

15 -ാം കേരള നിയമസഭ

5 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 3516

14-07-2022 - ൽ മറുപടിയ്ക്ക്

കാലിക്കറ്റ് സർവ്വകലാശാല അധ്യാപക നിയമനങ്ങളിലെ സംവരണം.

ചോദ്യം		ഉത്തരം	
ശ്രീ. ടി. വി. ഇബ്രാഹിം		ഡോ. ആർ ബിന്ദു (ഉന്നതവിദ്യാഭ്യാസ-സാമൂഹ്യനീതി വകുപ്പ് മന്ത്രി)	
(എ)	നിയമനങ്ങളിൽ ഭിന്നശേഷിക്കാർക്ക് നാല് ശതമാനം സംവരണം ഉറപ്പാക്കിക്കൊണ്ടുള്ള 31.10.2019 ലെ സർക്കാർ ഉത്തരവ് (അച്ചടി) നം.12/2019/സാ.നീ.വ കാലിക്കറ്റ് സർവ്വകലാശാലയിൽ നടപ്പിലാക്കിയിട്ടുണ്ടോ എന്ന് വ്യക്തമാക്കുമോ;	(എ)	The Right of Persons with Disabilities Act – 2016 Section 34(1) പ്രകാരം ഭിന്നശേഷിക്കാർക്ക് നാല് ശതമാനം സംവരണം ഉറപ്പു വരുത്തിയിട്ടുണ്ട്. 2016 ലെ അംഗപരിമിതാവകാശ നിയമം കാലിക്കറ്റ് സർവ്വകലാശാലയിൽ നടപ്പാക്കിയിട്ടുണ്ട്.
(ബി)	എങ്കിൽ പ്രസ്തുത സർവ്വകലാശാല ഉത്തരവിന്റെ പകർപ്പും സർവ്വകലാശാല സ്റ്റാറ്റൂട്ട് ഭേദഗതി വരുത്തിയതിന്റെ വിശദാംശവും ലഭ്യമാക്കാമോ;	(ബി)	2016 ലെ അംഗപരിമിതാവകാശ നിയമം കാലിക്കറ്റ് സർവ്വകലാശാലയിൽ നടപ്പാക്കിയതിന്റെ സർവ്വകലാശാല ഉത്തരവ് അനുബന്ധം - 1 ആയി ഉള്ളടക്കം ചെയ്യുന്നു.
(സി)	കാലിക്കറ്റ് സർവ്വകലാശാല അധ്യാപക നിയമനങ്ങളിൽ പ്രസ്തുത ഉത്തരവ് പ്രകാരമുള്ള ഭിന്നശേഷി സംവരണം അനുവദിച്ചാണോ നിയമനങ്ങൾ നടത്തിയതെന്ന് വ്യക്തമാക്കാമോ;	(സി)	The Right of Persons with Disabilities Act – 2016 – ൽ പരാമർശിക്കുന്ന അംഗപരിമിത സംവരണം ഉറപ്പു വരുത്തിയിട്ടുണ്ട്.
(ഡി)	31.12.2019ലെ വിജ്ഞാപനങ്ങൾ പ്രകാരമുള്ള അധ്യാപക നിയമനങ്ങൾക്ക് കെ.എസ്. ആൻഡ് എസ്.എസ്.ആർ ചട്ടങ്ങൾ അനുസരിച്ച് കാലിക്കറ്റ് സർവ്വകലാശാല സ്വീകരിച്ച സംവരണ രീതിയനുസരിച്ചുള്ള നൂറ് പോയിന്റ് റിസർവേഷൻ റോസ്റ്ററിലെ വിവിധ വിഭാഗം ഉദ്യോഗാർത്ഥികൾക്കനുവദിച്ച ടേണുകൾ അതിൽ ഭിന്നശേഷി വിഭാഗങ്ങൾക്കനുവദിച്ച ടേണുകൾ എന്നിവ എപ്രകാരമാണെന്ന് വിശദമാക്കാമോ;	(ഡി)	വിവരം ശേഖരിച്ചു വരുന്നു.
(ഇ)	നിയമനങ്ങളിലെ ഭിന്നശേഷി സംവരണത്തിൽ നിലവിലുള്ള കെ.എസ് ആൻഡ് എസ്.എസ്.ആർ ചട്ടങ്ങൾ പ്രകാരം പി.എസ്.സി. അനുവർത്തിക്കുന്ന രീതിയും 31.12.2019 ലെ വിജ്ഞാപനങ്ങൾ പ്രകാരമുള്ള അധ്യാപക നിയമനങ്ങൾക്ക് കെ.എസ് ആൻഡ് എസ്.എസ്.ആർ ചട്ടങ്ങൾ അനുസരിച്ച് കാലിക്കറ്റ് സർവ്വകലാശാല സ്വീകരിച്ച രീതിയും തമ്മിൽ ഏതെങ്കിലും തരത്തിലുള്ള	(ഇ)	ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല.

