RegisteredwiththeRegistrar

Registered No.
WPP No. TN/PMG(CCR)/
Dated : 21-12-2018
WPP-88/2018-20
Price : ` 14-00

ofNewspapersforIndia underNo.10410

PY/44/2018-20

LaGazette

deL'ÉtatdePoudouchéry

TheGazetteofPuducherry

PART - II

Publiée par Published by
Autorité Authority

` 14-00 Prix :` 14-00 Price :` 14-00

2018} | 21{ No. No.

77PoudouchéryVendredi Puducherry Friday
21
21st Décembre
2018 December
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GOVERNMENTOFPUDUCHERRY

SOCIALWELFARESECRETARIAT

(G.O. Ms. No. 12/SWS/2018-19,
Puducherry, dated 19th December2018)

NOTIFICATION

Whereas, theDraftRules, namely, the Puducherry Rights ofPersons with Disabilities Rules, 2018 were published as required under sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016),*vide* G.O. Ms. No. 20/SWS/2017-18, dated 14 March, 2018 of the Social Welfare Secretariat, Government of Puducherry, published in Part-II of the Extraordinary Gazette No. 10, dated 14th March, 2018 for inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of fifteen days from the date on which copies of the Official Gazette containing the notification were made available to the general public;

[1021]

And whereas, the copies ofthe Official Gazette containing the said notification were made available to the general public on the 14th March, 2018;

And whereas, the objections and the suggestions received from the general public on the said Draft Rules have been considered by the Government of Puducherry;

Now, therefore, in exercise of the powers conferred by sub-section (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Lieutenant-Governor, Puducherry, hereby makes the following rules, as the same having been previously published in the G.O. Ms. No. 20/SWS/2017-18, dated 14th March 2018 of the Social Welfare Secretariat, Government of

Puducherry and published in Part-II of the Extraordinary Gazette No. 10, dated 14th March, 2018 as, required under section 101 of the said Act.

(Byorder of the Lieutenant-Governor)

K. SARANGAPANI,
Under Secretary to Government (Social Welfare).

THEPUDUCHERRYRIGHTSOFPERSONSWITH DISABILITIESRULES,2018

CHAPTER-I
PRELIMINARY

1.*Short title and commencement.*— (1) These rules may be called the Puducherry Rights of Persons with Disabilities Rules, 2018.

(2)These Rules shall extend to the whole of the Unionterritory of Puducherry.

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

(a)"Act" means the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016);

(b)"Certificate" means a Certificate of Disability issued by acertifying authority referred to in sub-section (1) of section 57 of the Act;

(c)"Certificate ofRegistration" means aCertificate of Registration issued by the competent authorities under sub-section (5) of section 7 to these rules.

(d)"Form" means a Form appended to these rules.

(e)"Government" means the Administrator appointed by the President under Article 239 of the Constitution.

(2)Words and expressions used herein and not defined but, definedin the Act shall have the meaning respectively assigned to them in the Act.

CHAPTER-II
COMMITTEE FORRESEARCH ONDISABILITIES

3.*State Committee for Research on Disabilities.*— (1) The Committee for Research on Disabilities at the State level shall consist of the following Members, namely:-

Sl. No.	Composition	Position
(1)	(2)	(3)
(i)	An eminent person having vast experience in the field of science and Medical research to be nominated by the Government.	*Ex-officio* Chairperson
(ii)	Director, Department of Health and Family Welfare.	*Ex-officio* Member
(iii)	Three representatives from registeredState. LevelOrganization/Pondicherry University to be nominated by the Government.	Members
(iv)	Director,Department of Social Welfare	Member-Secretary.

(2)The Chairperson may invite any expert as a special invitee.

(3)Any person/Organization/Institution, desirous of undertaking any research about persons with disabilities shall submit an application along with relevant documents, purpose of the research,*etc.,* through the Authenticated Officer of the Institution/Organization to the *Ex-officio* Chairperson of the Committee prior to 30 days before

commencing the research.

The Committee, on receiving such application, shall be convened not later than 10 days from the date of receipt of the application, to ensure that the provisions under sub-section (2) of section (6) of the Act are compiled with. Having satisfied with the application, the Committee shall issue permission to conduct such research with suitable condition specified thereof, after intimating the same to the State Commissioner for Persons with Disabilities.

