

THE GAUHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

Dated Guwahati, the 27th February, 2024

Equal Opportunity Policy for Persons with Disabilities

Whereas, India is a signatory of the Convention of Rights of Person with Disabilities and the Parliament had enacted the Rights of Persons with Disabilities Act, 2016, which seeks to operationalize and give concrete shape to the promise of full and equal citizenship held out by the Constitution to the disabled and to execute its ethos of inclusion and acceptance.

Whereas, the fundamental postulate upon which the Rights of Persons with Disabilities Act, 2016, is based is the principle of equality and non-discrimination. Section 3 casts an affirmative obligation on the government to ensure that persons with disabilities enjoy (i) the right to equality; (ii) a life with dignity; and (iii) respect for their integrity equally with others.

Whereas, the principle of reasonable accommodation captures the positive obligation of the State and private parties to provide additional support to persons with disabilities to facilitate their full and effective participation in society.

Whereas, Section 21 of the Rights of Persons with Disabilities Act, 2016, mandates that every establishment shall notify equal opportunity policy detailing measures proposed to be taken. Therefore, pursuant to Sec. 21 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the RPwD Act) and Rules 8, 9 and 10 under Chapter – IV and Rules 12, 13 and 14 under Chapter – V of the Rights of Persons with Disabilities Rules, 2017 (hereinafter referred to as the RPwD Rules), the Gauhati High Court frames the following Equal Opportunity Policy for Persons with Disabilities (hereinafter referred to as PwDs) for all the Courts under its jurisdiction:

POLICY STATEMENT

The Gauhati High Court is committed towards eliminating all forms of discrimination (direct and indirect) and harassment and denial of reasonable accommodation to PwDs:

(1) Facilities and amenities to be provided to PwDs to enable them to effectively discharge their duties in the establishment:

- (i) The Gauhati High Court aims to ensure that the physical and digital infrastructure in all the Courts under its jurisdiction adheres to the accessibility standards as prescribed by the Government of India. Further, it aims to revamp its existing buildings to ensure strict compliance with the provisions of the RPwD Act, 2016.
- (ii) The physical infrastructure, i.e., buildings, furniture, other facilities in the Court premises, etc., should be revamped in such a manner so as to ensure strict compliance with the RPWD Act. Provisions for elevators, wheelchairs, tactile paths, ramps, grab bars, wider doorways, assistive devices, disabled-friendly toilets/washrooms, separate reserved seating facilities, Braille signage, etc., may be arranged, as far as practicable, to ensure a barrier-free environment for PwDs, if such proposal is sanctioned by the respective State Government.
- (iii) The communication needs of employees/persons suffering from visual/hearing/speech impairments should be met by using appropriate means like interpreter/sign language expert, Braille, large print, tape service and other assistive devices like low vision aids, hearing aids, etc., either to be provided free of cost or at rates prescribed by the Government. The Courts should ensure that the digital infrastructure is disabled-friendly and easy access is made available to all e-Court services. Endeavour has to be made to ensure that all documents, communications and IT systems adhere to

accessibility standards. The Systems Officer and his team is to provide IT support to any employee facing accessibility challenges.

- (iv) A dedicated helpdesk manned by paralegal volunteers and a specialised medical unit may be set up for the assistance of PwDs and special care may be provided to PwDs, especially women and children, accompanying litigants.

(2) List of positions identified suitable for PwDs:

The Hon'ble Gauhati High Court and the Courts under the jurisdiction of the Hon'ble Gauhati High Court shall prepare a list of identified posts in all groups for PwDs which could be easily performed by them and prepare and maintain a record of the same. Endeavour should be made to fill up these posts as per the guidelines of the respective State Governments. A specific policy be made so that no establishment shall discriminate against any differently-abled person in matters of employment.

