

**F.No.8-33/2016-DSW/CCD/PF-I/1638**  
**ANDAMAN & NICOBAR ADMINISTRATION**  
**DIRECTORATE OF SOCIAL WELFARE**  
**GOALGHAR, PORT BLAIR**

\*\*\*\*\*

Port Blair, dated: 10<sup>th</sup> May, 2024

**PRESS NOTE**

The Department of Social Welfare, Andaman and Nicobar Administration invites applications from eligible candidates for the post of Commissioner for Persons with Disabilities, to deal with various issues of Persons with Disabilities in the Union Territory.

**Qualification for appointment of Commissioner (Disabilities):**

A person shall not be qualified to be appointed as a Commissioner for Persons with Disabilities under sub-section (1) of Section 79 of the Rights of Persons with Disabilities Act unless:

- (i) He/She has special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities,
- (ii) He/She has not attained the age of sixty-five years on the 1st of January of the year in which the last date for receipt of applications, as specified in the advertisement inviting applications for appointment of the Commissioner occurs,
- (iii) If He/She is in service under the Central Government or the Administration, He/ She shall seek retirement from such service before his/her appointment to the post; and
- (iv) (iv) He/She possesses the following educational qualifications and experience, namely:

**(A) Educational qualifications:**

**1. Essential:** Graduate from a recognized university;

**2. Desirable:** Recognized diploma/degree in social work/law/Management/Human Rights/Rehabilitation/Education of disabled persons.

**(B) Experience:** At least 3 years experience in disability sector at Group 'A' level or equivalent post or 5 years' experience at Group 'B' level or equivalent post.

For terms and conditions of appointment, functions and other related provisions, interested candidates are requested to refer to the Chapter X of the Andaman and Nicobar Islands, Rights of Persons with Disabilities Rules, 2019 which is available on the website of the Directorate of Social Welfare, Andaman & Nicobar Administration, bearing the URL:<http://andssw1.and.nic.in/socialwelfare/>.

The applications, in the given format should reach the Office of the Director, Directorate of Social Welfare, Goal Ghar, Port Blair, South Andaman, PIN-744101 in a sealed envelope bearing the words "Application for the Post of Commissioner (Disabilities) by 03/06/2024. Application sent after this date will not be considered.

## FORMAT OF APPLICATION

To

The Director  
Directorate of Social Welfare  
A&N Administration  
Port Blair

Application Performa for the post of Commissioner (Disabilities) Andaman & Nicobar Administration				
1.	Name of candidate (in block letters)			
2.	Gender			
3.	a) Date of birth (Copy of birth Certificate or matriculation certificate to be annexed)	Date	Month	Year
	b) Age as on the last date of application (i.e....)	Years	Month	
4.	Nationality			
5.	Education Qualification (Copies of certificate to be annexed)			
6.	Experience  a) Whether the candidate has special knowledge or radical experience in respect of matters related to rehabilitation of persons with disabilities.  b) If the answer to (a) is yes, details thereof:- (Copies of relevant experience certificates to be annexed)			
7.	Additional information (if any)			
8.	Two references	1.		
		2.		
9.	Present postal address			
10.	Permanent residential address			
11.	Email address			
12.	Contact No.			

### Declaration

I do hereby declare that all statement made in this application are true, complete and correct to the best of my knowledge and belief. I understand that if any of the information is found false or incorrect before or after the selection, my candidature is liable for cancellation.

Signature of the candidate

NAME:

  
**Director (SW)**

अण्डमान तथा  
Andaman And



निकोबार राजपत्र  
Nicobar Gazette

सर्वभारतीय  
असाधारण

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No. 147, Port Blair, Thursday, August 8, 2019

अण्डमान तथा निकोबार प्रशासन  
ANDAMAN AND NICOBAR ADMINISTRATION  
समाज कल्याण निदेशालय  
DIRECTORATE OF SOCIAL WELFARE  
गोल घर / GOAL GHAR

**NOTIFICATION**

Port Blair, dated the 8<sup>th</sup> August, 2019.

No. 145/2019/F.No.8-17/DSW-2016.— In exercise of powers conferred by Sub-section (1) of Section 101 of The Rights of Persons with Disabilities Act, 2016 and in pursuance of Ministry of Home Affairs, New Delhi notification No. S.O.3870 (E) dt.12<sup>th</sup> December, 2017, The Lt. Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules, namely:-

**CHAPTER-I**

**PRELIMINARY**

**1. Short title and Commencement:-**

- (1) These rules may be called the (Andaman & Nicobar Islands, Rights of Persons with Disabilities Rules, 2019.)
- (2) They shall come into force on the date of their final publication in the Official Gazette.

**2. Definitions:-** (1) In these rules, unless the context otherwise requires:-

- (a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
- (b) "appellate authority" means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;
- (c) "appropriate Government" means,—
  - (i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;
  - (ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board i.e. A&N Administration.
- (d) "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;
- (e) "care-giver" means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

- (k) "Certificate" means a certificate of disability issued by a certifying Authority referred to in sub-section (1) of Section 57 of the Act;
- (l) "Certificate of registration" means a certificate of registration issued by the competent authority under Section 50 of the Act.
- (m) "Certifying authority" means an authority designated under sub-section (1) of section 57;
- (n) "Communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;
- (o) "Competent authority" means an authority appointed under section 49;
- (p) "Discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation; Short title and commencement.
- (q) "Form" means a form appended to these rules.
- (r) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.
- (aa) Definitions.
- (i) "Establishment" includes a Government establishment and private establishment;
- (ii) "Fund" means the UT Fund constituted under section 86;
- (iii) "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 and includes a Department of the Government;
- (iv) "High support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;
- (v) "Inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;
- (vi) "Information and communication technology (ICT)" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;
- (vii) "Institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;
- (viii) "Local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (k) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;
- (ix) "Notification" means a notification published in the Official Gazette and the expression "notified" or "notified" shall be construed accordingly;
- (x) "Person with benchmark disability" means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;
- (xi) "Person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

