



GOVERNMENT OF KERALA

Abstract

Social Justice Department- Compliance of Judgment in Contempt Case(Civil)No.128/2016 in WP(C)No. 4429/2013 dated 25.1.2017 -Orders issued.

SOCIAL JUSTICE (D) DEPARTMENT

G.O(Rt)No.7/2018/SJD.Dated, Thiruvananthapuram 8.1.2018

Read:- 1. Judgment in WP(C)No.4429/13 dated 16.12.2014 filed by the Kerala Handicapped Welfare Association, Thrissur.

2. G.O(Rt)No.91/2016/SJD dated 12/02/2016

3. Judgment in Contempt Case(Civil)No.128/2016 dated 25.1.2017

4. Minutes of the meeting held on 29.12.2017 in the chamber of the Special Secretary, Social Justice Department

ORDER

As per the direction in the judgment read as 1st paper above the Hon.High Court had ordered that the first respondent ie, Social Justice Department should ensure to set apart certain percentage of Milma Booths, Canteens etc.exclusively for persons with disabilities or group of such persons and they shall be given a long duration of period to operate as licensees. It had also ordered that the first respondent, therefore should also issue necessary directions in this regard to all the medical colleges in the State to set apart certain percentage of Milma Booth, Canteen etc.to the persons with disabilities for their welfare.

Accordingly, Government issued directions to all the Medical Colleges in the State to set apart 1/3rd of Milma booths/canteens in all the Medical Colleges in the State to the Persons with disabilities for 2 years by conducting an auction exclusively for them as per G.O read as 2nd above.

The Contempt of Court case came up for admission on 25.1.2017 and the Hon'ble High Court as per the judgment 3rd cited above, ordered that if there is only one allotment, certainly, the ratio has to be followed by rotation to ensure that the reservation is implemented and therefore the respondent shall clarify this aspect by intimating to the Superintendent of Medical Colleges.

Following this a meeting was held on 19.04.2017 in the chamber of Special Secretary with Director of Medical Education, Asst.Director, Social Justice Department and Additional Secretary, Health & Family Welfare Department to discuss the implementation of the Judgment and the Director of Medical Education was directed to furnish a proposal detailing the method of implementation of reservation in compliance with the judgment.

In the meeting held again on 29.12.2017 to implement the order of the Hon'ble High Court, it was decided that if 1/3rd of Milma booth/canteen in all the Medical Colleges are not set apart for the Persons with disabilities for the time being, a legal notice should be served to the current vendors to vacate the same within 3 months and allot the same to the persons with disabilities by an open tender. It has also been decided that if there is only one allotment and if that is not run by the persons with disabilities, separate tenders should be floated exclusively for them for starting new milma booths/ canteens.


In the circumstances Government are pleased to order that if 1/3rd of Milma booths/canteens in all the Medical Colleges in the State of Kerala are not set apart for Persons with disabilities now, a legal notice should be served on the current vendors to vacate the same within 3 months and allot the same to the persons with disabilities who belong to the BPL category through an open tender. It shall also be ensured that such persons with disabilities are not subletting the same to anyone else and the presence of the persons with disabilities or their immediate family members in such shops allotted shall be ensured, throughout the contract period. If there is any difficulty in vacating the existing vendors within this time, separate tenders exclusively for the persons with disabilities should be floated within 90 days and additional booths/canteens besides the existing ones should be allotted to them within 45 days. The Director of Medical Education shall issue necessary directions to superintendents of all Government Medical Colleges for implementing the above instruction. The Government also order that 1/3rd of Milma booths/Canteens must be set apart for the persons with disabilities while renewing such licences annually in future. It there is only one allotment and if that is not run by the persons with disabilities, separate tenders should be floated exclusively for them for starting new Milma booths/ Canteens.

The Judgment of the Hon.High Court dated 25/1/2017 in the Contempt Case(Civil)No.128/2016 in WP(C) No.4429/2013 is thus complied with.

By order of the Governor,
BIJU PRABHAKAR IAS
Special Secretary to Govt.

To
The Additional Chief Secretary, Health & Family Welfare Department, Secretariat,
Thiruvananthapuram
The Advocate General, Ernakulam(with C/L)
The Director, Social Justice Department, Thiruvananthapuram.
The Principal/Superintendent, All Medical Colleges
The Director of Medical Education, Thiruvananthapuram
The Health & Family Welfare Department(This is issued with the concurrence of
Health & Family Welfare Department)
Information and Public Relations (Web & New Media)Department
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Section Officer.