications regarding permission to subject any person with disability and shall examine the reasons and may grant permission in cases which are with free consent attained through accessible modes, means and formats of communication from the persons with disability and where it involves no torture, cruelty or inhuman or degrading treatments.

5. Limited Guardianship.- (1) The District Court or any designated authority 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 a 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 its 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:

Provided that the District Court or the designated authority while extending the validity of the limited guardianship shall follow the same procedure 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 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 eighteen 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 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 best interest of the person with disability.

CHAPTER III EDUCATION AND EMPLOYMENT

6. Terms and conditions before recognition of the educational institution.- 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.

7. Nodal Officer in the District Education Office.- There shall be a nodal officer in the District Education Office to deal with the 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 of the Act.

CHAPTER IV CERTIFICATE OF REGISTRATION OF INSTITUTIONS

8. Competent Authority.- The District Disabilities Welfare Officer shall be the competent authority for the purpose of Chapter IX of the Act.

9. Application 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 "I" to the District Disability Welfare Officer referred to in section 51 of the Act.

Every application made under sub-rule (i) 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.

(2) 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 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 Karnataka Societies Registration Act, 1960 or Karnataka Cooperative societies Act 1959 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 professional 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.

(3) 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.

(4) 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.

(5) If the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (4), 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 provision.

(6) 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 Registering (competent) authority 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 Deputy Director of the Directorate for the Empowerment of Differently Abled and Senior Citizens. The appellate authority may, after such an enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearing, make such order as it thinks fit.

CHAPTER V CERTIFICATION OF SPECIFIED DISABILITIES

11. Application for certificate of disability.- (1) Any person with specified disability may apply in Form-II for a certificate of disability and submit the application to,-

- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or
- (b) The concerned medical authority in a Government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or

unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organization registered under the Act having the minor under its care.

(2) The application shall be accompanied by,-

- (a) proof of residence;
- (b) two recent passport size photographs; and
- (c) aadhaar number or aadhaar enrolment number, if any.

Note.- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrolment number.

12. Issue of certificate of disability.- (1) On receipt of an application under this rule, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in form-III, IV and V as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination,-

(i) Issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or

(ii) Issue a permanent certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VI within a period of one month from the date of receipt of the application.

(5) The State Government shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

13. Certificate issued under this rule to be generally valid for all Purposes.- A person to whom the certificate issued under this rule shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non Governmental organizations funded by the Government.

14. Validity of certificate of disability issued under the repealed Act.- The certificate of disability issued under the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

15. Appeal regarding 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 District level Committee 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, the District Level Committee 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 VI STATE ADVISORY BOARD

16. Allowances for the Members of the State Advisory Board.- (1) The non official member of the state advisory board on disability not residing in the State Capital region, shall be paid an allowance of rupees two thousand 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, residing outside the state capital region, shall be paid daily and travelling allowances for each day of the actual meeting of the said Board at the rate admissible to a Group "A" or equivalent Officer of the State Government.

17. Notice of the Meeting.- The meetings of the State Advisory Board on disability constituted under sub-section (1) of Section 66 of the Act (hereafter in this Chapter referred to as 'the Board' shall ordinarily in the Capital of the State on such dates as may be fixed by its Chairperson:

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

(2) The Chairperson of the State Advisory Board 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 to be held and the business to be

transacted thereat, shall be given by Member Secretary of the State Advisory Board to the members of the Board.

(4) Notice of a meeting shall be given to the members of the State Advisory 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 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 Chairperson may permit him to do so.

(6) The State Advisory Board shall adjourn its meeting from day to day or to any particular days as under.

(a) 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 of the meeting 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 State Advisory 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 as specified in sub-rule(4).

18. Presiding officer.- The Chairperson of the State Advisory Board shall preside at every meeting of the Board. When the Chairperson is absent from any meeting, the members present shall elect one of the members to preside in that meeting.

19. Quorum.- (1) One-third of the total members of the State Advisory 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 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 adjourned meeting.