- (v) **"person with disability having high support needs"** means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;
- (w) **"prescribed"** means prescribed by rules made under this Act;
- (x) **"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;
- (y) **"public building"** means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial for as, railway stations or platforms, roadways bus stands or terminus, airports or waterways;
- (z) **"public facilities and services"** includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;
- (za) **"reasonable accommodation"** means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;
- (zb) **"registered organization"** means an association of persons with disabilities or a disabled person organization, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organization or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;
- (zc) **"rehabilitation"** refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;
- (zd) **"Special Employment Exchange"** means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—
- (i) persons who seek to engage employees from amongst the persons with disabilities;
  - (ii) persons with benchmark disability who seek employment;
  - (iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;
- (ze) **"specified disability"** means the disabilities as specified in the Schedule;
- (zf) **"transportation systems"** includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.;
- (zg) **"universal design"** means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

**CHAPTER II**

**RIGHTS AND ENTITLEMENTS**

**3. Establishment not to discriminate on the ground of disability:**

(1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(i) The Head of establishments shall ensure proper arrangement for doing their duty without any hardship.

(i)(a) Appropriate sitting facilities, toilets and accessive supervisions and co-workers be ensured.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall -

a) initiate action in accordance with the provisions of the Act; or

b) In form the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.

(2) If the aggrieved person submits a complaint to the UT Commissioner for Persons with Disabilities, the complaint shall be disposed of within a period of sixty days: Provided that in exceptional cases, UT Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully \*pay the costs incurred for reasonable accommodation.

**4. Limited Guardianship:** (1) The District Court or designated authority (Deputy Commissioner) through a registered organization or through a blood relative or any other fit person shall grant the support of limited guardianship to a person with disability to take a legally binding decision on his behalf.

(2) The District Court or designated authority (Deputy Commissioner) before granting limited guardianship for the person with disability shall satisfy itself that such person is not in a position to take legally binding decision of his own.

(3) The District Court or designated authority (Deputy Commissioner) shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to its notice of the need of such limited guardianship: Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship.

(4) The validity of the limited guardianship as appointed under sub rule(1) shall be initially for a period of five years which can be further extended by the District Court as the case may be: Provided that the District Court or designated authority (Deputy Commissioner) shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

Section-  
14(1) of  
RPwD Act

- (5) While granting the support of such limited guardianship the Court shall consider a suitable person to be appointed as a limited guardian in the following preference of merit:
- (a) The parents or adult children of the person with disability.
  - (b) Immediate brother or sister;
  - (c) Other Blood relatives or care givers or a prominent personality of the locality.
- (6) Only those individuals who are over the age of 18 years and who have not been previously convicted of any cognizable offence as defined in the Code of Criminal Procedure, 1973 (1 of 1974) shall be appointed as a limited Guardian.
- (7) The limited guardian appointed under sub-rule (1) shall consult the person with disability in all matters before taking any legally binding decisions on his behalf.
- (8) The appointed limited guardian shall ensure that the legally binding decisions taken on behalf of the person with disability are in the interest of the person with disability.
5. **Appellate Authority u/s 14(3):** To enable appeal against decision of the District Court under Rule 6(1)-the appellate authority to appeal against any decision of the District Court for appointment of limited Guardian under Rule 6(1) shall be the High Court of Calcutta.

### CHAPTER III

#### NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

6. There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act. The Education Officer or District Education Officer shall be the Nodal Officer in Education Department.
- Functions of Nodal Officer, District Education Office:-
    - (i) Admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;
    - (ii) Make building, campus and various facilities accessible;
    - (iii) Provide reasonable accommodation according to the individual's requirements;
    - (iv) Provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion;
    - (v) Ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;
    - (vi) Detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;
    - (vii) Monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;
    - (viii) Provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.
- 6(1). The Education Department shall conduct the survey of school going children in every 05 (five) years starting from the year of issuance of this notification.
- 6(2). The Education Department shall arrange proper educational institutions like special schools, accessible free text books, scholarships, learning material, assistive devices, resource centres etc. for children studying in all educational institutions.

**CHAPTER IV**  
**EMPLOYMENT**

**7. 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.

4(1) The Department of Labour, A& N Administration shall designate a special officer for monitoring the compliance of the provisions contained in Rule 7.

4(2) Every Department shall appoint a Grievance Redressal Officer and shall inform UT Commissioner (Disabilities) about such appointment.

4(3) The Nodal Officer shall be responsible for monitoring the compliance of the provisions of the Act.

(5) The Department of Labour, Industries and any other Departments of UT Administration notified by Government shall prepare appropriate schemes and proposals including provisions of loans at concessional rates for employment generation.

(6) The Directorate of Social Welfare, Department of Labour, DBRAIT, Engineering & Vocational Training institutes shall make appropriate arrangement for the skill development of vocational training of Persons with Disabilities.

7(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.

7(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

7(3) No promotion shall be denied to a person merely on the ground of disability.

7(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service.



- (8) The UT Administration shall make through respective Departments necessary social security schemes and financial assistance centre homes etc.
- (9) The UT Administration through respective Departments shall arrange facilities for Orphan abandoned children with special needs.
- (10) The UT Administration shall arrange through its Departments support during natural and man-made disaster.
- (11) The Department of industries and Labour shall support to women with Disabilities for livelihood.
- (12) Any person with benchmark disability require high support needs, he/she shall apply to any of the medical boards of A&N Administration for the support.
  - 12(a) The Board shall furnish their report to Directorate of Health Services with its recommendation.
  - 12(b) The Directorate of Health Services shall take steps to provide support in accordance with the recommendations and subject to relevant schemes.

