

**DIRECTORATE OF SOCIAL WELFARE
GOAL GHAR, PORT BLAIR
ANDAMAN & NICOBAR ADMINISTRATION**

**Notice Inviting Comments/Suggestions on the Draft Rights
of Persons with Disabilities Rules, A & N Islands, 2018**

The Rights of Persons with Disabilities Act, 2016 came into force w.e.f. 19/04/2017. Section 101 of the Act gives power to the UT Administration to make rules under the Act. The Central Government prepared Model Rules to enable the State/UT Administration to formulate its own UT Rules within the domain of the UT Administration by virtue of the provisions in the RPwD Act, 2016. The Department of Social Welfare, Andaman & Nicobar Administration is the Nodal Department for formulation of the UT Rules.

The draft UT Rules as formulated by Department of Social Welfare, Andaman & Nicobar Administration on the basis of model rules provided by the Central Govt. are uploaded and available on the website www.andaman.gov.in for inviting comments/suggestions on the draft Rules.

Comments/suggestions, if any, are invited from Government Departments, NGOs, Civil Society and other associated stakeholders within a period of 10 days from the date of issue of the notice. Communications in this regard may be sent by email at directorsw4@gmail.com or by post addressed to Director (Social Welfare), Directorate of Social Welfare, Goalghar, Port Blair, Pin: 744101.

**Director
Social Welfare**

Draft Rights of Persons with Disabilities Rules, A & N Islands,
2018, Under RPwD Act, 2016

CHAPTER-I

PRELIMINARY

1. Short title and Commencement:-(1) These rules may be called the Rights of Persons with Disabilities Rules, A & N Islands, 2018.

(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) "**Certificate**" means a certificate of disability issued by a certifying Authority referred to in sub-section (1) of Section 57 of the Act;

(c) "**Certificate of registration**" means a certificate of registration issued by the competent authority under Section 50 of the Act.

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

(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 provisions 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 Chief Commissioner or 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 Chief Commissioner or 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. UT Committee for Research on Disability:- (1) The Committee for Research on Disability at the UT level shall consist of the following members, 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. Director of Health Services, 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 to the Act to be nominated by the UT Administration – Members: Provided that at least one representative of the registered organizations is a woman.
- iv. Director of Department of Social Welfare–Member Secretary:

Section- 6(2) of RPwD Act

- (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; the nominated members 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 dearness allowance as admissible to a Group A or equivalent officer of the UT Administration.
- (6) The Committee shall be provided with such clerical and other staff as the UT Administration may consider necessary.

- 5. Person with disability not to be a subject of research:-** No person with disability shall be considered to be a subject of research except when the research involves physical impact on his person.
- 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).
- 7. Designated authority under section 15(1):-** The State Legal Services Authority shall be the designated authority under section 15(1) of the Act to take measures for creating social awareness to support persons with disabilities in exercising their legal capacity and it shall take appropriate measures U/s 15(2) of the Act for arranging suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs.

CHAPTER-III

LIMITED GUARDIANSHIP

- 8. Limited Guardianship:-** (1) The District Court on its own or on an application filed by a person with disability either by himself or on his behalf through a Registered organization or through a blood relative, 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 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 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 shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.
- (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.
- 9. 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.

Section- 14(1) of RPwDAC

CHAPTER IV

NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

- 10.** 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.

CHAPTER V

VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES

11. 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.

12. 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.

13. Form in which record to be kept by an employer:- Every Government establishment shall maintain the record of employees with disabilities in Form - III.

CHAPTER VI

CERTIFICATE OF DISABILITY

14. The Department of Health, A & N Administration shall notify the certifying authorities who shall be competent to issue a certificate of disability and the jurisdiction and terms and conditions subject to which the certifying authority shall perform its certification functions as per the provisions of Sub sections (1) and (2) of Section 57 of the Act.

15. 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.

(2) The application shall be accompanied by –

(a) Proof of residence;

(b) two recent passport size photographs; and

(c) Aadhaar number or Aadhaar enrollment number, if any.

Note:- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

16. Issue of certificate of disability.-

(1) On receipt of an application under rule 15, 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 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.

17. Certificate issued under rule 16 to be generally valid for all purposes:- A person to whom the certificate is issued under rule 16 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.

18. 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 IX

UT ADVISORY BOARD

19. UT 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. Chief Secretary, Andaman & Nicobar Administration shall be Chairman of the UT Advisory Board, ex officio.

20. Allowances for the Members of the UT Advisory Board :-(1)The non-official Members of the UT Advisory Board on disability shall be paid an allowance of rupees five hundred per day for each day of the actual meeting of the said Board.

21. Notice of the Meeting:- (1) the meetings of the UT 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 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 clear days’ 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 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, 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, permits 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).

22. 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.

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

- (2) 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.
- (3) No quorum shall be necessary for the adjourned meeting of the Board.
- (4) No matter which had not been on the agenda of the ordinary or at its adjourned meeting shall be taken up for discussion.
- (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.

24. 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 meetings 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.

25. 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
RPwDAct

26. 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
RPwDAct

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.

27. 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.

28. 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.

