

**15 -ാം കേരള നിയമസഭ**

**12 -ാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 1774**

**11-10-2024 - ൽ മറുപടിയ്ക്ക്**

**എയ്ഡഡ് വിദ്യാലയങ്ങളിൽ ഭിന്നശേഷി നിയമനം**

ചോദ്യം		ഉത്തരം	
ശ്രീ. പി. ടി. എ. റഹീം		ഡോ. ആർ. ബിന്ദു (ഉന്നതവിദ്യാഭ്യാസ-സാമൂഹ്യനീതി വകുപ്പ് മന്ത്രി)	
(എ)	<p>എയ്ഡഡ് വിദ്യാലയങ്ങളിൽ ഭിന്നശേഷി വിഭാഗത്തിൽപ്പെട്ട ഉദ്യോഗാർത്ഥികൾക്ക് നിയമനം നൽകുന്നതിന് നിശ്ചയിച്ചു നൽകിയ മുൻഗണനാ മാനദണ്ഡങ്ങൾ ലഭ്യമാക്കാമോ; ഇതു സംബന്ധിച്ച സർക്കാർ ഉത്തരവ് ലഭ്യമാക്കാമോ;</p>	(എ)	<p>ഭിന്നശേഷി അവകാശ നിയമം 2016ലെ സെക്ഷൻ 34(1)ൽ നിഷ്കർഷിച്ചിരിക്കുന്ന പ്രകാരം നിയമനങ്ങളിലെ 4% ഭിന്നശേഷി സംവരണം എയ്ഡഡ് സ്ഥാപനങ്ങൾക്ക് കൂടി ബാധകമാക്കിക്കൊണ്ട് 18/11/2018-ലെ G.O.(P) No. 18/2018/SJD പ്രകാരം ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുണ്ട്. അതു പ്രകാരം</p> <p>a) blindness and low vision</p> <p>b) deaf and hard of hearing</p> <p>c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy</p> <p>d) autism, intellectual disability, specific learning disability and mental illness</p> <p>e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the post identified for each disabilities</p> <p>എന്ന ക്രമത്തിൽ (a), (b), (c) വിഭാഗങ്ങൾക്ക് 1% വീതവും (d) &amp; (e) വിഭാഗങ്ങൾക്ക് 1% എന്നതോതിൽ 2016ലെ ഭിന്നശേഷി അവകാശ നിയമത്തിൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്ന പ്രകാരമാണ് ഭിന്നശേഷി സംവരണം നടപ്പിലാക്കേണ്ടത് മേൽ സൂചിത ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.</p>
(ബി)	<p>അർഹരായ കാഴ്ചപരിമിതർ ഇല്ലാത്ത സാഹചര്യങ്ങളിൽ ഇതര ഭിന്നശേഷിവിഭാഗത്തിൽപ്പെട്ടവർക്ക് നിയമനം നൽകാൻ സ്വീകരിക്കുന്ന നടപടികൾ</p>	(ബി)	<p>ഇല്ല. നിയമനം നൽകേണ്ട ഊഴത്തിൽ അർഹതയുള്ള ഒരു ഭിന്നശേഷി വിഭാഗത്തിലുള്ള ഉദ്യോഗാർത്ഥിയെ ലഭിക്കാതെ വന്നാൽ എന്തുനടപടിയാണ് സ്വീകരിക്കേണ്ടത് എന്നത് സംബന്ധിച്ച് ഭിന്നശേഷി അവകാശ നിയമം 2016</p>

	<p>താരതമ്യത്തിലാക്കാൻ പ്രത്യേക നിർദ്ദേശം പുറപ്പെടുവിച്ചിട്ടുണ്ടോ;</p>	<p>ലെ സെക്ഷൻ 34 (2) ൽ വ്യക്തമായ വ്യവസ്ഥകൾ നിലവിലുണ്ട്. പ്രസ്തുത വ്യവസ്ഥകൾ പാലിച്ചുമാത്രമേ സംവരണം നടപ്പിലാക്കാൻ സാധിക്കുകയുള്ളൂ.</p>
(സി)	<p>എയ്ഡഡ് സ്കൂൾ മാനേജർമാർ ഭിന്നശേഷി നിയമനത്തിന് ലിസ്റ്റ് ആവശ്യപ്പെടുമ്പോൾ കാഴ്ച പരിമിതരുടേത് മാത്രമായ ലിസ്റ്റ് നൽകുന്ന സാഹചര്യം നിലവിലുണ്ടോ; വിശദമാക്കാമോ?</p>	<p>(സി) വിവരം ശേഖരിച്ചു വരുന്നു.</p>

സെക്ഷൻ ഓഫീസർ



## GOVERNMENT OF KERALA

### Abstract

Social Justice Department- Reservation for Persons with Disabilities- Providing 4% reservation as per the provisions of Rights of Persons with Disabilities Act 2016 and ensuring 3% reservation as per the provisions of Persons with Disabilities Act 1995 in aided schools and aided colleges including professional colleges- Orders issued.

