



ABSTRACT

Welfare of Differently Abled Persons Department – Appointment of Grievance Redressal Officer under the Section 23 of the Rights of Persons with Disabilities Act, 2016 – Orders - Issued.

WELFARE OF DIFFERENTLY ABLED PERSONS (DAP-3.1) DEPARTMENT

G.O. (Ms) No.16

Dated: 02.12.2020

சார்வரி, கார்த்திகை 17,
திருவள்ளூர் ஆண்டு 2051.

Read:

1. The Rights of Persons with Disabilities Act, 2016
2. From the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled, Letter Roc. No.6131/Placement/2020, Dated 11.09.2020

ORDER:-

The Rights of Persons with Disabilities Act, 2016 has been enacted by the Government of India to protect the Rights of the Persons with Disabilities. Section 19, 20 and 23 of the said Act provides as follows:-

Section 19 of the Act:-

(1) *The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.*

(2) *The schemes and programmes referred to in sub-section (1) shall provide for-*

(a) *inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes.*

(b) *to ensure that a person with disability has adequate support and facilities to avail specific training;*

(c) *exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;*

(d) *loans at concessional rates including that of microcredit;*

(e) *marketing the products made by persons with disabilities; and*

(f) *maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.*

Section 20 of the Act:-

"(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

Section 23 of the Act:-

"(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer".

2. In the letter 2nd read above, the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled has stated that all the establishment shall appoint Grievance Redressal Officer as per section 23(1) of the Rights of Persons with Disabilities Act, 2016 for the purpose of the section 19 and 20 of the said Act.

3. The State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled has also stated that in Rule 10 of the Rights of Persons with Disabilities Rules, 2017 issued by Government of India envisages that:-

"10. Manner of maintenance of register of complaints by the Government establishments.

(1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer:

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer.

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

- (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 or 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

4. Accordingly, the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled has requested the Government to issue necessary orders on the following:-

- i) Appointing officers as Grievance Redressal Officer (GRO) under Section 23 of the "Rights of Persons with Disabilities Act, 2016" in every Government Establishment:
- ii) Directing the GRO to function as envisaged in the above said Act and Rules.
- iii) Directing the concerned authority that the above pattern may be followed while appointing the GRO in their department and the same may be posted in the Government website under intimation to the Office of the State Commissioner for Persons with Disabilities/ Director for Welfare of the Differently Abled.

5. The Government after careful examination have decided to accept the proposal of the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled and issue the following orders:-

- All the departments are instructed to appoint the second level officer in their department as Grievance Redressal Officer (GRO) in their offices at Secretariat, Head of the Departments, Collectorate and all other Subordinate Offices as the case may be and post the same in their website
- The Grievance Redressal Officer so appointed shall function as envisaged in sections 19 and 20 of the Rights of Persons with Disabilities Act, 2016 and Rule 10 of the Rights of Persons with Disabilities Rules, 2017
- All the departments are instructed that the State Commissioner for Persons with Disabilities shall be informed regarding the appointment of GRO in their departments.

(BY ORDER OF THE GOVERNOR)

K. SHANMUGAM,
CHIEF SECRETARY TO GOVERNMENT

To
The State Commissioner for Persons with Disabilities /
Director for Welfare of the Differently Abled, Chennai-5.
All Departments of Secretariat, Chennai-9.
All Head of the Departments (Through SCPD).
All District Collectors (Through SCPD).
The Hon'ble High Court of Madras, Chennai- 104.
The Hon'ble Madurai Bench of Madras High Court, Madurai (Through SCPD).
All District Judges (Through SCPD).
The Accountant General, Chennai- 18.
The Resident Audit Officer, Chennai- 9.

Copy to:-

The Special Personal Assistant to Hon'ble Minister (SW&NNMP), Chennai- 9.
The Senior Principal Private Secretary to Chief Secretary, Chennai- 9.
The Senior Principal Private Secretary to Secretary to Government,
Welfare of Differently Abled Persons Department, Chennai- 9.
Stock File/Spare Copy.

// FORWARDED BY ORDER //

SECTION OFFICER 4/12/20
4/12/20 13/14