



ABSTRACT

Welfare of Differently Abled Persons Department – The Rights of Persons with Disabilities Act, 2016 – Publish and display Equal Opportunity Policy under the Section 21 of the Rights of Persons with Disabilities Act, 2016 – Orders - Issued.

WELFARE OF DIFFERENTLY ABLED PERSONS (DAP-3.1) DEPARTMENT

G.O. (Ms) No.02

Dated: 07.07.2021

பிலவ, ஆணி 23,

திருவள்ளூர் ஆண்டு, 2052.

Read:

1. The Rights of Persons with Disabilities Act, 2016 notified by Government of India, dated 28.12.2016
2. The Rights of Persons with Disabilities Rules, 2017 notified by Government of India, dated 15.06.2017
3. From the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled, Roc. No.7389/Placement/2020, dated 24.10.2020

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 21 of the said Act provides as follows:-

Section 21 of the Act:-

“(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

“(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be”.

In section 2 of the Rights of Persons with Disabilities Act, 2016, establishment defined as follows:-

2(i) *“establishment” includes a Government establishment and private establishment;*

2(k) *“Government establishment” means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 (18 of 2013) and includes a Department of the Government;*

2(v) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

2. Accordingly, the Rights of Persons with Disabilities Rules, 2017 has been framed by the Government of India. Rules 8 and 9 of the aforesaid rules provides as follows:-

Rule 8 - Manner of publication of equal opportunity policy. -

- (1) Every establishment shall publish equal opportunity policy for persons with disabilities.
- (2) The establishment shall display the equal opportunity policy preferably on their website, failing which at conspicuous places in their premises.
- (3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall inter alia, contain the following, namely:-
 - (a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
 - (b) list of posts identified suitable for persons with disabilities in the establishment;
 - (c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
 - (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
 - (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees.
- (4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

Rule 9-Form and manner of maintaining records by the establishments. -

- (1) Every establishment covered under sub-rule (3) of rule 8 shall maintain records containing the following particulars, namely:-
 - (a) the number of persons with disabilities who are employed and the date from when they are employed;
 - (b) the name, gender and address of persons with disabilities;
 - (c) the nature of disability of such persons
 - (d) the nature of work being rendered by such employed person with disability; and

(e) the kind of facilities being provided to such persons with disabilities.

(2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with".

3. In the letter third read above, the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled has suggested that it is mandatory that every establishment including Government and private establishment has to publish and display Equal Opportunity Policy as per the provisions made under Rule 8 of the Rights of Persons with Disabilities Rules, 2017. Further, every establishment shall maintain records in the manner specified in Rule 9 of the said Rules and produce the same to the inspecting authorities under the Rights of Persons with Disabilities Act, 2016. The authority under the said Act is the State Commissioner for Persons with Disabilities/ Director for Welfare of the Differently Abled.

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

- i) To instruct all establishment both Government and Private establishment to publish and display "Equal Opportunities Policy" as specified in the Rights of the Persons with Disabilities Rules, 2017 and to register a copy of the said policy with the State Commissioner for Persons with Disabilities / Director for Welfare of the Differently Abled within three months from the date of issue of the Government Order.
- ii) To nominate Industries and Commerce department as the nodal department to coordinate with private establishment.
- iii) To instruct all establishment both Government and Private establishment to maintain records as per the Rule 9 of the Rights of Persons with Disabilities Rules, 2017.
- iv) To appoint State Commissioner for Persons with Disabilities / Director for Welfare of the Differently Abled as the authority for the purpose of the Rules 9(2) of the Rights of Persons with Disabilities Rules, 2017.

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

- i) All establishments both Government and private are instructed to publish and display "Equal Opportunities Policy" as specified in the Rights of the Persons with Disabilities Rules, 2017 and to register a copy of the said policy with the State Commissioner for Persons with Disabilities / Director for Welfare of the Differently Abled within three months from the date of issue of the Government Order.
- ii) All establishment both Government and Private are instructed to maintain records as per Rule 9 of the Rights of Persons with Disabilities Rules, 2017.
- iii) The State Commissioner for Persons with Disabilities/ Director for Welfare of the Differently Abled is appointed as the authority for the purpose of Rule 9(2) of the Rights of Persons with Disabilities Rules, 2017.

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iv) The Commissioner of Labour is appointed as the nodal officer to coordinate with Private establishments other than factories. The Director of Industrial Safety and Health is appointed as the nodal officer to coordinate with the factories. These nodal officers are instructed to ensure that the private establishments publish the "Equal Opportunities Policy" as specified in the Rights of the Persons with Disabilities Rules, 2017 and a copy of the said policy is registered with the State Commissioner for Persons with Disabilities/ Director for Welfare of the Differently Abled within three months from the date of issue of this Government Order.

(BY ORDER OF THE GOVERNOR)

R.LALVENA,
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.
The Commissioner of Labour, Chennai – 600 006.
The Director of Industrial Safety and Health,
Chennai – 600 032.

Copy to:-

The Special Personal Assistant to Hon'ble Chief Minister, Chennai-9.
The Special Personal Assistant to Hon'ble Minister for Labour, Chennai-9.
The Senior Principal Private Secretary to Chief Secretary to Government,
Chennai-9.
The Senior Principal Private Secretary to Labour Welfare and Skill Development,
Chennai-9.
The Senior Principal Private Secretary to Welfare of Differently Abled
Persons Department, Chennai-9
Stock file / Spare copy.

// FORWARDED BY ORDER //

Obinna
13/07/2021
SECTION OFFICER

Obinna
13/7/21