

UT Administration of Daman and Diu,
Social Welfare Department,
Collectorate,
Dholar,
Moti Daman.

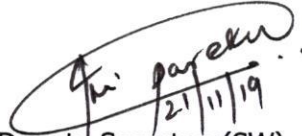
Draft Daman and Diu Rights of Persons with Disabilities Rules, 2019

Whereas the Parliament enacted the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) which received the President's assent on the 27th day of December 2016 and was subsequently published in the official Gazette of Central Government on the 28th day of December 2016;

Now, therefore the following draft of the Daman and Diu Rights of Persons with Disabilities Rules, 2019, which the UT Administration of Daman and Diu proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act, 2016 (central Act 49 of 2016) is hereby published (to be uploaded on Daman and Diu NIC website) for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of 30 days from the date on which this draft is made available to the public;

Objections and suggestions, if any may be addressed to The Deputy Secretary (Social Welfare), Social Welfare Department, 1st Floor, Collectorate campus, Dholar, Moti Daman or by e-mail: sotsp-dmn-dd@nic.in on or before **21.12.2019**.

The objections and suggestions which may be received from any person/government offices/institutions with respect to the said draft rules before the expiry of the period specified above will be considered by the UT Administration.


21/11/19
Deputy Secretary(SW)
Daman & Diu
Daman.

No. SW/RPWD/2019-20/208

Date: 21/11/2019

CHAPTER-I

PRELIMINARY

1.Short title, extent and commencement.- (1) These rules may be called the Daman and Diu Rights of Persons with Disabilities Rules, 2019.

- (2) They extend to the whole of UT of Daman and Diu.
- (3) They shall come into force from the date of their publication in the Official Gazette.

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

- (i) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);
 - (ii) "Central Government" means the Government of India;
 - (iii) "Certificate" means a certificate of disability issued by a certifying authority referred to in sub-section (1) of Section 57 of the Act;
 - (iv) "Certificate of registration" means a certificate of registration issued by the competent authority under Section 50 of the Act;
 - (v) "District Level Committee" means the District Level Committee constituted by the State Government under Section 72 of the Act and in terms of rule 33 of these rules;
 - (vi) "Form" means a form appended to these rules;
 - (vii) "UT " means UT of Daman and Diu
 - (viii) "UT Commissioner" means the UT Commissioner appointed by the UT Administration of Daman and Diu under Section 79 of the Act and in terms of these rules;
 - (ix) "UT Administration" means the UT Administration of Daman and Diu;
- (2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

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.

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

(3) If the aggrieved person submits a complaint to the UT Commissioner for Persons with Disabilities, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the 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.

CHAPTER III

Committee for Research on Disability

4. UT Committee for Research on Disability.- (1) The UT Committee for Research on Disability shall consist of the following persons, namely:-

- (i) an eminent person having vast experience in the field of science or medicine, to be nominated by the UT Administration, *ex officio*-Chairperson;
- (ii) nominee of the Director of Medical and Health Services not below the rank of Deputy Director –Member;
- (iii) four persons drawn from any Institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the UT Administration – Members;
- (iv) five persons as representatives of the registered organizations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the UT Administration – Members:

Provided that at least one representative of the registered organizations is a woman;

- (v) the Director, Social Welfare, shall be the Member Secretary.

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

(3) 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, and the nominated member shall be eligible for re-nomination for one more term.

(4) One half of the members shall constitute the quorum for the meeting.

(5) The non-official members and special invitees shall be entitled for travelling allowance and daily allowance as admissible to a Group "A" officer of the UT Administration.

(6) The UT Administration may provide the Committee with such clerical and other staff as it deems necessary.

5. Person with disability not to be a subject of research.- No person with disability shall be a subject of research except when the research involves physical impact on his body.

6. Procedure to be followed by Executive Magistrate.- For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).