**8. 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.

**9. 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.

**CHAPTER V****VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES****10. Computation of vacancies:**

- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

- (2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time.
- (3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.
- (4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.
11. **Interchange of vacancies:** The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act, only if due process of recruitment to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.
12. **Form in which record to be kept by an employer:** Every Government establishment shall maintain the record of employees with disabilities in Form - III.

Section-  
22(3) of  
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13. Labour Commissioner shall appoint suitable officer/officers who is authorized to conduct inspections of records as per section 22.
14. Labour Commissioner shall be the Grievance Redressal Officer (GRO) for section 19 & 20.

Section-  
23(1) of  
RPwD Act

**CHAPTER VI  
ACCESSIBILITY**

**15. Rules for Accessibility.-** (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

- (a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;
- (b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, vide number G.S.R. 895(E), dated the 20<sup>th</sup> September, 2016;
- (c) Information and Communication Technology-
- (i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;
- (ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

- (iii) Appropriate authority such as PBMC, APWD, LSG & PRI's shall incorporate necessary provisions of accessibility in the building by-laws.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

16. **Review of Accessibility Standards.**- The Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

**CHAPTER VII**  
**CERTIFICATE OF DISABILITY**

17. The Department of Health, A & N Administration through its authorized Medical Board or Medical Authority is the Competent authority to issue a certificate of disability.

18. **Application for certificate of disability:** (1) Any person with specified disability may apply in Form -IV for a certificate of disability and submit the application to-

- a) Chief Medical Officer or any other notified competent authority to issue such a certificate at the Public Health Center in the district of residence of the applicant as mentioned in the proof of residence in the application; or
- b) The concerned Chief Medical Officer 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 intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organization registered under the Act having the minor under its care.

19. **Issue of certificate of disability:**

- (1) On receipt of an application under rule 17, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.
- (2) The Chief Medical Officer shall issue the certificate of disability within a month from the date of receipt of the application.
- (3) The Chief Medical Officer shall, after due examination-
  - (i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or
  - (ii) Issue a certificate of disability indicating the period of validity, 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 certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.
- (5) The State Government and the Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

20. **Certificate issued under rule 18 to be generally valid for all purposes:** A person to whom the certificate is issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

21. Validity of certificate of disability issued under the repealed Act:

The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

CHAPTER VIII

COMMITTEE ON RESEARCH ON DISABILITY

22. Committee for Research on Disability:

(1) The Committee for Research on Disability at the UT level shall consist of the following members, namely:

- i. The Secretary (Health), A & N Administration to be nominated by the Administration as ex officio-Chairperson.
- ii. Director of Health Services, Ex-Officio member A & N Administration- Member;
- iii. Five members as representatives from registered UT level organizations representing each of the five groups of specified disabilities in the Schedule of the Act to be nominated by the Administration- Members: Provided that at least one representative of the registered organizations is a woman.
- iv. Director of Department of Social Welfare-Member Secretary;
- v. Chaired by Secretary (SW).

Section-  
6(2) of  
RPwD Act

- (2) The Chairperson may invite any expert as a special invitee.
- (3) The term of organizations would be for three years.
- (4) One half of the members shall constitute the quorum of the meeting.
- (5) The non-official members and special invitees shall be entitled for travelling allowance and dearness allowance as admissible to a Group A or equivalent officer of the Administration.
- (6) The Committee shall be provided with such clerical and other staff as the Administration may consider necessary.

23. Person with disability not to be a subject of research:

(2) No person with disability shall be a subject of any research without,—

- (i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and
- (ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

Section-  
6(2) of  
RPwD Act

24. Designated authority under section 22(1): The UT Legal Services Authority shall be the designated authority to take measures for creating social awareness and legal support.

CHAPTER IX

STATE ADVISORY BOARD AND DISTRICT LEVEL COMMITTEE

25. Advisory Board shall be constituted to act as UT level consultative and advisory body on disability matters and shall facilitate the preparation of policies for the empowerment of persons with disabilities and the full enjoyment of their rights.

The Advisory Board shall consist of

1. Chief Secretary, A&N Administration : Chairperson
2. Secretaries of Social Welfare, Education, Finance, Health, Tribal Welfare : Members
3. Deputy Commissioner, South Andaman, N&M Andaman & Nicobar District : Members
4. Chairperson, Port Blair Municipal Council : Member
5. Chairpersons, Zilla Parishad South Andaman and N&M Andaman : Members
7. Director (Social Welfare) : Member Secretary

The representatives of Non-Governmental Organization and from other Government institutions shall be invited as special invitee if required.

25(1) The State Advisory Board shall perform the following functions:

- (a) Advise the UT Administration on policies, programmes, legislation and projects with respect to disability.
- (b) Develop a UT policy to address issues concerning persons with disabilities.
- (c) Review and coordinate the activities of all Departments of the UT Administration and non-Governmental Organizations in the UT which are dealing with matters relating to persons with disabilities.
- (d) Take up the cause of persons with disabilities with the concerned authorities and the international organizations with a view to provide for schemes and projects for the persons with disabilities in the UT Plans.
- (e) Recommend steps to ensure accessibility, reasonable accommodations, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others.
- (f) Monitor and evaluate the impact of laws, policies and programmes designated to achieve full participation of persons with disabilities.
- (g) Such other functions as may be assigned from time to time by the UT Administration.

26. Allowances for the Members of the State Advisory Board: (1) The non-official Members of the State Advisory Board on disability shall be paid an allowance of rupees two thousand per day for each day of the actual meetings of the said Board.

