



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