(4)The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, but,the nominated Members shall be eligible for re-nomination for one more term.

(5)One half of the Members shall constitute the quorum of the meeting.

(6)the non-official Members and special invitees shall be entitled for allowance of 500 per meeting.

(7)The Government may provide the Committee with such clerical and other staff as the Government consider necessary.

4.*Person with disabilities not to be a subject of research.*—No person with disability shall be considered to be a subject of research expert when the research involves physical impact on his person.

CHAPTER-III

LIMITEDGUARDIANSHIP

5.*Limited Guardianship.*—The Government shall notify the following:

(i)Local Level Committee constituted under NationalTrust Act, 1999 as designated authority for the purpose of section (14)(1) of the Act, and

(ii)the State Commissioner as appellate authority for the purpose of section 14(3) of the Act.

CHAPTER-IV

EDUCATION

6.*Terms and conditions before recognition of the educational institution*.—The terms and conditions of grant of recognition to the educational institutions by the Competent Authority in the State may include the requirement to comply with the provisions of section 16
of the Act.

CHAPTER-V

CERTIFICATE OFREGISTRATIONOFINSTITUTIONS

7.*Application for, and grant of certificate of registration.*—(1) A person desirous of establishing or maintaining an institution for persons with disabilities may make an application in Form-'I' to the competent authority referred to in section 51 of the Act.

(2)The Government, while taking a decision on the application for registration, shall consider the following, namely:-

(i)Details of physical infrastructure, water and electricity facilities, sanitation and hygiene, recreation and accessibility facilities;

(ii)Plan to provide services for children such as medical, vocational, educational, counseling,*etc.,* in case of new applicants and details of such services provided in case of existing institutions;

(iii)Arrangements of safety, security and transportation;

(iv)details of existing staff with their qualification, experience and registration with RCI as a rehabilitation personnel;

(v)details of registration under Foreign Contribution Regulation Act and funds available, if any;

(vi)any other criteria as prescribed by the Government.

(3)Every application made under sub-rule (1) shall be accompanied with:-

(a)documentary evidence of work in the area of disability;

(b)the Constitution or bye-laws or regulations governing the Institution;

(c)audited statement and details of grants received in the last three years, preceding the date of application;

(d)a statement regarding total number of persons employed in the Institution along with their respective duties;

(e)the details of professionals employed in the Institution with their CRR Nos. and

(f)the proof of residence of the applicant.

(4)Every application made under sub-rule (1) shall comply with following requirements in respect of the concerned institution, namely:-

(a)that the institution had been working in the field of rehabilitation of persons with disabilities for not less than three years immediately before the date on which the application is made;

(b)that the institution is registered under the Societies Registration Act, 1860 (XXI of 1860), or under any other Law for the time being in force in the States and a copy of such Registration Certificate along with the bye-laws and memorandum of association of the Society shall accompany the application;

(c)that the institution has not been running to profit any individual or a Body of individuals;

(d)that the institution has employed professionals registered with the Rehabilitation Council of India to cater to the special need of the children with disabilities;

(e)that the Institution had adequate teaching and learning material for the persons with disabilities; and

(f)that the Institution has submitted its audited accounts and annual reports of last three years with the competent or authority.

Form-II under this rule, unless revoked under section 52 of the Act, shall remain in force for a period of three years on and from the date on which it is granted or renewed.

(6)An application for the renewal of certificate of registration shall be made in the same manner as the application for grant of certificate under sub-rule (1) accompanied with the previous certificate of registration and a statement that the applicant is applying for renewal of the certificate so accompanied:

Provided that such application shall be made before sixty days of the expiry of the validity of such certificate.

Provided further that the competent authority may consider application for renewal of the Certificate of Registration after 60 days but not later than 120 days, if, he is satisfied that sufficient reasons has been provided for such delay.

(7)If, the application for renewal of certificate of registration is made before its expiry as specified in the proviso to sub-rule (6), the certificate of registration shall continue to be in force until orders are passed on the application and the certificate of registration shall be deemed to have expired if, application for its renewal is not made within sixty days as specified in the said proviso.

(8)Every application made under sub-rule (1) or sub-rule (6), in which the competent authority referred to in sub-section (1) ofsection 51 of the Act, is satisfied that the requirements for grant of certificate of registration under the Act and these rules have been complied with, shall be disposed of by it within a period of ninety days thereafter.