27. Notice of the Meeting: (1) The meetings of the State Advisory Board on disability constituted under sub-section (1) of Section 66 of the Act (hereinafter in this Chapter referred to as "the Board") shall ordinarily be held in the office of the worthy Chief Secretary on such dates as may be fixed by him: Provided that it shall meet at least once in every six months.

- (2) The Chairperson of the Board shall, upon the written request of not less than ten members of the Board, call a special meeting of the Board.
- (3) Fifteen days notice of an ordinary meeting and five days' notice of a special meeting specifying the time and the place at which such meeting to be held and the business to be transacted thereat, shall be given by Member-Secretary of the Board to the members of the Board.
- (4) Notice of a meeting may be given to the members of the Board by delivering the same to them by messenger or sending it by registered post to their respective last known places of residence or business or by email or in such other manner as the Chairperson of the Board may, in the circumstances of the case, think fit.
- (5) No member of the Board shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days notice to the Member Secretary of the Board, unless the Chairperson of the Board, in his discretion, permit him to do so.
- (6) The Board may adjourn its meeting from day to day or to any particular day as under:
  - (a) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given, to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to the rest of the members;
  - (b) Where a meeting of the Board is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members of the Board in the manner as specified in sub-rule(4).

Section-70 of RPWD Act
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28. Presiding Officer: The Chairperson of the Board shall preside at every meeting of the Board and in his absence, the Vice-Chairperson thereof shall preside, but when both the Chairperson and the Vice-Chairperson of the Board are absent from any meeting, the members of the Board present shall elect one of the members to preside at that meeting.

**29. Quorum:** (1) One-third of the total members of the Board shall form the quorum for any meeting.

Section-70 of RPwD Act

If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members of the Board are present, the Chairperson thereof may adjourn the meeting to such hours on the following or on some other future date as he may fix.

- (2) No quorum shall be necessary for the adjourned meeting of the Board.
- (3) No matter which had not been on the agenda of the ordinary or at its adjourned meeting shall be taken up for discussion.
- (4) (a) Where a meeting of the Board is adjourned under sub-rule(2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members of the Board available at the place where the meeting which was adjourned was to be held and it shall not be necessary to give notice of the adjourned meeting to other members; and  
 (b) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum not to the following, but on a date with sufficient gap, notice of such adjourned meeting shall be given to all the members of the Board in the manner as specified in sub-rule (4) of rule 11.

**30. Minutes:** (1) Record shall be kept of the names of all the members of the Board who attended the meeting of the Board and of the proceeding sat the meetings in a book to be maintained for that purpose by the Member-Secretary of the Board.

Section-70 of RPwD Act

- (2) The minutes of the previous meeting of the Board shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.
- (3) The proceedings shall be open to inspection by any member of the Board at the office of the Member-Secretary of the Board during office hours.

**31. Business to be transacted at meeting:** Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub rule (5) of rule 11 shall be transacted at any meeting of the Board.

Section-70 of RPwD Act

**32. Agenda for the meeting of the State Advisory Board:** (1) At any meeting of the Board business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer:

Section-70 of RPwD Act

Provided that either at the beginning of the meeting of the Board or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member of the Board may suggest a change in the order of business as entered in the agenda and if the Chairperson of the Board agrees, such a change shall take place.

**33. Decision by majority:** All questions considered at a meeting of the Board shall be decided by a majority of votes of the members of the Board present and voting and in the event of equality of votes, the Chairperson of the Board, or in the absence of the Chairperson, the Vice-Chairperson of the Board or in the absence of both the Member presiding at the meeting, as the case may be, shall have a second or casting vote.

**34. No proceeding to be invalid due to vacancy or any defect:** No proceeding of the Board shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Board.

Section-72 of RPwD Act

35. **District-level Committee:** The three (03) District-Level Committee on disability referred to in Section 72 of the Act shall consist of-

1. District Magistrate, South Andaman, N&M Andaman & Nicobar : Chairperson
2. Superintendent of Police, District, N&M Andaman, Nicobar & South Andaman : Members
3. Medical Superintendents of District Hospital, Port Blair, Mayabunder & Nicobar : Members
4. Education Officer/Deputy Education Officer : Members
5. Pramukhs of Port Blair, Ferrargunj, Mayabunder, Little Andaman & Diglipur : Member
6. Superintending Engineer, APWD Rangat, Port Blair & Nicobar : Member
7. Child Development Project Officer (CDPO), Port Blair, Diglipur & Nicobar : Member Secretary

The representatives of Non-Governmental Organization and from other Government institutions shall be invited as special invitee if required.

36. The District Level Committee for each District shall be constituted by an order issued by the Dy. Commissioner of the District and its tenure shall be for a period of three years from the date of constitution.

37. **Functions of the Committee:** The District-Level Committee on disability shall perform the following functions, namely:

- (a) Advise the District authorities on matters relating to rehabilitation and empowerment of persons with disabilities.
- (b) Monitor the implementation of the provisions of the Act and the rules.
- (c) Assist the District authorities in implementation of schemes and programmes of the Government for empowerment of persons with disabilities.
- (d) Look into the complaints relating to non-implementation of the provisions of the Act by the District authorities and recommend suitable remedial measures to the concerned authority to redress such complaints.
- (e) Look into the appeal made by the employees of Government establishments aggrieved with the action taken by the District level establishments under sub-section (4) of Section 23 of the Act and recommend appropriate measures.
- (f) Any other functions as may be assigned by the Administration.