(5) (a) When a meeting of the Board is adjourned under sub-rule (2) for want of quorum in the following day, notice of such adjourned meeting shall be given to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to other members, and

(b)Where a meeting of the Board is adjourned under sub -rule(2) for want of quorum not to the following, but on a date with sufficient gap, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in sub -rule(4) of rule 17.

20. Minutes.- (1) The Member Secretary shall keep the names of all the members of the Board who attended the meeting of the Board and of the proceedings of the meetings in a book to be maintained for that purpose.

(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.

21. 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 17 shall be transacted at any meeting of the Board.

22. Agenda for the meeting of the State Advisory Board.- (1) At any meeting of the Board business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

Provided that either at the beginning of the meeting of the Board or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member 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.

23. 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, 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.

24. 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.

25. District - Level Committee.- The District-Level Committee on disability to be constituted by the State Government under Section 72 of the Act, shall consist of,-

(i)	The Deputy Commissioner of the district	Chairperson
(ii)	The Chief Executive Officer of zilla Panchayat	Co-Chairperson
(iii)	The Superintendent of Police	Ex-officio member
(iv)	The District Surgeon or Medical Superintendent	Ex officio member
(v)	The District Health and Family Welfare Officer	Ex-officio member
(vi)	The Psychiatrist of the District Hospital	Ex-officio member
(vii)	Public Prosecutor of the District	Ex-officio member
(viii)	The Secretary, District Legal Services Authority	Ex officio member
(ix)	Persons with disabilities representing nongovernmental organizations of persons with disability nominated by the State Government of which one member each shall be from organization of 5 categories of specific disabilities mentioned in the schedule to the act	Member
(x)	A Representative of a Registered Organization nominated by the State Government	Member
(xi)	A Person with disability as defined in Clause(s) of Section 2 of the Act nominated by the State Government	Member
(xii)	Any other member as invited by the Chairperson	Member
(xiii)	District Disabled Welfare Officer	Member Secretary
(xiv)	Representative of the Social Welfare Department not below the rank of Deputy Director	Member

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

- (1) Advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities;
- (2) Monitor the implementation of the provisions of the Act and the rules made there under by the District authorities.
- (3) Assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities;
- (4) 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;
- (5) Look into the appeal made by the employees of the Government establishments aggrieved with the action taken by the District level establishments under sub-section (4) of Section 23 and recommend appropriate measures; and
- (6) Any other functions as may be assigned by the State Government.

CHAPTER VII STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

27. Qualification for appointment of State Commissioner.- No person shall be eligible for appointment of State Commissioner for Persons with Disabilities, unless:-

- (a) he/she is a graduate from a recognized university;
 - (b) he/she shall be a holder of degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;
 - (c) he/she is having experience of at least 15 years in a Group "A" level post in the State Government out of which at least two years of experience in dealing with the welfare and rehabilitation schemes of persons with disabilities;
- or
- he/she shall have experience of at least twenty five years in public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development;

28. Mode of appointment of the State Commissioner.- (1) The State Government shall, at least six months before the post of State Commissioner is due to fall vacant, advertise in at least two national or state level daily newspapers, one in English and the other in Kannada inviting applications for the post from eligible candidates fulfilling the criteria.

(2) A Search-cum Selection Committee shall be constituted to recommend 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 State Government.

(4) The panel recommended by the Search-cum-Selection Committee 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.

29. 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, and may be extended for a period of another two years or till he attains the age of sixty-five years, whichever is earlier.

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

30. 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 in the State Government.

(2) The State Commissioner shall be entitled for the salary and allowances as prescribed by the State Government from time to time.

(3) 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.

31. 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 Group "A" officer under the relevant provisions of the Karnataka State Civil Service Rules applicable on them.

(b) Leave Travel Concession:

The State Commissioner shall be entitled to such leave Travel Concession as is admissible to Group A 'officers under relevant Provisions of the Karnataka State Civil Service Rules applicable on them.

