

GOVERNMENT OF ASSAM,
OFFICE OF THE DIRECTOR OF HIGHER EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI-19.

No.DHE/EG/Misc/22/2019/14

Dated Kahilipara, the 07/10/2020

From: - Sri Joy Ram Hazarika, AES
Dy. Director of Higher Education, Assam
Kahilipara, Guwahati-19.

To, **The Principal,**
All Govt. & Provincialised Colleges/Mahavidyalaya of Assam.

Sub :- Regarding Compliance of Section 20 and Section 22 of the Rights of Persons with Disabilities (RPwD) Act, 2016.

Ref :- Govt. letter No. AHE.623/2018/118 dated 21/09/2020


Sir,

With reference to the Govt. letter on subject cited above, I am directed to forward herewith Govt. letter and its enclosure received from the Under Secretary to the Govt. of Assam, Higher Education Department, Dispur, Guwahati-06 regarding compliance of Section 20 and Section 22 of the Rights of Persons with Disabilities (RPwD) Act, 2016 which is self-exploratory and request you for taking necessary action on the matter from your end as desired by the Govt. and request you kindly to furnish the Compliance Report to the Govt. of Assam Higher Education Department for further taking necessary action.

In this regard, this Directorate has already been implemented the provision of Section 20 and Section 22 of the Rights of Persons with Disabilities (RPwD) Act, 2016.

Matter may be treated as **SUPREME COURT URGENT.**

Yours' faithfully


Director of Higher Education, Assam
Kahilipara, Guwahati-19.

Memo No.DHE/EG/Misc/22/2019/14-A

Copy to:

1. The Under Secretary to the Govt. of Assam, Higher Education Department, Dispur, Guwahati-06


07/10/20

Dated Kahilipara, the 07/10/2020

Director of Higher Education, Assam
Kahilipara, Guwahati-19.

(14)

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**GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR, GUWAHATI-6**

No.AHE.623/2018/118

Dated Dispur, the 21st September/2020

From : Shri D.K. Bhuyan,
Under Secretary to the Govt. of Assam
Higher Education Department.

U.P. Das

P. P. Das

24/9/20

To : 1) The Director of Higher Education, Assam
Kahilipara, Guwahati-19
2) The Director of Technical Education, Assam
Kahilipara, Guwahati-19.

App. B.

Sub : **Regarding Compliance of Section 20 and Section 22 of the Rights of Persons with Disabilities (RPwD) Act, 2016.**

Sir/Madam,

App. B.

In inviting a reference to the subject cited above, I am directed to forward herewith the letter No.SWD.595/2013/421 dated 21st July/2020 alongwith its enclosures received from Deputy Secretary to the Govt. of Assam, Social Welfare Department regarding implementation of provisions as laid down under section 20 and section 22 of the RPwD Act, 2016 and request you kindly to furnish the Compliance Report to this department for taking further necessary action.

*P. P. Das
25/9/20*

Matter may be treated as SUPREMENT COURT URGENT.

Yours faithfully,

[Signature]
21.9.2020

Under Secretary to the Govt. of Assam
Higher Education Department.

hp

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GOVERNMENT OF ASSAM
SOCIAL WELFARE DEPARTMENT
Block-D, 1st Floor
DISPUR, GUWAHATI-781 006

(12)

No. SWD.595/2013/421

Dated Dispur the 21st July, 2020

From : Deputy Secretary to the Govt. of Assam,
Social Welfare Department, Dispur

To : Joint Secretary/ Deputy Secretary to the Govt. of Assam,
Department (All)

Sub : Regarding Compliance of Section 20 and Section 22 of the Rights of Persons with Disabilities (RPwD) Act, 2016 .

Ref: Letter No. SWD.428/2017/202, dated 06.01.2020.

Sir,

In inviting a reference to this department's letter on the subject cited above, I am directed to request you to kindly intimate this Department the necessary steps taken from your end for implementation of provisions as laid down under section 20 and section 22 of the RPwD Act, 2016.

This information is necessary for preparation and submission of Action Taken Report before the Hon'ble Supreme Court of India in the matter of W.P. © 116/1998 (Justice Sunanda Bhandare Foundation) -Vs- U.O.I & Ors., therefore, you are requested to kindly submit the Report within a week.