#### CHAPTER X

#### COMMISSIONER FOR PERSONS WITH DISABILITIES

38. **Qualification for appointment of Commissioner:** A person shall not be qualified to be appointed as a Commissioner for Persons with Disability under sub-section (1) of Section 79 of the Act (in this Chapter referred to as the Commissioner) unless:-

Section-79 of RPwD Act
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- (i) He has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities;
- (ii) He has not 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 inviting applications for appointment of the Commissioner, occurs;
- (iii) If he is in service under the Central Government or the Administration, he shall seek retirement from such service before his appointment to the post; and
- (iv) He possesses the following educational qualifications and experience, namely:-

(A) **Educational qualifications:**

- (i) **Essential:** Graduate from a recognized university;
- (ii) **Desirable:** recognized diploma/degree in social work/law/ management/human rights/rehabilitation/education of disabled persons.

(B) **Experience:** at least twenty years' experience in disability sector a Group 'A' level or equivalent post:-

39. Mode of appointment of the Commissioner:- (1) At least six months before the post of Commissioner is due to fall vacant, an advertisement shall be published in at least two national or UT level daily newspapers, one in English and the other in the vernacular language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 26.

Section-  
70 of  
RPWT Act

- (2) A Search-cum-Selection Committee shall be constituted by the UT Administration to recommend to it a panel of three suitable candidates for the post of the Commissioner.
- (3) Composition of the Search-cum-Selection Committee- The Search cum Selection Committee shall be headed by the Chief Secretary and shall consist of Principal Secretary/ Secretary Social Welfare, Principal Secretary/ Secretary Health & Family Welfare, Secretary (Revenue) and Principal Secretary/ Secretary, Education.
- (4) The panel recommended by the Search-cum-Selection Committee under sub-rule (2) may consist of persons from amongst those who have applied in response to the advertisement made under sub-rule (1) as well as from other willing eligible persons in the employment of Central or Administration whom the Committee may consider suitable.
- (5) The Administration shall appoint one of the candidates out of the panel recommended by the Search-cum-Selection Committee under sub-rule (2) as the Commissioner.

40. Term of the Commissioner: (1) The Commissioner shall be appointed on full-time basis for a period of three (03) 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.

41. Salary and allowances of the Commissioner:- (1) the salary and allowances of the Commissioner shall be the salary and allowances as admissible to a Secretary to the Administration.

- (2) Where a Commissioner, being a retired government servant or a retired employee of any institution or autonomous body funded by the Central or Administration, 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.

42. Other terms and conditions of service of the Commissioner:-The other terms and conditions of service of Commissioner shall be such as specified below, namely:

- (a) Leave: The Commissioner shall be entitled to such leave as is admissible to Group "A" officer under the relevant provisions of the Central Civil Service Rules applicable to them.
- (b) Leave Travel Concession: The Commissioner shall be entitled to such Leave Travel Concession as is admissible to Group 'A' officers under relevant provisions of the Central Civil Service Rules applicable to them.

43. Medical Benefits:-The Commissioner shall be entitled to such medical benefits as is admissible to Group 'A' officers under the relevant provisions of the Central Civil Service Rules applicable to them.

44. Resignation and removal:- (1) The Commissioner may, by notice in writing, under his hand, addressed to the Administration, resign from his post.

- (2) The Administration shall remove the Commissioner from his office, if he -
  - (a) Becomes an undischarged insolvent; or
  - (b) Engages himself during his term of office in any paid employment or activity outside the duties of his office; or
  - (c) Is convicted and sentenced to imprisonment for an offence which in the opinion of the Administration involves moral turpitude; or
  - (d) Is in the opinion of the Administration, 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; or



- (e) Without obtaining leave of absence from the Administration, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) Has, in the opinion of the Administration, so abused the position of the Commissioner as to render his continuance in the office detrimental to the interest of persons with disability: Provided that no Commissioner shall be removed from office under this rule except after following the procedure, mutatis mutandis, applicable for removal of a Group 'A' officer of the Administration.

(3) The Administration 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.

**45. Residuary provision:-** The other conditions of service of the Commissioner, in respect of which no express provision has been made in these rules, shall be determined by the rules and orders for the time being applicable to the Secretary to the Administration.

**46. Constitution of the Advisory Committee to assist Commissioner (Disabilities):-** (1) The Administration shall appoint an Advisory Committee comprising the following members, namely:-

- (a) Three experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act by rotation of whom one shall be woman;
- (b) Two experts or senior officers (one legal experts in the field of barrier free environment) of the Administration to be nominated by the Administration.

(2) The tenure of the members of the Advisory Committee shall be for a period of three years.

(3) The Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

Section- 79(7)80 of RPwD Act
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(4) Chaired by Disability Commissioner, A & N Islands

**47. Functions of Commission:-** The UT commissioner shall:-

- (a) identify, suo motu or otherwise, provision of any laws or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps.
- (b) inquire, suo, mou or otherwise deprivation of rights of persons with disabilities available in respect of matters for which the UT Government is the appropriate Government and take up the matter with appropriate authorities for corrective action
- (c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation.
- (d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures.
- (e) undertake and promote research in the field of the rights of persons with disabilities.
- (f) promote awareness of the rights of persons with disabilities and the safeguards available for their protections.
- (g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities.
- (h) monitor utilization of funds disbursed by the UT for the benefits of persons with disabilities and
- (i) perform such other functions as the UT may assign.

**47(1) Procedure to be followed by Commissioner:-** (1) A complainant may present a complaint containing the following particulars in person or by his agent to the Commissioner or send it by registered post or by email addressed to the Commissioner namely:-

- (a) The name, description and the address of the complainant;
- (b) The name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- (c) The facts relating to complaint and when and where it arose;
- (d) Documents in support of the allegations contained in the complaint;
- (e) The relief which the complainant claims.