8.*Appeal against the order of competent authority.*— Any person aggrieved by the order of the competent authority referred to insub-section (1) of section 51, refusing to grant acertificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order to the appellate authority referred to in sub-section (1) of section 53 and the appellate authority may, after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearings, make such order as it thinks fit.

CHAPTER-VI

CERTIFICATEOFDISABILITY

9.*Appeal against the decision of the authority issuing certificate of disability.*—(1) Any person aggrieved with the decision of the authority issuing the Certificate of Disability may within ninety days from the date of the decision, prefer an appeal to the appellate authority designated by the Government for the purpose under sub-section (1) of section 59 of the Act in the following manner:-

(a)The appeal shall contain brief background and the grounds for making the appeal.

(b)The appeal shall be accompanied by a copy of the Certificate of Disability of letter of rejection issued by the certifying authority:

Provided that where a person with disability is a minor or suffering from any disability which renders him unfit to make by his legal or limited guardian as the case may be.

(2)On receipt of such appeal, the appellate authority shall provide the appellant an opportunity to present his case and thereafter, pass such reasoned and detailed order as it may deem appropriate.

(3)Every appeal preferred under sub-rule (1) shall be decided as expeditiously as possible and not later than a period of sixty days from the date of receipt of the appeal.

CHAPTER-VII

STATEADVISORYBOARD

10.*Allowance for the Members of the StateAdvisory Board.*—(1) The Non-official Members of the State Advisory Board onDisability, shall be paid an allowance of rupees five hundred per day for each day of the actual meetings of the said Board.

(2)The Non-official Members of the StateAdvisory Board on Disability residing outside the Puducherry region shall be paid daily and travelling allowances for each day of the actual meeting of the said Board at the rates admissible to a Group-B or equivalent Officer of the State Government.

11.*Notice of the Meeting.*— (1) The meeting 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 at Puducherry on such dates as may be fixed by its Chairperson:

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 clear day's notice of an ordinary meeting and five clear 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 begiven 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 e-mail or in such other manner as the Chairperson of the Board may, in the circumstances of the case, thinks 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) of rule 11.

12.*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.

13.*Quorum.*— (1) One-third of the total Members of the Board shall from the quorum for any meeting.

(2)If, at any time fixed for any meeting of 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 oron some other future date as he may fix.

(3)Noquorum shall be necessary for the adjourned meeting of the Board.

(4)No matter which had not been on the agenda of the ordinary or the special meeting of the Board, as the case may be, shall be discussed at its adjourned meeting.

(5) (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.

14.*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 proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary of the Board.

(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.

15.*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.

16.*Agenda for the meeting of the StateAdvisory Board.*—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:

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.

17.*Decision by majority.*— All questions considered at a meeting of the Board shall be decision 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.

18.*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 Board.

19.*District-level Committee.*— The District-level Committee on disability referred to in section 72 of the Act shall consists of –

DISTRICT/REGIONALLEVELCOMMITTEES

Sl. No.	Composition Position	
(1)	(2)	(3)
	A. Puducherry District Level Committee	

1	District Collector	. .	Chairperson *Ex-officio*
2	Medical Superintendent, Health Department	. .	Member
3	Representatives from Enforcement Cell, Public Works Department, Transport, IT, Labour, Education, Special Employment Exchange and Pondicherry University.	. .	Members
4	Public Prosecutor	. .	Member
5	A Representative from Registered Organization. .		Member
6	Five Persons with Disabilities	. .	Members
7	Director, Department of Social Welfare	. .	Member-Secretary.

(1)	(2)	(3)

B. Karaikal District Level Committee

1	District Collector, Karaikal	. .	Chairperson *Ex-officio*
2	Medical Superintendent, Health Department	. .	Member
3	Representatives from Public Works Department,. . Transport, Labour and Education.		Members
4	Additional Public Prosecutor	. .	Member
5	A Representative from Registered Organization. .		Member
6	Three Persons with Disabilities	. .	Members
7	Assistant Director,Department of Social Welfare,. . Karaikal.		Member-Secretary.

