ORDER

In pursuance of Section 23(4) of the Rights of Persons with Disabilities Act, 2016, a District Level Committee consisting of the following is hereby constituted to hear the complaints of Persons with Disabilities regarding discrimination in employment where a Person(s) with Disability (ies) is not satisfied with the decision taken by the Grievance Redressal Officers appointed in various departments/boards/corporations of the Chandigarh Administration:

1. Director Social Welfare, Women & Child Development, Chandigarh Administration
   Chairperson

2. Assistant Controller (F&A), Chandigarh SC BC Minority Fin. Dev. Corporation
   Member

3. Programme Officer, ICDS Cell
   Member

4. Company Secretary, Chandigarh Child & Women Development Corporation
   Member

5. Special Regional Employment Officer, Regional Employment Exchange, U.T., Chandigarh.
   Member

6. Superintendent, Social Welfare Department Women & Child Development
   Chandigarh Administration
   Member

SECRETARY SOCIAL WELFARE
WOMEN AND CHILD DEVELOPMENT
CHANDIGARH ADMINISTRATION

Dated:

A copy is forwarded to the concerned for information and necessary action.

Director Social Welfare,
for Secretary Social Welfare,
Women and Child Development
Chandigarh administration.

Dated: 28/11/2019

A copy is forwarded to all Heads of Departments/ Boards/ Corporations of Chandigarh Administration for information and necessary action. It is also requested to place a copy of this order at conspicuous places in your department for the information of PWDs.

Director Social Welfare,
for Secretary Social Welfare,
Women and Child Development
Chandigarh administration.
MOST URGENT
OUT AT ONCE

From

The Secretary Social Welfare,
Women & Child Development,
Chandigarh Administration.

To

All Head of Departments
(Including Boards/Corporations)
Chandigarh Administration

Memo No.SW2/RPWD/2019/55

Dated Chandigarh, the 28/11/19

Subject:-

Compliance of the provisions of Section 20 of The Rights of Persons with Disabilities Act, 2016 as per orders of Hon’ble Apex Court in Writ Petition (Civil) No.116 Of 1998, (under Article 32 of the Constitution of India) titled as Justice Sunanda Bhandare Foundation Versus Union of India and Other.

Reference subject cited above.

The Government of India has notified “The Rights of Persons with Disabilities Act, 2016 (RPWD Act)” to ensure the Persons with Disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

It is further informed that the Hon’ble Supreme Court of India has directed all the Chief Secretaries of the States/UTs to file section wise implementation on Rights of Persons with Disabilities Act, 2016 in its next hearing fixed for 02.12.2019.

Immediate steps regarding implementation of the RPWD Act are required to be taken by each Government Establishment to ensure “Non-discrimination in employment of Persons with Disabilities” as defined in Section 20, which is reproduced as under:-

“Section-20

(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:
Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

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

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

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:
Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:
Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

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

You are requested to comply with the above mentioned provisions on priority basis and also ensure implementation of all the provisions of “The Right of Persons with Disability Act, 2016” in pertaining to your department in true letter & spirit.


Director Social Welfare
for Secretary Social Welfare,
Women & Child Development,
Chandigarh Administration.
MUST URGENT
OUT AT ONCE

From

The Secretary Social Welfare,
Women & Child Development,
Chandigarh Administration

To

All Head of Departments
(including Boards/Corporations)
Chandigarh Administration

Memo No.SW2/RPWD/2019/ 8554
Dated Chandigarh, the 28.11.2019

Subject:- Compliance of the provisions of Section 3, 4 & 5 of The Rights of Persons with Disabilities Act, 2016 as per orders of Hon’ble Apex Court in Writ Petition (Civil) No.116 of 1998, (under Article 32 of the Constitution of India) titled as Justice Sunanda Bhandare Foundation Versus Union of India and Other.

Reference subject cited above.
The Government of India has notified “The Rights of Persons with Disabilities Act, 2016 (RPWD Act)” to ensure the Persons with Disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

It is further informed that the Hon’ble Supreme Court of India has directed all the Chief Secretaries of the States/UTs to file status on section wise implementation on Rights of Persons with Disabilities Act, 2016 on next hearing fixed for 02.12.2019. Immediate action on implementation of the RPWD Act is to be taken by each Department/Board/Corporation to ensure implementation of the following provisions as defined under Section 3, 4 & 5 of the Act which reads as under:-

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<th>Sections</th>
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| Sec 3 Equality and Non-discrimination. | (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.  
(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.  
(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.  
(4) No person shall be deprived of his or her personal liberty only on the ground of disability.  
(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities. |
| Sec 4 Women and children with disabilities. | (1) (The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.  
(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.” |
| Sec 5 Community life. | (1) The persons with disabilities shall have the right to live in the community.  
(2) The appropriate Government shall endeavour that the persons with disabilities are,—  
(c) not obliged to live in any particular living arrangement; and  
(d) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender. |

It is directed to comply with the above mentioned Sections on priority basis and also ensure implementation of all the provisions of “The Right of Persons with Disability Act, 2016” pertaining to your department in true letter & spirit.

Director Social Welfare,
for Secretary Social Welfare,
Women & Child Development,
Chandigarh Administration.