(c) Medical Benefits:

The State Commissioner shall be entitled to such medical benefits as is admissible to Group 'A' officers under the relevant provisions of the Karnataka State Civil Service Rules applicable on them.

32. Resignation and removal.- (1) The State Commissioner may, by notice in writing, under his handwriting, addressed to the State Government, Resign from his post.

Provided that he shall continue in the office till his resignation is accepted.

(2) The state government shall remove a person from the office of the state commissioner, if he,-

- (a) becomes an undischarged insolvent; or
- (b) engages during his/her term of office in any paid employment or activity outside the duties of his/her 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) is absent without obtaining the leave 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/her continuance in the office detrimental to the interest of persons with disability:

Provided that no State Commissioner shall be removed under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group A '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), pending conclusion of such proceedings.

33. Residuary provision.- The 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.

34. Procedures to be followed by the State Commissioner.- An aggrieved person 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 the 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 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 State Commissioner may either dismiss the complaint on default or decide on the merits.

(5) Where the opposite party or his agent fails to appear on the date of the hearing, the State Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The State Commissioner may dispose of the complaint ex-parte, if necessary.

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

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

35. Advisory Committee to assist the State Commissioner.- (1) The State Government shall appoint an Advisory Committee, comprising the 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 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 actual meetings at rate admissible to a Group 'A' officer of the State Government.

36. 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 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 organizational set up;
- (b) the functions which the State Commissioner has been empowered under sections 80 and 81 of the Act and the highlights of the performance in this regard;
- (c) the main recommendations made by the State Commissioner;
- (d) progress made in the implementation of the Act in the State; and
- (e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time to be included in the report.

CHAPTER VIII SPECIAL PUBLIC PROSECUTOR

37. Appointment of Special Public Prosecutor.- (1) The Special 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 seven years; and
- (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 IX STATE FUND FOR PERSONS WITH DISABILITIES

38. State Fund for Persons with Disabilities and its management.-

(1) There shall be credited to the State Fund for persons with disabilities herein after referred to as the State Fund,-

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

(2) There shall be a governing body consisting of following members to manage State Fund, namely:-

(i)	The Principal Secretary / Secretary to Government Women and Child Welfare and Department of Empowerment of Persons with Disabilities	Chair Person
(ii)	The Director of the Department of Empowerment of Persons with Disabilities	Ex officio Member
(iii)	The Financial Advisor of the Department of Empowerment of Persons with Disabilities	Ex-officio Member
(iv)	The State Commissioner for persons with disabilities	Ex officio member
(v)	Two representatives of the State Government Department of Health and Family welfare / Department of Higher Education / Department of Labour / Department of Finance / Department of Rural Development / Department of Urban Development, not below the rank of Deputy Secretary by rotation in alphabetical order nominated by the State Government.	Members
(vi)	Five persons representing five groups of different types of disabilities to be nominated by the Government, by rotation	Members
(vii)	Joint Secretary/ Deputy Secretary of Women and Child Development and Empowerment of Differently Abled and Senior Citizens	Member Secretary

(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 Group "A" officer of the State Government for attending the meetings of the governing body.

(7) No non-official member shall be nominated as a member of governing body if he,-

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

39. Utilization of State Fund.- The State Fund shall be utilized for the following purposes namely:-

- (a) Financial assistance to the areas which are not specifically covered under any scheme and program 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 for the purposes of the Act.

(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 the requirements.

40. Budget.- The Chief Executive Officer of the State Fund shall prepare the budget for incurring expenditure under the State Fund in each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

41. Annual Report.- The annual report of the Department dealing with Empowerment of persons with Disabilities and Senior Citizens in the State Government shall include a chapter on the State Fund.

42. Repeal and Savings.-The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) (Karnataka) Rules, 2003 are hereby repealed.

provided that, the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered there under or affect any right, liability or obligation acquired, accrued or incurred under the said rules.

By order and in the name of Governor of Karnataka

M. Rajanna

Under Secretary-2 to Government,
Women and Child Development and
Empowerment of Differently Abled
and Senior Citizens Department