- (2) The Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Commissioner.
- (3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Commissioner.
- (4) Where the complainant or his agent fails to appear before the Commissioner on such days, the Commissioner may either dismiss the complaint on default or decide on merits.
- (5) Where the opposite party or his agent fails to appear on the date of hearing, the Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.
- (6) The Commissioner may dispose of the complaint ex-parte, if necessary.
- (7) The Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.
- (8) The Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

Section-80  
of RPwD  
Act

48. **Submission of annual reports:-** (1) The Commissioner shall as soon as may be possible after the end of the financial year, but not later than the 30th day of September in the next year ensuing, prepare and submit to the Administration an annual report giving a complete account of his activities during the said financial year.
- (2) In particular, the annual report referred to in sub-rule (1) shall be in the form so that the details of separate matters be provided under separate heads inter-alia containing therein information in respect of each of the following matters, namely:-
- (a) Names of officers and employees in the office of the Commissioner and a chart showing the organizational set up;
  - (b) The functions which the Commissioner has been empowered under the Act and the highlights of the performance in this regard;
  - (c) The main recommendations made by the Commissioner;
  - (d) Progress made in the implementation of the Act in the UT; and
  - (e) Any other matter deemed appropriate for inclusion by the Commissioner or specified by the Administration from time to time to be included in the report.

#### CHAPTER XI PUBLIC PROSECUTOR

49. **Designation of Special Court and appointment of Public Prosecutor:-** The UT Administration with the concurrence of High Court, Calcutta by notification specify for each District, a court of Session to be a Special Court to try the offences under this Act.

#### CHAPTER XII UT FUND FOR PERSONS WITH DISABILITIES 88(1)

50. **Fund for Persons with Disabilities and its management:-** (1) There shall be credited to the Fund for Persons with Disabilities hereinafter referred to as "the Fund":-
- a) All sums received by way of gifts, donations, benefactions, bequests or transfers;
  - (b) All sums received from corporate houses/ PSUs under CSR or from such other sources as may be decided by the Administration.
- (2) There shall be a Governing Body consisting of following members to manage the Fund, namely:-
- (a) Chief Secretary, A&N Administration - Chairperson;
  - (b) Two representatives from the Department of Health and Family Welfare, Department of Education, Department of Labour and Employment, Department of Finance, Department of Rural Development in the Administration, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members
  - (c) Two persons representing different types of disabilities to be nominated by the Administration, by rotation - Members;
  - (g) Director (SW) - Convener and Chief Executive Officer.

- (3) The governing body shall meet as often as necessary, but at least once in every financial year.
- (4) The nominated members shall hold office for not more than three years.
- (5) No member of the governing body shall be a beneficiary of the Fund during the period such Member holds office.
- (6) The nominated non-official members shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group „A“ officer of the Administration for attending the meetings of the governing body.
- (7) No person shall be nominated under clause (b) and (c) of sub-rule 2 as a member of the governing body if he -
  - (a) Is, or has been, convicted of an offence, which in the opinion of the Administration, involves moral turpitude; or
  - (b) Is, or at any time has been, adjudicated as an insolvent.

**51. Utilization of the Fund:** (1) The Fund shall be utilized for the following purposes, namely:-

- (a) Financial assistance in the areas which are not specifically covered under any scheme and programme of the Administration;
- (b) Administrative and other expenses of the Fund, as may be required to be incurred by or under the Act; and
- (c) Such other purposes as may be decided by the governing body.

(2) Every proposal of expenditure shall be placed before the governing body for its approval.

Section-  
88(2) of  
RPwD Act

(3) The governing body may appoint secretarial staff including accountants with such terms and conditions as it may think appropriate to look after the management and utilization of the Fund based on need based requirement.

(4) The Fund shall be invested in such manner as may be decided by the governing body.

**52. Budget:** The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund in each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

Section-  
88(2) of  
RPwD Act

**53. Report:** All Departments shall furnish monthly, quarterly and annual report in respect of Persons with Disabilities compliances with the provisions of the Act shall be furnished to Commissioner of Disabilities

### CHAPTER XIII

#### OFFENCES AND PENALTIES

**54.** whoever in contravention of any of the provisions of this Rule, shall be liable for punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

**55** Where an offence under this Rule has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

**56.** Whoever, (a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view; (b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability; (c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her; (d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually; (e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person

with disability; (f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

57. Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Rule or any order, or direction made or given there under, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Rule or of any order, or direction made or given there under, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.
58. No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

**By order and in the name of the Lieutenant Governor,  
Andaman & Nicobar Islands.**

Sd./-  
**Director (Social Welfare)**  
A&N Administration  
F. No. 8-17/DSW-2016/dated 8.8.2019

**FORM-I**  
 (Persons with Disabilities Employer's Return)  
 [See rule 13 (1)]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended.....

Name and Address of the Employer.....

Whether -Head Office.....

Branch Office.....

Nature of business/principal activity:.....

1. Employment

(a) Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Government establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the Government establishment).

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women with disability

Total -----

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.

2. Vacancies.- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (Separate figures may be given for men with disability and women with disability).

Number of vacancies which come within the purview of the Act.

Occurred	Notified	Filled	Source
	(Describe the source from which filled)		
Local/Special Employment Exchange			General Employment Exchange

(b) Reasons for not notifying all vacancies occurred during the half year under report vide 2(a)  
 .....

3. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts disability wise		
	essential qualification	essential experience	experience not necessary
1	2	3	4

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Dated.....

Signature of employer

To

The Employment Exchange

Note.- This return relates to half yearly ending 31<sup>st</sup> March/30<sup>th</sup> September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

Form -II  
(Persons with Disabilities Employer's Return)  
[See rule 13 (1)]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer.....

Nature of business \_\_\_\_\_

(describe what the Government establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the Government establishment on (Specify date).....(This figure should include every person whose wage or salary is paid by the Government establishment)(Separate figures for men with disability and women with disability may be given).

