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PART - II

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GOVERNMENT OF PUDUCHERRY
SOCIAL WELFARE SECRETARIAT

(G.O. Ms. No. 5/SWS/2020-21, Puducherry, dated 17th September 2020)

NOTIFICATION

The Legislative Department, Ministry of Law and Justice, Government of India, has enacted a new law *viz.* "The Rights of Persons with Disabilities Act, 2016" (No. 49 of 2016) [hereinafter referred in as the said Act]. The Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India, has appointed 19th April, 2017 as the date on which the said Act shall come into force *vide* Notification S.O. No. 1215(E); dated 19th April, 2017.

Whereas, the Ministry of Home Affairs, Government of India, has delegated the powers of the State Government under the Act to the Administrators of all the Union Territories *vide* Notification S.O. No. 3870(E), dated 12th December, 2017.

Whereas, section 21 of the abovesaid Act mandated that:—

(1) Every establishment shall notify Equal Opportunity Policy detailing measures proposed to be taken by it in pursuance of the provisions of Chapter-IV in the manner as 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.

Now, therefore, the Lieutenant-Governor, Puducherry, is hereby pleased to approve the Equal Opportunity Policy for Persons with Disabilities appended to this order in accordance with section 21 of the said Act and Rules 8, 9 and 10 under Chapter-IV (Employment) of the Rights of Persons with Disabilities Rules, 2017 and further ordered that all the Administrative Departments of this Union territory of Puducherry shall implement this Policy and also display the Equal Opportunity Policy preferably on their website, failing which, at conspicuous places in their premises as prescribed under rule 8(2) of the Rights of Persons with Disabilities Rules, 2017.

(By order of the Lieutenant-Governor)

P. PADMAVATHY,

Under Secretary to Government (Welfare).

POLICY STATEMENT

1. *Introduction.*— The Government of Puducherry has taken special attention to ensure equal opportunities to the differently abled persons in employment and creating an inclusive work place and work culture in which all employees are treated with respect and dignity.

2. *Purpose.*— This Equal Opportunity Policy shall apply to every Government Establishment of this Union territory of Puducherry which aims to promote inclusiveness and strives to maintain a work environment that is free from any harassment or discrimination of persons with disability. It shall be the policy to provide equal employment opportunities, without any discrimination of persons with disabilities subject to the provisions of the Rights of Persons with Disabilities Act, 2016 and Rules, eligibility and service conditions as prescribed in the relevant rules and instructions issued from time to time.

3. *Scope.*— The Equal Opportunity Policy covers all persons with disabilities, who come under the administrative control of this Union territory of Puducherry. This Policy covers applicants with disabilities in the Departments, regular, *ad hoc*, part-time/full-time employees interns, trainees, contractual employees including temporary employees. It covers those employees who acquire disability during their work tenure.

4. *Definition.*— The definitions of different terms used in this Policy will be as per section 2 of the Rights of Persons with Disabilities Act, 2016.

5. *Commitment.*— As specified in the Rights of Persons with Disabilities Act, 2016 and the Rights of Persons with Disabilities Rules, 2017, the Policy details includes:

Rights and Entitlements

(a) *Equal Opportunity and Non-discrimination:* All Government Establishment of this Union territory of Puducherry shall follow the below mentioned *criteria* in order to ensure non-discrimination in employment:—

1. The Government Establishment of this Union territory of Puducherry shall not discriminate against any persons with disability in any matter relating to employment.

2. No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

3. Every Government Establishment of this Union territory of Puducherry shall provide reasonable accommodation, assistive devices appropriate barrier-free accessibility and conducive environment to employees with disability.

4. The establishment shall not deny promotion to a person merely on the grounds of disability.

5. The Government Establishment shall not 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.

(b) **Identification of posts and Reservation:** The identification of posts and reservation for persons with disabilities shall be done as per the Government directives issued from time to time.

(c) **Manner of Selection:** All the Government Establishment shall adopt a transparent selection process based on merit and without any bias to disabilities of the prospective candidates. Candidates with necessary disability certificate issued in accordance with the rules by the Competent Authority will only be considered for the identified posts. The recruitment notification including special recruitment drives for person with disabilities shall be notified in the appropriate print/electronic media and to any other authority mentioned in the Act.