(3) Manner of selection of PwDs for various posts, post-recruitment training, preference in transfer and posting, special leave, preference in allotment of residential accommodation, if any, and other facilities:

(i) Selection of PwDs for various posts:

- (a) All vacancy advertisements in the Hon'ble Gauhati High Court and all the Courts under its jurisdiction are to include a statement on equal opportunities for PwDs declaring that the establishment as an Equal Opportunity Employer and that no discrimination is made against any differently-abled person in matters of employment. Recruitment of PwDs is to be made by adhering to the equal opportunity policy and as per DoPT norms.
- (b) There shall be 4% reservation of all categories of posts for PwDs.
- (c) Promotion is not to be denied to any employee solely on the ground of disability.

(d) If disability is acquired during the course of employment, such an employee shall not be dispensed with or reduced in rank. Provided that, if an employee after acquiring disability is not suitable for the post he/she was holding prior to acquiring such disability, such an employee is to be shifted to some other post with the same pay scale and service benefits subject to the approval from the concerned authority. Provided further that if it is not possible to adjust the employee against any post, he/she may be kept on a supernumerary post until a suitable post is available or he/she attains the age of superannuation, whichever is earlier, subject to the approval from the concerned authority.

(ii) Post-recruitment training:

- (a) The Gauhati High Court and the Courts under its jurisdiction shall explore the feasibility of conducting various vocational training and other self employment schemes and programmes for all employees, with special focus on differently-abled employees in coordination with other government departments/establishments and experts in the field of disability rights.
- (b) Likewise, the Judicial Academy, Assam, shall organise exclusive skill training programmes for differently-abled employees in consultation with the Gauhati High Court.
- (c) The State Legal Services Authorities of the States of Assam, Nagaland, Mizoram and Arunachal Pradesh shall develop proactive programmes to ensure inclusion of all at the workplace. Further, the District Legal Services Authorities shall conduct regular training programmes for the employees in the different Court establishments in the respective Districts to know their rights and duties and rights in respect to the Equal Opportunity Policy.
- (d) The different Court establishments shall ensure that differently-abled employees get equal opportunity in matters of in service training.

(iii) Preference in transfer and posting:

As far as practicable, PwDs/differently-abled employees may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved optimum performance. Choice of preference in place of posting at the time of transfer/promotion may be given to PwDs/differently-abled employees subject to administrative convenience.

(iv) Special Leave:

Special leave may be granted to PwDs/differently-abled employees as per the rules laid down by the respective State Governments. Further, a request for extra leave by a differently-abled employee for a reason related to his/her disability may be treated as a request for reasonable accommodation and can be granted on proper evaluation.

(v) Preference in allotment of residential accommodation, if any:

Subject to availability, preference shall be given to PwDs/differently-abled employees in the matter of allotment of residential quarters. Existing housing accommodations, if any, will be renovated subject to feasibility of making them accessible to PwDs/ differently-abled employees.

(vi) Other facilities:

- (a) Necessary steps are required to be taken to ensure that PwDs have access to the schemes, programmes and services offered by the National Legal Services Authority and the State Legal Services Authority equally. The District Legal Services Authorities may organise regular meetings and conferences to motivate PwDs/differently-abled employees. Similar conferences may be held to motivate and create awareness among the concerned

stakeholders in general, regarding the scope and opportunities made available to the PwDs by the Government from time to time.

- (b) A fund may be created for such schemes and programs with facilities of loans at concessional rates for PwDs in compliance with Sec. 19 of RPWD Act, 2016.
- (c) Provision of free legal aid counsel may be provided by District Legal Services Authorities to PwDs. Cases involving PwDs shall be taken up on a priority basis.
- (d) The Equal Opportunity Policy shall be published in the official website of the Gauhati High Court and all the Courts under its jurisdiction. Also, the Equal Opportunity Policy shall be registered with the Chief Commissioner/State Commissioner for Persons with Disabilities.
- (e) The establishments of District Judge and Chief Judicial Magistrate shall collect and maintain data regarding differently-abled employees and the facilities provided to them and other necessary information in respect of the employee's disability or medical condition. The information shared by an employee about his/her disability will be kept confidential and it will be maintained in a separate file. Such record shall be open to inspection at all reasonable hours by any authorized persons.

