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NOTIFICATION

No.A.12018/24/2003-P&AR(GSW)/Pt, the 24th February, 2017. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with sub-sections (1), (2) and (3) of section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No. 1. of 1996), the Governor of Mizoram is pleased to make the following rules regulating the method of recruitment and conditions of service for the post of Commissioner for Persons with Disabilities under Social Welfare Department, Government of Mizoram namely :-

1. **Short title and commencement:**

- 1) These Rules may be called the Mizoram Commissioner for Persons with Disabilities (Recruitment and conditions of Service) Rules, 2016.
- 2) These Rules shall come into force 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 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participations) Act, 1995 (Act No. 1 of 1996)
 - b) "Governor" means the Governor of Mizoram
 - c) "Secretary" means a Secretary to the Government of Mizoram
- 2) All other words and expressions used in these Rules and not defined herein shall have the same meaning respectively assigned to them in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No. 1 of 1996).

3. **Qualifications for appointment of the Commissioner:** In order to be eligible for appointment as the Commissioner, a person must satisfy the following conditions, namely:-

- 1) he must have special knowledge or practical experience in respect of matters relating to rehabilitation of Persons with Disabilities;
- 2) if he is in service under the Central Government or a State Government or any other Organisation, he shall seek retirement from such service before his appointment to the post; and
- 3) he must possess the following educational qualification and experience, namely:-

(A) **Educational qualifications:**

- i) **Essential:**
 - a) Bachelor's degree from a recognised university
 - b) Working knowledge of Mizo language at least Middle School standard.

- ii) **Desirable:** Master's degree from a recognised Institution in Social Work/Law/Management/ Human Rights/Rehabilitation/Education of Persons with Disabilities.
- (B) **Experience:** Should have at least ten (10) years experience in one or more of the following types of Organizations at specified levels:-
- i) In a Group 'A' level post in Central/State Government/Public Sector Undertaking/Semi Government/ Autonomous Bodies/Educational Institution/Registered National/International level Organisations dealing with disability related matters; or
 - ii) A senior level functionary in a Registered National or International level Voluntary Organisation working in the field of disability/ social development for at least 10 years; or
 - iii) Senior Executive position in a leading private sector organisation, involved in social work and in charge of handling social development activities of the organization for at least 10 years;
 - iv) Out of the total 10 years experience mentioned above, at least three years of experience in the immediate past should have been in the field of empowerment of Persons with Disabilities.
4. **Disqualification for appointment as Commissioner :** No person -
- (a) Who has entered into or contracted a marriage with a person having a spouse living; or
 - (b) Who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the said post(s);
 Provided that the Governor may, if satisfied that such marriage is permissible under the personal law applicable to such person and to the other party to the marriage and that there are other valid grounds for doing so, exempt any such person from the operation of these rules.
5. **Age limit:** In order to be eligible for appointment as the Commissioner, a person should not have attained the age of sixty two (62) years as on the last date for receipt of applications.
6. **Mode of appointment of the Commissioner:**
- 1) An advertisement shall be published, preferably six months before the post is due to fall vacant, inviting applications for the post of Commissioner from eligible candidates fulfilling the required criteria.
 - 2) A Search-cum-Selection Committee shall be constituted by the State Government with the following composition:

Chairman	:	Chief Secretary
Member Secretary:	:	Secretary, Social Welfare Department
Member	:	Secretary, DP&AR.
 - 3) The Search-cum-Selection Committee shall recommend a panel of three suitable candidates for the post of the Commissioner.
 - 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 Commissioner.
7. **Tenure of the Commissioner:**
- 1) The Commissioner shall be appointed on full-time basis for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.
 - 2) A person may serve as Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years.

8. Resignation and removal of the Commissioner:

- 1) The Commissioner may, by notice in writing, under his hand, addressed to the State Government, resign his post.
- 2) The State Government shall remove a person from the office of the Commissioner, if he
 - a) becomes an undischarged insolvent;
 - b) engages during his term of office in any paid employment or activity outside the duties of his office;
 - c) gets convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;
 - 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;
 - e) without obtaining leave of absence from the State Government, remains absent from duty for a consecutive period of 15 days or more; or
 - f) has, in the opinion of the State Government, so abused the position of the Commissioner as to render his continuance in office detrimental to the interest of persons with disabilities;

Provided that no person shall be removed under this rule except after following the procedure, mutatis mutandis, prescribed for removal of a Group 'A' employee of the State Government.
- 3) The State Government may suspend a Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

9. Salary and allowances of the Commissioner :

- 1) The salary and allowances of the Commissioner shall be equivalent to the salary and allowances as admissible to a Secretary to the Government of Mizoram or as decided by the Government from time to time.
- 2) Where a Commissioner, being a retired Government Servant or a retired employee of any institution or autonomous body funded by the 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.

10. Other terms and conditions of service of the Commissioner:

- 1) The Commissioner shall be entitled to such leave as admissible to a Group 'A' Officer under the Government of Mizoram in accordance with the Central Civil Services (Leave) Rules, 1972.
- 2) Notwithstanding anything contained in sub-rule (1), leave at the credit of the Commissioner shall lapse on the date he demits office.
- 3) The Commissioner shall be entitled to medical benefits as admissible to a Group 'A' Officer under the Government of Mizoram in accordance with the Central Services (Medical Attendance) Rules, 1944.

11. Residuary provision: In respect of any matter for which no express provision is made under these rules, the conditions of service of a person serving as the Commissioner shall be governed by rules and orders for the time being applicable to a Secretary to the Government of Mizoram.

12. **Interpretation:** If any doubt arises about the interpretation of any of these rules, it shall be referred to the Governor whose decision shall be final.
13. **Power to relax:** Where the Governor is satisfied that the operation of these Rules causes undue hardship in any particular case, he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

By order, etc

R. Malsawma,
Joint Secretary to the Government of Mizoram,
Department of Personnel & Administrative Reforms.