C. Mahe Regional Level Committee

1	Regional Administrator, Mahe	. .	Chairperson *Ex-officio*
2	Deputy Director (Health)	. .	Member
3	Representatives fromPublic Works Department. . and Education.		Members
4	Additional Public Prosecutor	. .	Member
5	A Representative from Registered Organization. .		Member
6	Two Persons with Disabilities	. .	Members
7	Assistant Director,Department of Social Welfare, Mahe.	. .	Member-Secretary

D. Yanam Regional Level Committee

1	Regional Administrator, Yanam	. .	Chairperson *Ex-officio*
2	Deputy Director (Health)	. .	Member
3	Representatives fromPublic Works Department. . and Education.		Members
4	Additional Public Prosecutor	. .	Member
5	A Representative from Registered Organization. .		Member
6	Two Persons with Disabilities	. .	Members
7	Assistant Director,Department of Social Welfare, Yanam.	. .	Member-Secretary.

20.*Functions of the Committee.*— (1) The District-Level Committee on Disability shall perform the following functions, namely:-

(a)Advice the District Authorities on matters relating to rehabilitation and empowerment of persons with disabilities.

(b)Monitor the implementation of the provisions of the Actand the rules made thereunder by the District Authorities.

(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.

(d)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 Government.

(2)The tenure of the Members of the Committee, shall be for a period of three years and theMembers shall not be eligible for re-nomination.

(3)The Non-official Members of the Committee, residing in the State capital, shall be paid an allowance of rupees five hundred per day for each day of the actual meeting.

(4)Non-official Members of the Committee, not residing in the State capital shall be paid daily and traveling allowances for each day of the actual meeting at the rate admissible to a Group 'B' Officer of the Government.

CHAPTER-VIII

STATECOMMISSIONER FORPERSONSWITHDISABILITIES

21.*Qualification for appointment of Commissioner forPersons with Disabilities.*— No persons shall be eligible for appointment as Commissioner for persons with disabilities unless:-

(a)He/She is a Graduate from a recognizedUniversity, provided that preference shall be given to persons having recognized Degree or Diploma in social work or Law or management or human rights or rehabilitation or education of disabled person.

(b)Should have put in 25 years of regular service in a Group 'A' level post in Central/Union Territory Government:

Provided that one year of experience should have been in the field of empowerment of persons with disabilities or implementation of social sector/welfare schemes; or

(c)He/She has not attained the age of fifty-six years as on 1st January of the year of recruitment.

Note:- If, he/she is in service under the Central Government or the UnionTerritory Government, he/she shall seek retirement from such service before his/her appointment to the post.

22.*Method of appointment of the Commissioner.*— (1) An advertisement shall be published in at least two National level dailies and local leading dailies each in English and regional language inviting applications for the post from eligible candidates fulfilling the criteria mentioned in rule 21.

(2)A Search-*cum*-Selection Committee shall be constituted with Chief Secretary to Government as Chairman and Secretary to Government in-charge of Welfare of Disability Persons as Member to recommend a panel of three suitable candidates for the post of the Commissioner.

(3)The Government shall appoint one of the candidates recommended by the Search-*cum*-Selection Committee as the Commissioner.

23.*Term of the Commissioner.*— The Commissioner shall hold office for a term of three years from thedate on which he assumes his office, or till he attains the age of sixty years, whichever is earlier:

Provided that the Commissioner, may at any time, by writing under his hand, addressed to the Administrator, resign his office.

24.*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 Government in the Union territory of Puducherry.

(2)Where a Commissioner, being a retired Government servant or a retired employee of any Institution or Autonomous Body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of 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:

Provided further that in no case the Commissioner shall be paid the salary less than what was admissible to him at the time of retirement prior to the appointment as Commissioner for Persons with Disabilities.

25.*Other terms and conditions of service of the Commissioner.*—(1)**Leave**.– The Commissioner shall be entitled to such leave as is admissible to Government Servants under the Central Civil Service (Leave) Rules, 1972.

(2)**LeaveTravel Concession**.– The State Commissioner shallbe entitled to such Leave Travel Concession as is admissible to Group-'A' Officers under relevant provisions of the State Civil Service Rules applicable on them.

(3)**Medical benefits**.– The Commissioner shall be entitled to such medical benefits as is admissible to Group-'A' Officers of the Government of Puducherry.

26.*Resignation and removal.*—(1) the Commissioner may, by notice in writing, under his hand, addressed to the Lieutenant-Governor, resign his post. Provided that he shall continue in the office till his resignation is accepted.