(d) **Post recruitment training:** The Government Establishment will provide necessary training to the new recruits including persons with disabilities to enable them to carry out their duties effectively. The necessity of training, its types and methods shall be determined by the Head of the Department.

(e) **Transfer of Employees with Disabilities:** The transfer and postings of employees with disabilities shall be made in concurrence with the para (h) of "Guidelines for providing certain facilities in respect of persons with disabilities who are already employed in Government for efficient performance of their duties" of the DoPT circular *vide* O.M. No.36035/3/2013-Estt.(Res), dated 31-3-2014 and para S1.No.15 of "Guidelines to improve the service conditions of the employees with disabilities working in different sector" of the Welfare Secretariat, Government of Puducherry, Circulated *vide* G.O. Ms. No. 23/97-Wel.(SW-II), dated 4th March 1997.

(f) **Leave:** The differently abled employees shall be governed by leave rules as per Central Civil Service Leave Rules, 1972 read with DoPT O.M. No. 36035/3/2013-Establishment (Res), dated 31-3-2014 of Government of India as notified from time to time.

(g) **Grievance Redressal/Liaison Officer:** (1) As per provisions of rule 8(3)(e) and rule 10(1) of Rights of Persons with Disabilities Rules, 2017, an Officer may be designated as Liaison and Grievance Redressal Officer in all offices who will be responsible for adherence to this policy and also for redressal of complaints and grievances of differently abled employees.

(2) The Liaison Officer shall be responsible for:–

- (I) Implementing action plan for making the workplace and IT systems accessible for people with disabilities by liaising with the concerned officers.
- (II) Ensuring that all employees are aware of the Equal Opportunity Policy and know their duties and rights in relation to the Equal Opportunity Policy.
- (III) Developing proactive strategies to prevent discrimination and harassment.
- (IV) All employees have the responsibility to comply with the Equal Opportunity Policy. The Liaison Officer needs to monitor the work environment to ensure that it is free from discrimination and harassment and encourages inclusion and respect for others.
- (V) Ensuring reservation of 4% Vacancies for person with disabilities in the establishment. All recruitment proposals must be routed through Liaison Officer.
- (VI) The Liaison Officer will submit the quarterly progress report to the Head of Department.

(3) As per sub-rule (2) of rule 10 of Rights of Persons with Disabilities Rules, 2017, the Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:–

- (I) Date of complaint;
- (II) Name of complainant;
- (III) Name of the person who is enquiring the complaint;

- (IV) Place of incident;
- (V) The name of establishment or person against whom the complaint is made;
- (VI) Gist of the complaint;
- (VII) Documentary evidence, if any;
- (VIII) Date of disposal by the Grievance Redressal Officer;
- (IX) Details of disposal of the appeal by the District Level Committee; and
- (X) Any other information.

(h) **Maintenance of Records:** (i) Every Government Establishment 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 and 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 persons with disability; and
- (e) The kind of facilities being provided to such persons with disabilities.

(ii) Every Government establishment shall produce the records maintained under these rules for inspection on demand 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.

6. *Facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.*— (a) All the Establishment of Government of Puducherry shall aim to ensure that the physical infrastructure (buildings, furniture, facilities and services in the building/campus and transportation) adheres to accessibility standards as prescribed by the Government of India and also aim to revamp its existing buildings within the time frame prescribed under AIC, to ensure strict compliance with the Rights of Persons with Disabilities Act, 2016.

(b) **Digital Infrastructure:** All the Establishment shall ensure that all the documents, communication and information technology systems adhere to the accessibility standards as prescribed in the Rights of Persons with Disabilities Rules, 2017, such as :

(i) **Website Standards:** Guidelines for India Government Websites (GIGW), as adopted by Department of Administrative Reforms and Public Grievances, Government of India.

(ii) **Documents Standards:** Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf formats.

7. *Compliance.*—All the Heads of Departments of the respective offices of this Union territory of Puducherry will be responsible for implementation of the Rights of Persons with Disabilities Act, 2016 and rules framed thereunder.

8. *Review of Policy.*—The Equal Opportunity Policy will be updated whenever there is an amendment in the Rights of Persons with Disabilities Act, 2016 and the Rights of Persons with Disabilities Rules, 2017. Review of Policy shall be undertaken at regular intervals.

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