



RIKHAV SECURITIES LTD Member: BSE•NSE•ICEX•DP : CDSL
Growth, Returns and Security

Policy on Rights of Persons with Disabilities

DOCUMENT CONTROL BOX

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1. POLICY BACKGROUND

The Government of India had enacted “*The Rights of Persons with Disabilities Act 2016*” (RPwD Act) in order to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

2. PURPOSE

The RPwD Act also aims that the appropriate Government shall take steps to;

- utilize the capacity of persons with disabilities by providing appropriate environment.
- no person shall be deprived of his or her personal liberty only on the ground of disability.
- ensure reasonable accommodation for persons with disabilities.
- take measures to ensure that the women and children with disabilities enjoy their rights equally with others.
- ensure that the persons with disabilities shall have the right to live in the community.
- protect the persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.
- protect persons with disabilities from all forms of abuse, violence and exploitation.

In order to give effect to the provisions of the RPwD Act, the Government of India had formulated the Rights of Persons with Disabilities Rules, 2017.

3. DEFINITIONS/KEY TERMS

As per the RPwD Act,

- “**Establishment**” includes a Government establishment and private establishment.

- **“Government establishment”** means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government.
- **“Private establishment”** means a company, firm, cooperative or other society, associations, trust, agency, institution, organization, union, factory or such other establishment as the appropriate Government may, by notification, specify.
- **“Person with benchmark disability”** means a person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.
- Section 21 (1) of the Act provides that **every establishment** shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of the Act in the manner as may be prescribed by the Central Government. Sub section (2) provides that **every establishment** shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.
- Section 22 (1) provides that **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 the Act in such form and manner as may be prescribed by the Central Government. Sub section (3) provides that the records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorized in their behalf by the appropriate Government.
- Section 35 provides that the appropriate Government and the local authorities shall, within the limit of their economic capacity and development, **provide incentives to employer in private sector to ensure that at least five percent of their work force is composed of persons with benchmark disability.**

4. POLICY OBJECTIVES

To promote employment and provide equal opportunity for persons with disabilities for skill development, especially for their vocational training and self-employment, discrimination against employment etc.

The main objective of the RPwD Act is that 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. It also provides that 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.

Though the Act stipulates that the government establishments shall not discriminate the persons with disabilities from employment, the Act did not contain such a provision compelling private establishments to employ persons with benchmark disability. The Act prescribe that appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five percent of their work force is composed of persons with benchmark disability, i.e. the object of the Act is to promote the employment of disabled persons in private sector also.

The Rights of Persons with Disabilities Rules, 2017 provides that;

1. Every establishment shall publish equal opportunity policy for persons with disabilities.
2. The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.
3. The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall *interalia*, contain the following, namely:-

- facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
- list of posts identified suitable for persons with disabilities in the establishment;
- the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
- provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
- appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities.

The Rules also prescribe the manner of publication of opportunity policy for persons with disabilities and form and manner of maintaining records by the establishments.

5. SCOPE / APPLICABILITY OF THE POLICY

The Rights of Persons With Disabilities Act, 2016 (RPwD Act) is applicable for private establishments also *interalia*; for the purpose of maintaining an Equal Opportunity Policy and Maintenance of Records of persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of the Act.

6. EQUAL OPPORTUNITY

The Company shall provide equal opportunity and support employment of persons with disabilities especially for their skill development and vocational training. The Company shall not discriminate them on the ground of their disabilities.

Persons with disabilities will be placed, as far as possible, in Branch/ Offices, where barrier free access / lift etc. are available, so that they can attend the Office with ease and comfort and discharge their duties effectively.

Both Award Staff as well as Officers posts are open to persons with disabilities, subject to the satisfaction of the respective eligibility criteria. Depending upon the eligibility criteria, in the selection process and the recruitment/ promotion/training/leave/accommodation, persons with disabilities will be given equal opportunity like other candidates/employees.

Barrier free access, assistive devices like support structure etc. will be provided as far as possible.

Head – Human Resources will be the Liaison Officer to look after the process of recruitment of persons with disabilities.

7. MAINTENANCE OF RECORDS

The Company shall maintain records containing the following particulars, namely,

- i. the number of persons with disabilities who are employed and the date from when they are employed;
- ii. the name, gender and address of persons with disabilities;
- iii. the nature of disability of such persons;
- iv. the nature of work being rendered by such employed person with disability; and
- v. the kind of facilities being provided to such persons with disabilities.

The Company shall also produce for inspection on demand, records maintained under this policy to the authorities appointed under the Rights of Persons with Disabilities Act, 2016 and shall also supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with so as to comply with the stipulations in the Act and the rules framed there under.

8. INTERPRETATION

For any difference arising in the interpretation of the provisions of this policy, the decision of the MD&CEO of the Company shall be final.

9. REVIEW AND CONTROL

This Policy on Rights of Persons with Disabilities is valid for 1 year from the date of approval by the Board of Directors and shall be reviewed/ revised/ modified from time to time in tune with the changes that may be required to meet the organizational needs as well as to comply with the statutory requirements.

10. CONCLUSION

The Rights of Persons with Disabilities Act, 2016 stipulates the adoption of a policy by every establishment in tune with provisions applicable to such establishment. Since notification of equal opportunity policy detailing measures proposed to be taken by every establishment in pursuance of the provisions of the Act is mandatory, we may adopt the policy for its notification and implementation.