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PART - II

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GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (WELFARE)

[G.O. Ms. No. 28/2011-Wel.(SW-V), dated 14th September 2011]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No.1 of 1996), the Lieutenant-Governor, Puducherry hereby makes the following rules further to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1998, namely:—

1. (i) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (Amendment) Rules, 2011.

(ii) These rules shall come into force on and from the date of its publication in the official gazette.

2. *Amendment of short title.*— In the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Rules, 1998, hereinafter referred to as the said rules, in sub-rule (1) of rule 1, after the word ‘Protection of Rights and Full Participation’ within brackets, the word ‘Puducherry’ shall be inserted.

3. *Amendment of rule 40.*— In the said rules, for rule 40 in Chapter VII, the following shall be substituted, namely:—

“40. **Appointment of Commissioner for Persons with Disabilities.**— The Commissioner for Persons with Disabilities shall be appointed by the Administrator/Lieutenant-Governor in accordance with the provisions contained in the Act or the Commissioner for Persons with Disabilities for the Union territory of Puducherry (Conditions of Service and Terms of Office) Rules, 2011”.

(By order of the Lieutenant-Governor)

G. THEVA NEETHI DHAS,
Special Secretary to Government (Welfare).

GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (WELFARE)

[G.O. Ms. No. 29/2011-Wel.(SW-V), dated 14th September 2011]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 60 read with sub-section (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996), the Lieutenant-Governor, Puducherry, hereby makes the following rules specifying the conditions of service and terms of Office of the Commissioner for Persons with Disabilities

of the Union territory of Puducherry and that of the officers and employees of the Office of the Commissioner and for matters connected therewith or incidental thereto, namely:—

CHAPTER – I

PRELIMINARY

1. *Short title and commencement.*— (i) These rules may be called the Commissioner for Persons with Disabilities of the Union Territory of Puducherry (Conditions of Service and Terms of Office) Rules, 2011.

(ii) These rules shall come into force on and from the date of its publication in the official gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996);

(b) “Commissioner for Persons with Disabilities” means the Commissioner appointed under sub-section (1) of section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996);

(c) “Government” means the Government of Puducherry;

(d) “Notification” means a notification published in the official gazette.

3. *Qualification for appointment of Commissioner for persons with disabilities.*— In order to be eligible for the appointment as Commissioner, a person must satisfy the following conditions, namely:—

(i) “He/She should have special knowledge or practical experience in respect of matters relating to rehabilitation of persons with disabilities, or implementation of social sector/welfare schemes for socially and / or economically weaker sections of the society”.

(ii) If he/she is in service under the Central Government or a State Government, he/she shall seek retirement from such service before his/her appointment to the post; and

(iii) He/She must possess the following educational qualification and experience, namely:—

(A) *Educational qualifications* –

(i) **Essential** : Graduate from a recognised university

(B) *Experience* –

(a) Should have been a Member of Indian Administrative Service; or

(b) Should have been a Member of PCS with at least 18 years of regular service; or

(c) Should have put in 25 years of regular service in a Group 'A' level post in Central/State/ 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.

4. *Mode 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 3.

(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 panel recommended by the committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) above, as well as other eligible persons whom the committee may consider suitable.

(4) The Government of Puducherry shall appoint one of the candidates recommended by the search-*cum*-selection committee as the Commissioner.

5. *Terms of the Commissioner.*— The Commissioner shall hold office for a term of three years from the date on which he assumes his office, or till he attains the age of sixty-five years, whichever is earlier:

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

6. *Salary and allowances of the Commissioner.*— (1) The salary and allowances of the Commissioner shall be the salary and allowances as admissible to a Joint Secretary to the Government of India.

(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 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:

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.

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

8. *Resignation and removal.*— (1) The Commissioner may, by notice in writing, under his hand, addressed to the Lieutenant-Governor, resign his post.

(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 outside 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.

9. *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) Two full-time Clerks, one in the grade of Assistant and another in the grade of Upper Division Clerk drawn from the Government of Puducherry on deputation basis,

(d) Two full-time Multitasking Staff (General).

(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.

10. *Residuary provision.*— Save as otherwise provided in these rules, the Commissioner shall be 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.

11. The conditions of service of the Commissioner shall not be varied to his disadvantage after his appointment.

12. *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 of Puducherry 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 13 and 14.

13. *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 utilised 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).

14. *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 be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commissioner to the Accountant General.

(3) The Accountant General, Puducherry and Tamil 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.

(By order of the Lieutenant-Governor)

G. THEVA NEETHI DHAS,
Special Secretary to Government (Welfare).

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