2. Occupational classification of all em

3.

4.

5.

6.

7.

8. employees as given in item -1 above.

(please give below the number of employees in each occupation separately)

Occupation Use exact terms	Number of Employees			Total
	Men with disability	Women with disability		
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
Supervisor(tailor); Fitter(internal Combustion engine); Inspector Sanitary); Superintendent Office; apprentice Electrician).				
<b>Total</b>				

Dated.....

Signature of employer

To

The Employment Exchange  
(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 5 under item 2 should correspond to the figure given against item-1.

**FORM-III**  
(Persons with Disabilities Employer's Return)  
[See rule 14]

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity: .....

Total number of persons on the pay rolls of the Government establishment (This figure should include every person whose wage or salary is paid by the Government establishment).

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment (This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately).

Occupation Use exact terms	Number of Employees		Total
	Men with disabilities	Women with disabilities	
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);			Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.

Total

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.....

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year.

Number of vacancies which come within the purview of the Act

Occurred	Notified		Filled	Sources (Describe the source form which filled)
	Local Employment Exchange	Special Employment		
1	2	3	4	5

Total

(b) Reasons for not notifying all vacancies occurred during the half year under report vide (a) 2.....above.



3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants

Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts		Experience Not necessary
	Essential qualification	Essential experience	
1.	2.	3.	4.

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated....

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 17(1)]

- (1) Name : \_\_\_\_\_  
 (Surname) (First Name) (Middle Name)
- (2) Father's Name : \_\_\_\_\_ Mother's Name: \_\_\_\_\_
- (3) Date of Birth : \_\_\_\_/\_\_\_\_/\_\_\_\_  
 (Date) (Month) (Year)
- (4) Age at the time of application : \_\_\_\_\_ years
- (5) Sex: Male/Female/Transgender \_\_\_\_\_
- (6) Address:  
 (a) Permanent address \_\_\_\_\_  
 (b) Current Address (i.e. for communication) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (c) Period since when residing at current address \_\_\_\_\_
- (7) Educational Status (please tick as applicable)  
 (i) Post Graduate  
 (ii) Graduate  
 (iii) Diploma  
 (iv) Higher Secondary  
 (v) High School  
 (vi) Middle  
 (vii) Primary  
 (viii) Non-literate
- (8) Occupation \_\_\_\_\_
- (9) Identification marks (i) \_\_\_\_\_ (ii) \_\_\_\_\_
- (10) Nature of disability :
- (11) Period since when disabled: From Birth//since year \_\_\_\_\_
- (12) (i) Did you ever apply for issue of a certificate of disability in the past \_\_\_ yes/no  
 (ii) If yes, details:  
 (a) Authority to whom and district in which applied \_\_\_\_\_  
 (b) Result of application \_\_\_\_\_
- (13) Have you ever been issued a certificate of disability in the past? If yes, please enclose a true copy.

Declaration: I hereby declare that all particulars stated above are true to the best of my knowledge and belief, and no material information has been concealed or misstated. I further state that if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

\_\_\_\_\_  
 (signature or left thumb impression of person with disability, or of his/her legal guardian in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities, etc)

Date :

Place:

Enclosures:

1. Proof of residence (Please tick as applicable):
  - (a) ration card,
  - (b) voter identity card,
  - (c) driving license,
  - (d) bank passbook,
  - (e) PAN card,
  - (f) passport,
  - (g) telephone, electricity, water and any other utility bill indicating the address of the applicant,
  - (h) a certificate of residence issued by a Panchayat, municipality, cantonment board, any gazetted officer, or the concerned Patwari or Head Master of a Government school,
- (i) in case of an inmate of a residential institution for persons with disabilities, destitute, mentally ill, and other disability, a certificate of residence from head of such institution.
2. Two recent passport size photographs

-----  
(For office use only)

Date:

Place:

Signature of issuing authority  
Stamp

Form-V  
Certificate of Disability

(In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability.

Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

This is to certify that I have carefully examined Shri/Smt./Kum. \_\_\_\_\_ son/wife/daughter of Shri \_\_\_\_\_ Date of Birth (DD/MM/YY) \_\_\_\_\_ Age \_\_\_\_\_ years, male/female \_\_\_\_\_ registration No. \_\_\_\_\_ permanent resident of House No. \_\_\_\_\_ Ward/Village/Street \_\_\_\_\_ Post Office \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
  - dwarfism
  - blindness
- (Please tick as applicable)

(B) the diagnosis in his/her case is \_\_\_\_\_

(A) he/she has \_\_\_\_\_ % (in figure) \_\_\_\_\_ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her \_\_\_\_\_ (part of body) as per guidelines ( .....number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

(Signature and Seal of Authorised Signatory of notified Medical Authority)

Signature/thumb impression of the person in whose favour certificate of disability is issued

Form - VI  
 Certificate of Disability  
 (In cases of multiple disabilities)  
 [See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size  
 attested photograph  
 (Showing face only) of  
 the person with  
 disability.

Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

This is to certify that we have carefully examined Shri/Smt./Kum.  
 \_\_\_\_\_ son/wife/daughter of \_\_\_\_\_ Shri  
 \_\_\_\_\_ Date of Birth (DD/MM/YY) \_\_\_\_\_ Age \_\_\_\_\_ years,  
 male/female \_\_\_\_\_.

Registration No. \_\_\_\_\_ permanent resident of House No. \_\_\_\_\_  
 Ward/Village/Street \_\_\_\_\_ Post Office \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_,

whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of permanent physical  
 impairment/disability has been evaluated as per guidelines (.....number and date of issue  
 of the guidelines to be specified) for the disabilities ticked below, and is shown against the  
 relevant disability in the table below:

S. No	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological Conditions			
17.	Multiple sclerosis			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows : -

In figures : - ----- percent

In words : ----- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after ..... years ..... months, and therefore this certificate shall be valid till -----

(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

# e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

ature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and Seal of Member	Name and Seal of Member	Name and Seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued.