29. District-level Committee:- The District-Level Committee on disability referred to in Section 72 of the Act shall consist of -(i) District Magistrate or Deputy Commissioner(ii) Chief District Medical Officer(iii) Psychiatrist/Psychologist of a District Hospital(iv) Public Prosecutor of the District (v) Representative of a Registered Organization(vi) Person with disability as defined in Clause(s) of Section 2 of the Act and(vii) Any other member as invited by the Chairperson (viii)CDPOs;

Section-
72 of
RPwDAct

30. 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.

31. 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 UT Administration.

CHAPTER X

UT COMMISSIONER FOR PERSONS WITH DISABILITIES

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

- (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 UT Commissioner, occurs;

- (iii) If he is in service under the Central Government or the UT 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 degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.

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

- (i) In Central or UT Administration or
- (ii) Public Sector Undertakings or Semi Government or Autonomous Bodies dealing with disability related matters or social sector or
- (iii) As a senior level functionary in a registered UT or national or international level voluntary organization working in the field of disability or social development;

Provided that out of the total twenty years' experience mentioned in this sub-clause, at least three years of experience in the recent past had been in the field of empowerment of persons with disabilities.

Section
- 79 of
RPwDA

33. Mode of appointment of the UT Commissioner:- (1) At least six months before the post of UT 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 qualifications specified in rule 32.

Section
- 70 of
RPwDA

- (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 UT 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 UT Administration whom the Committee may consider suitable.
- (5) The UT Administration shall appoint one of the candidates out of the panel recommended by the Search-cum-Selection Committee under sub-rule (2) as the UT Commissioner.

34. Term of the UT Commissioner:- (1) The UT Commissioner shall be appointed on full-time basis for a period of three 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 UT Commissioner for a maximum of two terms, subject to the upper age limit of sixty-five years.

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

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

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

- (a) Leave: The UT 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 UT 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.

37. Medical Benefits:-The UT 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.

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

(2) The UT Administration shall remove the UT 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 UT Administration involves moral turpitude; or

(d) Is in the opinion of the UT 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 UT Administration, remains absent from duty for a consecutive period of fifteen days or more; or

(f) Has, in the opinion of the UT Administration, so abused the position of the UT Commissioner as to render his continuance in the office detrimental to the interest of persons with disability: Provided that no UT 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 UT Administration.

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

39. Residuary provision:- The other conditions of service of the UT 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 UT Administration.

40. Constitution of the Advisory Committee:- (1) The UT 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 of the Administration to be nominated by the UT Administration.
- (2) The tenure of the members of the Advisory Committee shall be for a period of three years.
- (3) The UT 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.

41. Procedure to be followed by UT Commissioner:- (1) A complainant may present a complaint containing the following particulars in person or by his agent to the UT Commissioner or send it by registered post or by email addressed to the UT 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 UT 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 UT 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 UT Commissioner.
 - (4) Where the complainant or his agent fails to appear before the UT Commissioner on such days, the UT 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 UT 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 UT Commissioner may dispose of the complaint ex-parte, if necessary.

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

(8) The UT 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.

42. Advisory Committee to assist the UT Commissioner:- (1) The UT Administration shall appoint an Advisory Committee comprising five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act, of whom two shall be women;

(2) The UT 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 the Advisory Committee shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

43. Submission of annual reports:- (1) The UT 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 UT 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 UT Commissioner and a chart showing the organizational set up;

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

(c) The main recommendations made by the UT Commissioner;

(d) Progress made in the implementation of the Act in the UT; and

(e) Any other matter deemed appropriate for inclusion by the UT Commissioner or specified by the UT Administration from time to time to be included in the report.

CHAPTER XI

PUBLIC PROSECUTOR

- 44. Appointment of Public Prosecutor:-** (1) The Public Prosecutor to be appointed by the UT Administration 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 five years.
 - (c) Shall be well versed with local language and customs.
 - (d) 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 UT Administration under the code of criminal procedure, 1973 (1 of 1974)for conducting the cases before a court of session.

CHAPTER XII

UT FUND FOR PERSONS WITH DISABILITIES 88(1)

Section- 85(2), 88(1) of RPWDAct
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45. UT Fund for Persons with Disabilities and its management:-

(1)There shall be credited to the UT Fund for Persons with Disabilities herein after referred to as “the UT Fund”:-

- a) All sums received by way of grant, gifts, donations, benefactions, bequests or transfers;
- (b) All sums received from the UT Administration including grants in-aid; and
- (c) All sums received from corporate houses/ PSUs under CSR or from such other sources as may be decided by the UT Administration.

(2) There shall be a governing body consisting of following members to manages the UT Fund, namely:-

- (a) Principal Secretary or Secretary (SW) - 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 UT 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 UT 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 UT Administration for attending the meetings of the governing body.

(7) No person shall be nominated under clause (b) and (c) of sub-rule 2as a member of the governing body if he -

(a) Is, or has been, convicted of an offence, which in the opinion of the UT Administration, involves moral turpitude; or

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

46. Utilization of the UT Fund:- (1) The UT 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 UT 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.

(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 UT Fund based on need based requirement.

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

47. Budget:- The Chief Executive Officer of the UT Fund shall prepare the budget for incurring expenditure under the UT 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

48. Annual Report:- The annual report of the Department dealing with Empowerment of Persons with Disabilities in the UT Administration shall include a chapter on the UT Fund.