MATTER SUPREME COURT URGENT.

Yours faithfully

Encl : As above

Deputy Secretary to the Govt. of Assam
Social Welfare Department, Dispur

Memo No. SWD. 595/2013/421-A.

Dated Dispur the 21st July, 2020

Copy to -

1. Shri Kausar J. Hilaly, ACS, Commissioner for Persons with Disabilities, Latakata, Basistha, Ghy-29 for information.
2. Shri Shuvodeep Roy, Advocate, Standing Council for the State of Assam, Supreme Court of India for kind information and necessary action.
3. P.S to Addl. Chief Secretary, Social Welfare Department for information.

By order etc.,

Deputy Secretary to the Govt. of Assam
Social Welfare Department, Dispur

R.P.
10/9/20

No. SWD.428/2017/202

Dated Dispur, the 6th January, 2020

From: The Additional Chief Secretary to the Govt. of Assam
Social Welfare Department, Dispur

To: Principal Secretary/Commissioner & Secretary/Secretary to the Govt. of Assam.
Department (All)

Sub: Implementation of the provisions under Section 20 and Section 22, of The Rights of Persons with Disabilities Act, 2016.

Sir/Madam

With reference to the subject cited above, as you are probably aware that the Central Act, 'The Rights of Persons with Disabilities Act, 2016,' was enacted in 2016 and it came into force with effect from 19th April 2017. Accordingly, both the Central as well as the State Governments have been mandated to take necessary steps for the implementation of the various provisions under the different sections of the Act.

The Social Welfare Department, as the main stakeholder Department in respect of Disability matters, is coordinating and facilitating the implementation of the RPwD Act, 2016 by the different Government Departments.

A. Chapter IV, Section 20 of the said Act provides that,

(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 scale and service benefits."

"Provided further that if it is not possible to adjust the employee against the 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."

B. Section 22-

(1) "Every establishment shall maintain records of the persons with Disabilities in relation to the matter of Employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government."

(2) "Every Employment Exchange shall maintain records of persons with

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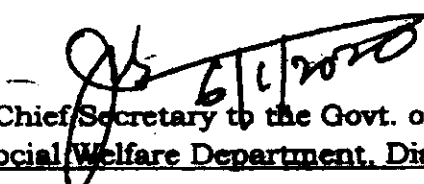
(3) "The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government"

In the light of the provisions specifically laid down in Section 20 and Section 22 of the Act, all Government Departments, along with the Directorates and the Subordinate office Establishments, are legally required to take measures for implementation of the specific provisions. Be it kindly noted that the Personnel Department, Government of Assam has issued an Office Memorandum for reservation of posts for Persons with Benchmark Disabilities etc vide No ABP. 180/2017/105 dated the 7th January 2019 which may be referred to in this regard.

The Hon'ble Supreme Court of India is currently monitoring the compliance, section by section, of the Act in WP (C) 116 of 1998 (Justice Sunanda Bhandare Foundation vs Union of India) and a compliance report is required to be furnished to the Hon'ble Court by the Chief Secretary at regular intervals. The non-implementation of the RPwD Act 2016 by the states is being viewed very seriously by the Hon'ble Court.

Therefore, given the importance of the provisions laid down under Chapter IV, Section 20 and Section 22 and its relevant sub-sections and the strict monitoring of the implementation of the RPwD Act 2016 by the Hon'ble Apex Court, you are requested to kindly take the immediate necessary steps for the implementation of the same.

Yours Faithfully


Addl. Chief Secretary to the Govt. of Assam
✓ Social Welfare Department, Dispur

Memo No. SWD.428/2017/202-A

Dated Dispur the 6th January, 2020

Copy to:-

1. S.O to Chief Secretary, Assam for information.
2. The Director, Social Welfare Department, Uzanbazar, Guwahati-1 for information.
3. The Commissioner for Persons with Disabilities, Assam for information.
4. P.S to Hon'ble Minister, Social Welfare, Assam for information.

By order etc.,


Deputy Secretary to the Govt. of Assam
✓ Social Welfare Department, Dispur