(2) The Government shall remove a person from the Office of the Commissioner, if he -

(a)becomes an undischarged insolvent;

(b)engages during his term of office in any paid employment or activity the duties of his office;

(c)gets convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude;

(d)is in the opinion of the Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;

(e)without obtaining leave of absence from the Government, remains absent from duty for a consecutive period of 15 days or more; or

(f)has in the opinion of the Government, so abused the position of the Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, *mutatis mutandis,* prescribed for removal of a Group-'A' employee of the Central Government.

(3)The Government may suspend a Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

27.*Staff component to Commissioner.*— (1) the Office of the Commissioner shall function with the following staff structure-

(a)One Deputy Director drawn from Social Welfare Department, Puducherry, on deputation basis, to work as Secretary to the Commissioner,

(b)One full-time Personal Assistant in the Grade of Stenographer Grade II drawn from the Government of Puducherry on deputation basis,

(c)Four full-time Clerks, two in the grade of Assistant and two in the grade of Upper Division Clerk drawn from the Government of Puducherry on deputation basis,

(d)Two full-time Multitasking Staff (General-1, House-keeping-1).

(2)The Government may, when so requested by the State Commissioner for Persons with Disabilities, make available to the Commission such staff as may be necessary additionally for the discharge of the functions conferred on the Commissioner under section 61 of the Act.

28.*Residuary provision.*— Save as otherwise provided in these rules, the Commissioner shall entitled to the same conditions of service relating to travelling allowances, residence, conveyance facilities and such other conditions of service as are for the time being applicable to a Secretary to the Government of Puducherry.

29.*Budget, annual report and annual statement of accounts.*— The expenditure for official purposes shall be incurred by the Commissioner after observing the usual Government procedures/ formalities. The Commissioner shall submit to the Government through the Secretary in-charge of affairs of Persons with Disabilities, its annual report of activities and annual statement of accounts duly audited by the Accountant-General, Tamil Nadu and Puducherry Unit, not later than the 1st May of the following year as specified in rules 30 and 31.

30.*Grants by the Government.*— (1) The Government shall, after due appropriation made by the Legislative Assembly by law in this behalf, pay the commission by way of grants such sum of money as the Government may think fit for being utilized for the purpose of the Act and these rules.

(2)The Commissioner may spend such sum as he thinks fit for performing the functions under the Act and these rules, and such sum shall be treated as expenditure payable out of the grants referred to in sub-rule (1).

31.*Accounts of audit.*— (1) The Commissioner shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be formulated, in consultation with Accountant-General of Puducherry and Tamil Nadu.

(2)The accounts of the Commissioner shall be audited by the Accountant-General, Puducherry and Tamil Nadu, at such intervals as may specified by him and any expenditure incurred in connection with such audit shall be payable by the Commissioner to the Accountant-General.

(3)TheAccountant-General, Puducherry andTamil Nadu and any person appointed by him in connection with the audit of the accounts of the Commissioner have the same rights and privilege and the authority in connection with such audit as the Accountant-General, generally has in connection with the audit of the Government accounts and in particular, shall have the right to demand

the production of books, accounts, connected vouchers and other documents and to inspect any of Office of the Commissioner.

(4)The accounts of the Commissioner, as certified by the Accountant-General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Government by the Commissioner.

32.*Procedure to be followed by State Commissioner.*—(1) A complainant may present a complaint containing the following particulars in person or by his agent to the State Commissioner or sent it by registered post or by e-mail addressed to the State Commissioner, namely:-

(a)the name, description and the address of the complaints;

(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 State 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 State 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 State Commissioner.

(4)Where, the complainant or his agent fails to appear before the State Commissioner on such days, the State 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 State 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 State Commissioner may dispose of the complaint *ex parte*, if necessary.

(7)The State Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8)The State 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.

33.*Constitution of theAdvisory Committee to assist the State Commissioner.*— (1) The Government shall appoint an Advisory Committee comprising the following Members, namely:-

(a)one expert to represent each of the five groups of specified Disabilities mentioned in the Schedule to the Act by rotation;

(b)Senior Officers of the Government from Law, Health, Labour and Education.

(2)The State 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.

(3)The tenure of the Members of the Advisory Committee shall be for a period of three years and the Members shall not be eligible for re-nomination.

(4)The Non-official Members of theAdvisory Committee, residing in the State Capital, shall be paid an allowance of rupees five hundred per day for each day of the actual meeting.