(4) Appointment of Liaison Officer to look after recruitment of PwDs and provisions of facilities and amenities for such employees.

As per mandate of the RPWD Act, the Gauhati High Court may appoint a Gazetted Officer as Liaison Officer for each of the States of Assam, Nagaland, Mizoram and Arunachal Pradesh who will be responsible for taking initiative and providing requisite support needed to the PwDs/differently-abled employees to realize the goal of all inclusive work place.

The Liaison Officer shall be responsible for:

- (i) Implementing the action plan for making the Courts and IT systems accessible for PwDs by liaising with the various departments in the organisation.
- (ii) Ensuring that all employees are aware of the Equal Opportunity Policy and know their rights and duties in relation to the Policy.
- (iii) Developing proactive strategies to prevent discrimination and harassment.
- (iv) Conducting awareness campaigns and sensitization programmes in coordination with the State Legal Services Authorities.

(5) Grievance Redressal:

A Grievance Redressal Committee shall be constituted in the Gauhati High Court (Principal Seat and the Outlying Benches) and also in the District Courts of the States of Assam, Nagaland, Mizoram and Arunachal Pradesh. The Committee shall comprise of a Grievance Redressal Officer and two or three Members and will address complaints of discrimination and harassment against PwDs. Any person aggrieved with the non-compliance of the provisions of Sec. 20 of the RPWD Act, 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. The Committee will maintain records relating to grievances and enquire into the allegations and recommend punishment in appropriate cases.

Sd/-

Shri Sunil Kumar Poddar

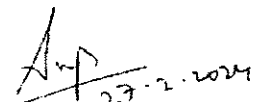
REGISTRAR GENERAL

Memo No. HC.XI-07/2024/4-19/RC dated 27.02.2024

Copy to:

1. The Chief Commissioner for Persons with Disabilities(Divyangjan), 5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075
2. The L.R –cum Commissioner & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.

3. The Registrar (Vigilance)/ Registrar (Judicial)/ Registrar (Admn.)/ Registrar (Estt.) Gauhati High Court, Guwahati.
4. The Registrar –Cum– Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati
- ✓ 5. The District and Sessions Judge, Bajali/ Baksa / Barpeta / Biswanath/ Bongaigaon / Cachar / Charaideo/ Chirang / Darrang / Dhemaji / Dhubri / Dibrugarh / Dima Hasao / Goalpara / Golaghat / Hailakandi / Hojai /Jorhat / Kamrup / Kamrup (M) / Karbi Anglong / Karimganj / Kokrajhar / Lakhimpur / Majuli/ Morigaon / Nagaon / Nalbari /Sivasagar /Sonitpur /South Salmara-Mankachar /Tinsukia / Udalguri
6. Commissioner for Persons with Disabilities, Govt. of Assam, Latakata, Basistha, Guwahati, Assam-781029
7. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Bench, Naharlagun. (He/ She is requested to circulate this Circular among all the District and Sessions Judges of the concerned State.)
8. The Joint Registrar, (_____), Gauhati High Court, Guwahati.
9. The Deputy Registrar (_____) Gauhati High Court, Guwahati.
10. The Librarian –Cum– Research Officer, Gauhati High Court, Guwahati.
11. The Asstt. Registrar, _____, Gauhati High Court, Guwahati.
12. The Private Secretary to Hon'ble Mr/Mrs. Justice _____, Gauhati High Court, Guwahati.
13. The Project Manager/Systems Analyst, Gauhati High Court, Guwahati, for uploading the above notification in the High Court Website.
14. The Administrative Officer (Judicial), _____, Gauhati High Court, Guwahati.
15. The C.A. to the Registrar General, Gauhati High Court, Guwahati.


27.2.2024

REGISTRAR GENERAL