### SOCIAL JUSTICE ( D ) DEPARTMENT

G.O.(P)No.18/2018/SJD Dated,Thiruvananthapuram, 18/11/2018

- Read 1. G O (P) No : 20/1998/P&ARD dated 14/07/1998  
2. G O (P) No : 50/2007/ SWD dated 15.9.2007  
3. G O (P) No : 31/2008/SWD dated 19/05/2008  
4. G O (P) No : 46/2008/ SWD dated 19/07/2008  
5. G O (P) No : 61/2012/ SWD dated 17/10/2012  
6. G O (P) No : 1/2013/SJD dated 3/1/2013  
7. G O (P) No : 30/2013/SJD dated 4/4/2013  
8. G O (P) No : 1/2015/SJD dated 5/1/2015  
9. G O (P) No : 18/2017/SJD dated 14/9/2017

### ORDER

As per section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act 1995, every appropriate Government shall appoint in every establishment such percentage of vacancies not less than 3% for persons or class of Persons with Disability of which 1% each shall be reserved for persons suffering from (i) Blindness or low vision (ii) hearing impairment (iii) Locomotor disability or cerebral palsy in the posts identified for each disability. And as per section 2(k) of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act 1995, establishment means a corporation established by or under a Central, Provincial 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 617 of the Companies Act, 1956 (1 of 1956), and includes Departments of a Government.



2. As per the Government Order read as 1st paper above Government had introduced a scheme for reserving 3% vacancies in Class III, Class IV posts in Public Services for appointment from Persons with Disabilities as envisaged in section 33 of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995. As per this scheme the District Collector was the Chairman of the selection committee for the appointment of Persons with Disabilities. As per Government Order read as 2nd paper above Government entrusted the selection process of Persons with Disabilities to 3% vacancies in all classes earmarked for them to Kerala Public Service Commission with effect from 1.1.2004. But the modalities of appointment and turn of Persons with Disabilities were fixed only as per G.O read as 4th paper above. Accordingly Kerala Public Service Commission started the selection process of Persons with Disabilities.

3. The 3% reservation in appointments in aided schools and aided colleges were not ensured from 7.2.1996, the date in which Persons with Disabilities Act 1995 came into force, as the appointments were not made through Kerala Public Service Commission or through the selection committee chaired by the District Collectors.

4. The Rights of Persons With Disabilities Act 2016 came into force on 19.4.2017. As per section 34 (1) of Rights of Persons With Disabilities Act 2016 , *"Every appropriate Government shall appoint in every Government establishment, not less than four percent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent for persons with benchmark disabilities under clauses (d) and (e) namely :- (a) blindness and low vision; (b) deaf and hard of hearing; (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy ; (d) autism, intellectual disability, specific learning disability and mental illness ; (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf – blindness in the posts identified for each disabilities.*

5. As per Section 2(k) of the Act, a "Government Establishment" is defined as 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 (18 of 2013) and includes a Department of the Government.



6. The Government examined the matter in detail and are pleased to extend the provisions of section 2(k) of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995 and Rights of Persons with Disabilities Act 2016 to all educational institutions getting Government aid such as staff salary and other allowances, maintenance grant etc. with effect from 7.2.1996. The following instructions should be given to all appointing authorities of such aided institutions by the concerned Administrative Departments immediately.


i) To ensure 3% reservation of the total number of vacancies in the cadre strength in appointments in aided schools and aided colleges including professional colleges to the posts which are identified as suitable for persons with disabilities and issued vide Government Orders read as 5th to 9th papers above, with effect from 7.2.1996 and to fill the backlog from 7.2.1996 to 18.4.2017 as per the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 with immediate effect.

ii) To provide 4% reservation of the total number of vacancies in the cadre strength in appointments in aided schools and aided colleges including professional colleges to the posts which are identified / to be identified as suitable for persons with disabilities with effect from 19.04.2017 as per the provisions of Rights of Persons with Disabilities Act 2016.

(By order of the Governor)  
**BIJU PRABHAKAR IAS**  
**SPECIAL SECRETARY**

To  
 ✓ All Departments in Secretariat  
 All Heads of Departments  
 The State Commissioner for Persons with Disabilities, Thiruvananthapuram  
 The Director, Social Justice Department  
 The Director, Women & Child Development Department  
 The Accountant General ( G & SSA/A & E), Kerala, Thiruvananthapuram  
 The Information and Public Relations(Web & New Media)Department

Forwarded/By order

  
 Section Officer