


MANIPUR GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 299

Imphal, Saturday, December 22, 2012

(Pausa 1, 1934)

**GOVERNMENT OF MANIPUR
SECRETARIAT: SOCIAL WELFARE DEPARTMENT**

NOTIFICATION

Imphal, the 21st December, 2012

No. 7/49/2010-S(SW): In exercise of the powers conferred by sub-section (1) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(1 of 1996), the State Government hereby makes the following rules to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Manipur Rules, 1996, namely:-

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) MANIPUR AMENDMENT RULES, 2012

- 1. Short title and commencement-**(1) These rules may be called the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) (Manipur) Amendment Rules, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.
- 2. Amendment of Rules 2-** After clause (e) of rule 2 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) (Manipur) Rules, 1996 (hereinafter referred to as the Principal Rules), the following new clause(ee) shall be inserted, namely,-

“(ee)”multiple disabilities” means a combination of two or more disabilities as defined in clause(i) of section of the Act;’
- 3. Substitution of rules 5 and 6,-** For rules 5 and 6 of the Principal Rules, the following shall be substituted respectively, namely,-

“5. Application for issue of disability certificate- (1) A person with disability desirous of getting a certificate in his favour shall submit an application in the prescribed form, and the application shall be accompanied by-
 - (i) Proof of residence, and
 - (ii) Two recent passport size photographs and two stamp size photographs.

- (2) The application shall be submitted to-
- (i) a Medical Authority competent to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence submitted by him with the application, or
 - (ii) 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 mental retardation or any other disability which renders him unfit or unable to make such and application himself, the application on his behalf may be made by his legal guardian.

6. Issue of disability certificate,- (1) On receipt of an application under rule 5, the Medical Board shall, after satisfying himself that the applicant is a person with disability as defined in sub-clause (t) of section 2 of the Act, issue a disability certificate in his favour.
- (2) The certificate shall be issued as far as possible, within a month from the date of receipt of the application by the Medical Board, but in any case, not later than one month from such date.
- (3) The Medical Board shall, after due examination,-
- (i) give a permanent disability certificate in cases where there are no chances of variation, over time, in the degree of disability. And
 - (ii) shall indicate the period of validity in the certificate, 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 disability certificate, the Medical Board shall explain to him the reasons for rejection of his application, and shall also convey the reasons to him in writing.
- (5) A copy of every disability certificate issued under these rules by a Medical Authority other than the Medical Board shall be simultaneously sent by the Medical Authority to the Medical Board.”

4. **Insertion of new rule 7A,-** After rule 7 of the Principal Rules, the following new rule 7A shall be inserted, namely,-

“7A, Certificate issued under rule 4 to be generally valid for all purposes,-

A certificate issued under rule 4 shall render a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government and of Non-Governmental Organizations funded by the Government, subject to such conditions as may be specified in relevant schemes or instructions of Government, as the case may be.”

5. Insertion of new rules 46 A, 46B, 46C and 46D,- After rule 46 of the Principal Rules, the following new rules 46A, 46B, 46C and 46D shall be inserted, namely,-

“46A. Qualification for appointment of State Commissioner,-The eligibility for appointment as State Commissioner, the person should fulfill the following criteria:-

- (i) He should have special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities;
- (ii) He should not have 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 issued under sub-rule (1) of rule 46B;
- (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 must possess the following educational qualification and experience, namely

(A) Educational qualifications,-

Essential: Graduate from a recognized University.

Desirable: Recognized degree/diploma in Social Work/Sociology/Law/Management Human Rights/Rehabilitation/Education of Disabled Persons.

(B) Experience,-

Should have at least 15(fifteen) years experience in one or more of the following types of organizations at specified levels:-

- (a) In a Class-I level post in Central/State Government/Public Sector Undertaking/Semi Government or Autonomous Bodies dealing with disability related matters and/or social sector(health/education/poverty alleviation/women and child development); or
- (b) A senior level functionary in a registered national or international level voluntary organization working in the field of disability/social development; or
- (c) Senior Executive position in a leading private sector organization, involved in social work and in charge of handling social development activities of the organization:

Provided that out of the total 15(fifteen) years experience mentioned above, at least three years of experience in the recent past should have been in the field of empowerment of persons with disabilities.

46B. Mode of appointment of the State Commissioner-(1) An advertisement shall be made in at least two local dailies each in Manipuri and English inviting applications for the post of

State Commissioner from the eligible candidates who fulfilled the criteria mentioned in rule 46A.

- (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) The Composition of the Committee will be governed by relevant instructions issued by the Department of Personnel and Administrative Reforms from time to time.
- (4) The panel recommended by the Committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) above, as well as other eligible persons whom the Committee may consider suitable.
- (5) The State Government shall appoint one of the candidates recommended by the Search-cum Selection Committee as the State Commissioner.

46C. Term of the State Commissioner – 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.

Provided that a person may serve as State Commissioner for a maximum of two terms, subject to the upper age limit of sixty five years.

46D. Resignation and removal –(1) The State Commissioner may, by writing under his hand addressed to the State Government, resign from the office of the State Commissioner at any time. The resignation shall take effect from the date of acceptance by the State Government.

- (2) The State Government shall remove a person from the office of the State Commissioner, if he-
 - (i) becomes an undischarged insolvent;
 - (ii) engages during his term of office in any paid employment or activity outside the duties of his office;
 - (iii) gets convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;
 - (iv) 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;
 - (v) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of 15 days or more; or
 - (vi) has, in the opinion of the State Government, so abused the position of the State Commissioner as to render his continuance in office detrimental to the interest of persons with disability;

Provided that no person shall be removed under this rule except after following the procedure, mutatis mutandis, prescribed for removal of a Class-I Officer serving under 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.”
6. **Substitution of rule 47,-** For rule 47 of the Principal Rules, the following shall be substituted, namely,-
- “47 – The salary and allowances of the State Commissioner shall be prescribed /notified by the State Government from time to time.”

By orders & in the name of Governor,

LETKHOGIN HAOKIP,
Commissioner(SW),Government of Manipur.