(5)Non-official Members of theAdvisory Committee, not residing in the State Capital shall be paid daily and travelling allowances for each day of the actual meetings at the rate admissible to a Group"B" Officer of the Government.

34.*Submission of annual reports.*— (1) The State 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 Government 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 theForm 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 theOffice of the State Commissioner and a chart showing the organizational set up;

(b)the functions which the State Commissioner has been empowered under the Act and the highlights of the performance in this regard;

(c)the main recommendations made by the State Commissioner;

(d)progress made in the implementation of the Act in the State; and

(e)any other matter deemed appropriate for inclusion by the State Commissioner or specified by the Government from time to time to be included in the report.

CHAPTER-IX

PUBLICPROSECUTOR

35.*Appointment ofPublic Prosecutor.*— (1) The Public Prosecutor to be appointed by the Government in every Special Court shall have:-

(a)practical experience of handling cases of Persons with Disabilities.

(b)experience at the Bar of not less than seven years.

(c)shall be well versed with local language and customs.

(2)The fee and other remunerations of the Special Public Prosecutor specified or appointed under sub-section (1) of section 85 of the Act shall be the same as that of Public Prosecutor appointed by the Government under the Code of Criminal Procedure, 1973 (1 of 1974) for conducting the case before a Courts of Session.

CHAPTER-X

STATEFUND FORPERSONS WITHDISABILITIES AND ITSMANAGEMENT

36.*State Fund for Persons with Disabilities and its Management.*— (1) There shall be credited to the State Fund for Persons with Disabilities hereinafter referred to as 'the State Fund':-

(a)all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(b)all sums received from the Government including grants-in-aid; and

(c)all sums from such other sources as may be decided by the Government.

(2)There shall be aGoverningBody consisting of following

Members to manage the State Fund, namely:-

Sl. No.	Composition	Position
(1)	(2)	(3)
(i)	Secretary (Welfare) . .	Chairperson
(ii)	One representative each fromtheDepartment. . of Health and Family Welfare, Department of Education, Department of Labour, Department of Finance and Department of Social Welfare Department.	Members
(1)	(2)	(3)
(iii)	Two persons representing different types . . of Disabilities to be nominated by the State Government by rotation.	Members
(iv)	Director, Department of Social Welfare, . . Puducherry and Persons with Disabilities in the State Government.	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 not residing in the State Capital shall be eligible for payment of travelling allowance and dearness allowance as admissible to a Group 'B' Officer of the Government for attending the meetings of the Governing Body.

(7)No person shall be nominated under clause (b) and (c) of sub-rule 2 as Member of the Governing Body if, he -

(a)is, or has been, convicted of an offence, which in the opinion of the Government, involves moral turpitude; or

(b)is, or at any time has been, adjudicated as an insolvent.

37.*Utilization of the State Fund.*—(1) The State 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 Government;

(b)administrative and other expenses of the Fund, as may be required tobe incurred by or under the Act;

(c)For the purpose of implementation of the provision of the Act; and

(d)such other purposes as may be decided by the Governing Body.

(2) (a)The person who seeks assistance from the State Fund shall be the Persons with Disabilitiesdefined under clause (v), (s) and (t) of section (2) of the Act. The assistance shall be extended for the purposes undergoing skill training/coaching for any competitive exams, participating in State/National level sports activities.

(b)The organization seeking assistance from the fund shall be as defined under clause (O) of section 2 of the Act. The Assistance will be provided to an organization for participating in a State/National level sports events to meet the travelling expenses.

(3)Every proposal of expenditure shall be placed before the Governing Body for its approval.

(4)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 State Fund based on need based requirement.

(5)The State Fund shall be invested in such manner as may be decided by the Governing Body.

38.*Budget.*— The Chief Executive Officer of the State Fund shall prepare the budget for incurring expenditure under the State 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.

39.*Annual Report*.— The annual report of the Department dealing with Empowerment of Persons with Disabilities in the Government shall include a Chapter on the State Fund.