പൊതുതരക്കേടുകൾ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ;
വിശദമാക്കാമോ?

സെക്ഷൻ ഓഫീസർ



UNIVERSITY OF CALICUT

Abstract

Establishment- Implementation of the Rights of Persons with Disabilities Act, 2016, in the University - Resolution of the Syndicate implemented -Orders issued.

Ad.-K

U.O.No. 280/2018/Admn

Dated, Calicut University.P.O, 06.01.2018

Read:-1. Letter No. K3/110/17/H. Edn. dated 19.06.2017

2. Extract of the urgent item No. 2017. 1295* of the minutes of the meeting of the Syndicate held on 07.12.2017.

3. Order of the Vice Chancellor on 01.01.2018.

ORDER

The Government of India have passed the Rights of Persons with Disabilities Act, 2016, which received the assent of the Hon'ble President of India on the 27th December 2016 and the same come into force with effect from 19.04.2017.

The Government of Kerala, vide the reference cited first, have directed to take immediate action on the respective areas of the University in line with the provisions of the Rights of Persons with Disabilities Act, 2016 to ensure its implementation.

The areas which are relevant to the University are as follows:

Chapter III – Education :

Section 16.

The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall-

- i. Admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;*
- ii. Make building, campus and various facilities accessible;*
- iii. Provide reasonable accommodation according to the individual's requirements;*
- v. Ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;*
- vii. Monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;*
- viii. Provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.*

Chapter IV – Skill Development and Employment :

Section 20.

(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 pay scale and service benefits:

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

Section 21.

(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) 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) 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 disabilities seeking employment.

(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.

Section 23.

(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

Chapter V- Social Security, Health, Rehabilitation and Recreation:

Section 24

(1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to -

- (a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;
- (b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;
- (c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;
- (d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;
- (e) allocate funds for development of state of art sport facilities for training of persons with disabilities;
- (f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

Chapter VI - Special Provisions for Persons with Benchmark Disabilities

Section 32

- (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent seats for persons with benchmark disabilities.
- (2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

Section 33.

The appropriate Government shall—

- (i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34
- (ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and
- (iii) undertake periodic review of the identified posts at an interval not exceeding three years.

Section 34

- (1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent 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:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

- (2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried

forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

Chapter VIII – Duties and Responsibilities of Appropriate Governments

Section 39

(1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also -

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

Section 47

(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall -

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, aasha workers, anganwadi workers, engineers, architects, other professionals and community workers;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

Chapter IX-Registration of Institutions for Persons with Disabilities and Grants to such Institutions

Section 49.

Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, shall not be required to be registered under this Act.

Section 51

(1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

Chapter XVII – Miscellaneous

Section 102.

(1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed.

The Syndicate at its meeting held on 07.12.2017 considered the question of implementing the relevant areas of Rights of Persons with Disabilities Act, 2016, passed by the Parliament, in the University and resolved, vide starred item No. 2017. 1295, to implement the same.

Vide the reference cited third, sanction was accorded by the Vice Chancellor to implement the resolution of the Syndicate- item No. 2017. 1295* in the University. The relevant areas of Rights of Persons with Disabilities Act, 2016, passed by the Parliament, is, therefore, implemented in the University.

Orders are issued accordingly.

Mohamed Shareef Manhampally


Assistant Registrar

To

All Branch Officers/ HoDs.
PS to VC / PA to PVC / PA to Registrar, C.E., F.O.
JDLFA / Computer Cell / IAW / Budget.

Forwarded / By Order

Section Officer


സെക്ഷൻ ഓഫീസർ