Form - VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

(Name and Address of the Medical Authority issuing the Certificate)

(See rule 18(1))

Recent passport size  
attested photograph  
(Showing face only) of  
the person with  
disability

Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

This is to certify that I have carefully examined

Shri/Smt/Kum \_\_\_\_\_ son/wife/daughter of Shri

\_\_\_\_\_ Date of Birth (DD/MM/YY) \_\_\_\_\_ Age \_\_\_\_\_

years, male/female \_\_\_\_\_ Registration No. \_\_\_\_\_ permanent resident of House

No. \_\_\_\_\_ Ward/Village/Street \_\_\_\_\_ Post Office \_\_\_\_\_ District

\_\_\_\_\_ State \_\_\_\_\_, whose photograph is affixed above, and am satisfied

that he/she is a case of \_\_\_\_\_ disability. His/her extent of percentage

physical impairment/disability has been evaluated as per guidelines (.....number and date of

issue of the guidelines to be specified) and is shown against the relevant disability in the table

below:-

S. No	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Cerebral Palsy			
5.	Acid attack Victim			
6.	Low vision	#		
7.	Deaf	€		
8.	Hard of Hearing	€		
9.	Speech and Language disability			
10.	Intellectual Disability			
11.	Specific Learning Disability			
12.	Autism Spectrum Disorder			
13.	Mental illness			
14.	Chronic Neurological Conditions			
15.	Multiple sclerosis			
16.	Parkinson's disease			
17.	Haemophilia			
18.	Thalassemia			
19.	Sickle Cell disease			

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after \_\_\_\_\_ years \_\_\_\_\_ months, and therefore this certificate shall be valid till (DD/MM/YY) \_\_\_\_\_

@ - eg. Left/Right/both arms/legs

# - eg. Single eye/both eyes

€ - eg. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

(Authorised Signatory of notified Medical Authority)  
(Name and Seal)

Countersigned  
(Countersignature and seal of the  
Chief Medical Officer/Medical Superintendent/  
Head of Government Hospital, in case the  
Certificate is issued by a medical authority who is  
not a Government servant (with seal))

Signature/thumb  
impression of the  
person in whose favour  
certificate of disability  
is issued

Note.- In case this certificate is issued by a medical authority who is not a Government servant, it shall be valid only if countersigned by the Chief Medical Officer of the District



FORM - VIII  
[Intimation of rejection of Application for Certificate of Disability]  
[See rule 18 (4)]

No. \_\_\_\_\_

Dated :

To,

(Name and address of applicant  
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated \_\_\_\_\_ for issue of a Certificate of Disability for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned/ Medical Authority on \_\_\_\_\_, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a Certificate of Disability in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to \_\_\_\_\_, requesting for review of this decision.

Yours faithfully,  
(Authorised Signatory of the notified Medical Authority)  
(Name and Seal)

Director (Social Welfare)  
- 60 No

अण्डमान तथा

निकोबार राजपत्र

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Nicobar Gazette

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EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

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No. 139, Port Blair, Friday, November 20, 2020

ANDAMAN AND NICOBAR ADMINISTRATION  
DIRECTORATE OF SOCIAL WELFARE

NOTIFICATION

Port Blair, dated the 20<sup>th</sup> November, 2020

No. 138/2020/F. No. 8-17/DSW/2016/PF-I.— In exercise of the powers conferred by Sub-section (1) of Section 101 of the Rights of Persons with Disabilities Act, 2016 and in pursuance of Ministry of Home Affairs, New Delhi Notification No. S.O.3870 (E) dt. 12<sup>th</sup> December, 2017, The Lt. Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules further to amend the Andaman and Nicobar Islands Rights of Persons with Disabilities Rules, 2019 published vide Notification No. 145 dated the 8<sup>th</sup> August, 2019 namely :-

1. Short title and commencement :-

- (i) These Rules may be called the Andaman and Nicobar Islands Rights of Persons with Disabilities (Amendment) Rules, 2020.
- (ii) They shall come into force on the date of its publication in the Official Gazette.

AMENDMENT

2. Rule 38 of Andaman and Nicobar Islands Rights of Persons with Disabilities Rules, 2019 (hereinafter called Principle Rules) shall be substituted as under :-

"38. Qualification for Appointment of Commissioner :- A person shall not be qualified to be appointed as Commissioner for Persons with Disability under Sub-section (1) of Section 79 of the RPwD Act unless :

- i) He/ She has special knowledge or practical experience in respect of the matters relating to rehabilitation of persons with disabilities.
- ii) He/ She has not attained the age of sixty five years on the 1<sup>st</sup> of January of the year in which last date for receipt of applications as specified in the advertisement inviting applications for appointment of the Commissioner occurs.
- iii) If He/ She is in service under the Central Government or the Administration, he shall seek retirement from such service before his appointment to the post; and
- iv) He/ She possesses the following Educational Qualifications and experience namely :-

A) Educational Qualifications :

- (i) Essential : Graduate from a recognized University.
- (ii) Desirable : Recognized Diploma/ Degree in Social Work/ Law/ Management/ Human Rights/ Rehabilitation/ Education of Disabled Persons.

B) Experience : Atleast 3 years' experience in disability sector at Group 'A' level or equivalent post or 5 years experience at Group 'B' level or equivalent post.

By order and in the name of the Lt. Governor,  
Andaman and Nicobar Islands.

Sd/-

Director (Social Welfare)  
A & N Administration