FORM-I

[*See* Rule 7 (1)]

APPLICATIONFORCERTIFICATE/ RENEWALOFREGISTRATION

1 Name of the Organization/Institution:

2 AdministrativeOffice : Address,: Phone Number and e-mail ID of the Organization/Institution.

3 Place of Institution : Address,: Phone Number and e-mail ID of the Organization/Institution.

4 Applicant is – :

- An Organization, registered under the Societies Registration Act, 1860 (Act XXI of 1860).
- A Public Trust, registered under any law for the time being in force.
- Indian Red Cross Society or its branches.
- Company registered under section 25 of the Companies Act, 1956.
- Any otherOrganization (Details ofRegistration with the name of the Act) which may be recognized by the Ministry for the purpose of thisScheme (Details of Registration with the name of Act) (Copy to be enclosed).

5 Date of Registration of the Organization/Institution. :

6 Brief history of the Organization/: Institution and of its objects and activities.

7 Typ e o f services rend ered b y Organization/Institution (indicate specified disability).

8 Whether recognized by the State: Government, if yes, provide details.

9 Copy of previousCertificate of: Registration issued under section 51(2) ofRightsofPersons withDisability Act, 2016.

10 Whether located in its own or rented: building and provide address details. if rented, enclose rental agreement copy.

11 Present number of differently abled: beneficiaries

(Sl. No., Name, Address, Age, Sex, Type of specified disability. % of disability and date of admission).

12 Building Documents – :

(a)Building licence from Tahsildar/ PPA approval.

(b)Building Structural Stability Certificate from Public Works Department Engineer/Chartered Engineer.

(c)Blue Print of the Building map drawn by qualified Engineer.

(d)Sanitary Certificate from District Health Authority.

(e)NOC from Fire Service Department.

13 Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details.

In case, new staff is to be appointed,furnish details of the qualifications, academic, professionalandexperience prescribed for the purpose.

Number of employees working in the organization - whether they are full-time or part-time (Recognised by Rehabilitation Council of India.).

14 List of papers/statements to be: attached:

(a)Constitution of theOrganization

(b)Constitution of Board of Management with particular of each Member.

(c)Annualreport for the past three years.

(d)Income and Expenditure Accounts and Receipt and PaymentAccounts, duly audited by a Chartered Accountant or Government Auditor for the past three years for the organization as a whole (along with copy of the certified balance-sheetform of the previous financial year for the organization as whole).

(e)A statement giving details (year, purpose, amount,*etc.,*) of assistance received during the last five years from the Central/ State GovernmentInstitution

including requests made thereof to any one of those or any other organization.

(f)A statement giving item–wise and year-wise details of estimated recurring and non-recurring expenditure for the past three years.

(g)A statement indicating equipment, apparatus, furniture, library books,*etc.,* (by number of details whichever is possible) already available and separate statement indicating the above items purchased year-wise with financial assistance from the Government of India for the past three years.

(h)Details of budget estimate of the organization as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for.

15 Access facilities provided (Building: campus and others to differently abled persons).

16 Recreation/Sports facilities :

17 Provision of reasonable accommodation according to the individual requirements (specify the details).

18 Transport and attendant facilities for: children with disabilities having high support needs.

19 List of additional papers, if any :

20 List of additional information, if any:

Place : *Signature of the applicant*

Date: Name:

Seal:

APPENDED TO FORM-I

ANNEXURE-A

(FORDAYCAREINSITITUTIONS)

I. Accessibility of Building

1.No. of floors in the Institution :

2.Whether lift/ramp available :

3.If yes, mention the No. :

4.If no, mention the alternative facilities available for easy mobility of PWDs. :

5.No. of adoptable toilets for male :

6.No. of adoptable toilets for female:

7.Whether safe flooring/tactile flooring:

available.

II. Safety Measures

1. Whether structural stability is: monitored periodically and ifyes, how?
2. Whether NOC from Fire Department: obtained. (enclose a copy).
3. Whether fire safety facilities installed: and mention No.
4. Whether electrical fixtures/installation : checked periodically and safety ensured.

III.Health and Sanitation

1. Whether safe dinking water available:
2. Whether environment/premise is: cleaned regularly.
3. Whether toilets cleaned regularly :
4. Mention arrangements for pest: control.

IV. Education and Training

1. Whether the professionals are: registered with RCI please furnish list of professionals with their qualification and RCI Registration No.
2. Mention the type of teaching method: and under which Institution it is affiliated.
3. Please furnish the list of vocational: training imparted to the differently abled persons.
4. Please mention arrangements for : follow up of discharged students/ inmates.

Place: *Signature.*

Date :

APPENDEDTOFORM-I

ANNEXURE-B

(FORRESIDENTIALCAREINSTITUTIONS)

I.Accessibility of Building

1. No. of floors in the Institution :
2. Whether lift/ramp available :
3. If yes, mention the No. :
4. If no, mention the alternative facilities : available for easy mobility of PWDs.
5. No. of adoptable toilets for male :
6. No. of adoptable toilets for female:
7. Whether safe flooring/tactile flooring: available.

II.Safety Measures

1. Whether structural stability is: monitored periodically and ifyes, how?

2. Whether NOC from Fire Services Department obtained. (enclose a copy). :

3. Whether fire safety facilitiesinstalled,: mention No.

4. Whether electrical fixtures/installation: checked periodically and safety ensured.

III. **Health and Sanitation**

1. Whether safe drinking water available:

2. Whether environment/premise is cleaned regularly. :

3. Whether toilets cleaned regularly :

4. Mention arrangements for pestcontrol:

IV. Education andTraining

1. Whether the professionals are: registered with RCI.Please furnish list of professionals with their qualification and RCI Registration No.

2. Mention the typeofteaching method: and under which Institution it is affiliated.

3. Please list of vocationaltraining: imparted to the inmates.

4. Please mention arrangements for: follow up of discharged students/ inmates.

V. Food/Clothing and other Amenities

1. Whether cleanliness ofkitchen/: groceries/vegetables are monitored daily.

2. Whether diet scale for providing: minimum nutritional standard is followed. If yes, enclose a copy.

3. Details of the daily routine of the inmates may be furnished. :

4. Whether sufficient clothing and: bedding items are supplied. Give a list and interval of supply.

5. Whether mobility equipments such: as wheel chair, crutches are provided to inmates?

6. What are the recreational facilities: made available to inmates.

7. Whether accommodation facilities: available to inmates are sufficient. please give details.

8. Facilities available for washing clothes: of inmates.

VI. Health Facilities

1. Details of medical facilities available:

2.Whether first-aid kit maintained and the person hand holding the kit is trained for proper usage. :

3.Please mention the arrangements for: regular health care and treatment d uring sickness/accid ent at Institutions.

4.In case of child inmates whether,: immunization is carried out. Please furnish details.

Date: *Signature.*

Place:

GOVERNMENTOFPUDUCHERRY

DIRECTORATEOFSOCIALWELFARE

FORM-II

CERTIFICATEOFREGISTRATION

[*See* rule 7(5)]

Dated:

Registration is awarded/renewed to .... as an Institution for the Persons with Disabilities*vide* S.No. ..... under section 51 (2) of the Rights of Persons with Disabilities Act, 2016 to run a residential/ non-residential institution. This Certificate of Registration is valid for the period commencing from ..... to ..... and is subject to the following conditions:-

1.Application for granting renewal of a Certificate of Registration should be submitted to this Office sixty days in advance before the expiry of the period of validity.

2.The Management should not appoint any staff whose certificate has been cancelled or who has been convicted for offence involving moral turpitude.

3.The Institution should provide proper infrastructure facilities including sufficient accommodation to differently abled children.

4.The building licence should be duly renewed periodically.

5.The Management should appoint persons with Bench mark as per section 34 (1) of the RPD Act, 2016.

6.This Certificate should be displayed by the Institution in a conspicuous place.

7.Institution should follow the rules/regulations issued by the Government Authority from time to time.

8.Necessary fire safety facilities should be properly installed at the appropriate scale as indicated by the Fire Services Department.

9.Structural Stability Certificate, Sanitary Certificate, Building Licence and No Objection Certificate from Fire Services Department should be renewed periodically without fail.

10.The Institution is subjected to inspection by the inspection authorities under the Act/Rules and by the persons/officers authorized by the State Government.

11.The Certificate of Registration is liable to be revoked as the provisions given in the section 52 of the RPD Act, 2016.

12.The Institution shall properly create structural accessibility of the premises.

The registration shall be subjected to the conditions laid down in the Persons with Disabilities Act, 2016. The Institution should comply with rules/regulation/instructions issued by the State Commissioner for the differently abled from time to time.

Seal *Signature.*

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online publication at**"https://styandptg.py.gov.in"***Published by*
The Director, Government Press *Printed at:* Government Central Press, Puducherry.

Posted at: Puducherry HPO on every Tuesday